



AGENDA

ASTORIA CITY COUNCIL

Tuesday, January 19, 2016
7:00 p.m.
2nd Floor Council Chambers
1095 Duane Street · Astoria OR 97103

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **REPORTS OF COUNCILORS**

- (a) Mayoral Boards and Commissions Appointments

4. **CHANGES TO AGENDA**

5. **CONSENT CALENDAR**

The items on the Consent Calendar are considered routine and will be adopted by one motion unless a member of the City Council requests to have any item considered separately. Members of the community may have an item removed if they contact the City Manager by 5:00 p.m. the day of the meeting.

- (a) City Council Minutes of 12/21/15

- (b) Department Project Status Reports

(1) Community Development

(2) Finance Department

(3) Library

(4) Parks and Recreation

(5) Police Department

(6) Public Works

- (c) Pump Station No. 1 Upgrades – Progressive Design Build Contract Amendment for Equipment Procurement (Public Works)

- (d) OR202 Sidewalk Project – Local Agency Agreement (Public Works)

- (e) 23rd Street Closure – Local Agency Agreement (Public Works)

- (f) Astoria Senior Center Renovation – Construction Contract Amendment No. 4 (Public Works)

- (g) Loan Agreement R17794 Amendment (Finance)

- (h) 16th Street CSO Separation Project – Pay Adjustment No. 5

6. **REGULAR AGENDA ITEMS**

All agenda items are open for public comment following deliberation by the City Council. Rather than asking for public comment after each agenda item, the Mayor asks that audience members raise their hands if they want to speak to the item and they will be recognized. In order to respect everyone's time, comments will be limited to 3 minutes.

- (a) Ordinance Readopting Oregon Revised Statutes – Code Section 1.047 (2nd reading & adoption) (City Attorney)

- (b) Public Hearings – Appeals by Ron Zilli (Community Development)

(1) AP15-01 – New Construction Permit NC15-03 for Verizon Wireless

(2) AP15-02 – Variance V15-03 for Verizon Wireless

(3) AP15-03 – Wireless Communications Facility Permit WCF15-03 for Verizon Wireless

7. **NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)**

THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING JULIE YUILL, CITY MANAGER'S OFFICE, 503-325-5824.



CITY OF ASTORIA
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January 14, 2016

M E M O R A N D U M

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF JANUARY 19, 2016

REPORTS OF COUNCILORS

Item 3(a): Mayoral Board and Commission Appointments

Mayor Arline LaMear will make appointments to the City of Astoria's various Boards and Commissions.

CONSENT CALENDAR

Item 5(a): City Council Minutes

The minutes of the City Council meeting of December 21, 2015 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 5(b): Department Project Status Reports

Enclosed for the City Council's information are status reports for the following City Departments: (1) Community Development, (2) Finance Department, (3) Library, (4) Parks and Recreation, (5) Police Department, and (6) Public Works.

Item 5(c): Pump Station No. 1 Upgrades – Progressive Design Build Contract Amendment for Equipment Procurement (Public Works)

In September 2015, Council awarded Phase 1 of a Progressive Design Build contract for this project to Portland Engineering, Inc. (PEI). Phase 1 included design and development of a lump sum price for installation of the equipment. Upon evaluation of the existing conditions at PS#1, PEI recommended expanding the scope to include replacement of the motor control center, installing a harmonic filter and replacing the variable frequency drive to the third

pump. This expanded scope allows a better integration of new equipment with old and reduces the risk of incompatibility. The increased cost of the project due to the expanded scope exceeds the approved budget for Fiscal Year (FY) 2015-16. Summer installation will allow the increased project cost to be distributed over two fiscal years with procurement of equipment and parts occurring in FY 2015-16 then installation, programming and training in FY 2016-17. The project budget has increased from the preliminary estimate of \$225,000 to \$376,792. This budget includes 7% contingency, which is less than a typical 10% contingency because the work is aboveground.

Energy Trust of Oregon has provided a grant incentive in the amount of up to \$72,940 for this project. The incentive is the maximum grant amount allowed for replacing the VFDs and installing a new control system. The final incentive will be based on measured energy savings. Funding for the Phase 2 contract amendment is available in the Public Works Improvement Fund for the current fiscal year. The contract amendment for Phase 3 will be presented to Council at the first meeting in FY 2016-17. It is recommended that Council authorize a contract amendment with Portland Engineering, Inc. for Phase 2 of the Pump Station No. 1 Upgrades Project for \$148,263.00 to purchase equipment and parts.

Item 5(d): OR202 Sidewalk Project – Local Agency Agreement (Public Works)

The Oregon Department of Transportation (ODOT), through the Multimodal Transportation Enhance Program (MTEP), is providing funding for pedestrian improvements between Astoria High School and Hanover Street. The total estimated project cost is \$2,500,000. ODOT will be providing \$2,243,250 in funding and the City will be responsible for a 10.27% match of \$256,750. Preliminary engineering is anticipated to start this summer, with construction in early 2018. The City will need to execute a Local Agency Agreement to begin preliminary engineering. The City Attorney has reviewed the agreement and approved as to form. The City's contribution will be funded from the ODOT Surface Transportation Program (STP) funds.

The City has applied for additional funding to complete pedestrian improvements adjacent to this project through ODOT's Enhance Proposal process. If funded, these additional improvements will be included in the 2018-2021 State Transportation Improvement Program (STIP). This next phase of the project, if funded, would complete a continuous pedestrian route around the peninsula from 45th Street near the Alderbrook neighborhood to 7th Street past the Old Young's Bay Bridge. It is recommended that Council approve the Local Agency Agreement with ODOT for the OR202 Sidewalk Project.

Item 5(e): 23rd Street Closure – Local Agency Agreement (Public Works)

In an effort to expand parking and improve pedestrian and vehicular mobility between 23rd and 27th Street, Columbia Memorial Hospital (CMH) will be constructing a new parking lot adjacent to 23rd Street and Franklin Avenue. They also plan to make improvements along US30 (Marine Drive) and Franklin

Avenue. Improvements include closing access to vacated 23rd Street and improving the intersection of Franklin Avenue and Marine Drive. The City and CMH worked with ODOT to attain \$149,000 in funding for the proposed improvements along the State highway. This funding does not require a matching contribution, but will require CMH to pay for any costs that exceed the funded amount. A Cooperative Agreement between the City, ODOT and CMH will be presented to Council. The agreement would formally accept closure of the 23rd Street access location; accept the new Franklin Avenue intersection improvements and right-of-way dedication; and accept maintenance responsibility for improvements not maintained by adjacent property owners, CMH or ODOT. There is no immediate direct financial impact to the City as a result of this agreement. It is recommended that Council approve the Cooperative Agreement with ODOT for the 23rd Street Closure Project.

Item 5(f): Astoria Senior Center Renovation – Construction Contract Amendment No. 4 (Public Works)

In July of 2015 the City Council approved a contract with Skyward Construction, Inc. for the Astoria Senior Center Renovation Project in the amount of \$1,455,157.00. A construction contingency of approximately 10% of the construction contract was set aside outside of the construction contract for any unforeseen circumstances that may arise during the project. As is with any remodeling project of the building circa 1947 it is anticipated unforeseen items will emerge during the renovation process. Prior to this current contract amendment No. 4, the previously approved contract amendment Nos. 1, 2 and 3 were in the amount of \$31,399.38. Contract amendment No. 4 is related to the need to (1) perform more extensive preparation to the exterior building perimeter walls on the North and West elevations to provide a sound substrate for application of the final paint coatings at a cost of \$2,842.00; (2) install the Walk-In Freezer purchased by the organization who will operate the kitchen. The cost of \$3,297.71 to install this unit is paid by the kitchen operator and not by the use of grant funds. To date Contract Amendment Nos. 1, 2, 3 and 4 would utilize \$34,241.38 of the \$145,515.70 of the contingency. It is recommended that the City Council approve the Contract Amendment No. 4 in the amount of \$6,139.71 which will amend the construction contract for the Astoria Senior Center Renovation Project with Skyward Construction, Inc., to the total amount of \$1,492,696.09

Item 5(g): Loan Agreement R17794 Amendment (Finance)

Funding was required to solicit design services for the City's Wastewater Treatment Plant (WWTP) upon issuance of a National Pollution Discharge Elimination System (NPDES) Permit in 2007. Council adopted Resolution No. 11-23 authorizing a DEQ CWSRF loan in the amount of \$90,000 for design of the WWTP Effluent Treatment Upgrades project. Loan Agreement No. R11794 is payable in semi-annual payments of \$10,262 through June 1, 2017. DEQ contacted staff regarding ability to forgive \$27,000 of principal borrowing for Loan R11794. The remaining balance of the loan balance is \$3,467. The FY2015-16 budget contains sufficient funding to cover the payoff of the balance

and interest of \$38 as of January 22, 2016. It is recommended that Council provide approval of Loan Agreement No. R11794 Amendment to forgive \$27,000 and to pay the remaining balance including interest owed through January 22, 2016 in the amount of \$3,505.

Item 5(h): 16th Street CSO Separation Project – Pay Adjustment No. 5 (Public Works)

The 16th Street Combined Sewer Overflow (CSO) Separation project was awarded to Emery & Sons Construction Group (Emery) for the bid amount of \$5,483,180. Staff recommended and incorporated a standard 10% contingency to the budget for this project. The construction contingency of 10% is \$549,000. Pay adjustment No. 5 for \$59,301.41 includes a variety of changes that are itemized below:

Item	Description	Cost
1	Suspension of 16 th Street work	\$52,430.84
2	Archaeological standby time	\$2,754.04
3	Fernco coupling substitution	(\$1,984.76)
4	ADA ramps modifications	\$6,101.29
	TOTAL	\$59,301.41

The largest line item in this change order is for remobilization and other expenses associated with deferring the work on 16th Street until summer 2016 to avoid conflicts with Clatsop Community College (CCC) Patriot Hall Redevelopment Project. An IGA between the City and CCC was approved at the September 21, 2015 Council meeting. Funds are available for this pay adjustment through IFA funding and Clatsop Community College reimbursement. The construction of the entire project except for the work on 16th Street was substantially complete on November 4, 2015. Emery has a list of minor punch list items for the completed portion of work that will be finished when they return to construct the work on 16th Street, which is scheduled to begin in June. It is recommended that the City Council authorize Pay Adjustment No. 5 for the 16th Street CSO Separation project in the amount of \$59,301.41.

REGULAR AGENDA ITEMS

Item 7(a): Ordinance Readopting Oregon Revised Statutes (Code Section 1.047) (2nd reading and adoption) (City Attorney)

This ordinance received its first reading at the January 4, 2016 Council meeting. The 2015 legislation passed by the Oregon Legislature, for the most part, became effective on January 1, 2016. Many of our City ordinances refer to or incorporate State statutes. Every year, the City routinely re-adopts all referenced ORS sections to pick up any changes made by the legislature. This is done by a "global re-adoption", which was the technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt

Oregon legislative changes, that is, we cannot adopt a State statute "as it now exists and is from time to time amended." The proposed ordinance has been reviewed and approved by the City Attorney. It is recommended that Council conduct the second reading and adopt the proposed ordinance.

Item 6(b): Public Hearings – Appeals by Ron Zilli (Community Development)

- (1) AP15-01 – New Construction Permit NC15-03 for Verizon Wireless**
- (2) AP15-02 – Variance V15-03 for Verizon Wireless**
- (3) AP15-03 – Wireless Communications Facility Permit WCF15-03 for Verizon Wireless**

On August 3, 2015, Verizon Wireless LLC applied for a New Construction permit (NC15-03) to the Historic Landmarks Commission (HLC) to construct a new wireless communication facility at 1580 Shively Park Road within Shively Park. On September 15, 2015, the HLC held a public hearing and approved the request with conditions. A Notice of Appeal on the HLC decision was submitted by Ron Zilli on September 30, 2015. On August 3, 2015, Verizon Wireless LLC applied for a Variance permit (V15-03) to the Astoria Planning Commission (APC) to construct a new wireless communication facility at 1580 Shively Park Road within Shively Park with a height of 150' which exceeds the 45' maximum height. On September 16, 2015, the APC held a public hearing and approved the request with conditions. A Notice of Appeal on the HLC decision was submitted by Ron Zilli on September 30, 2015. On August 3, 2015, Verizon Wireless LLC applied for a Wireless Communications Facility permit (WCF15-03) to the Astoria Planning Commission (APC) to construct a new wireless communication facility at 1580 Shively Park Road within Shively Park. On September 16, 2015, the APC held a public hearing and approved the request with conditions. A Notice of Appeal on the HLC decision was submitted by Ron Zilli on September 30, 2015.

The Notice of Appeal, which details the appellant's concerns, can be found on the attached Record on each of the permits. A complete record of each of the requests has been compiled. A public hearing on the Appeal was advertised and scheduled for the November 16, 2015 City Council meeting. At the November 16, 2015 meeting, the Council continued the public hearing to December 7, 2015 at the request of Verizon. At its December 7, 2015 meeting, the Council continued the public hearing to the January 4, 2016 meeting due to the holidays to allow for greater public participation in the hearing. At its December 17, 2015 meeting, the City Council continued the public hearing to the January 19, 2016 meeting at the request of Verizon.

The appellant asserts that the NC15-01, V15-02, and WCF15-03 permits for the proposed 150' tall, metal wireless communications facility tower should be denied. The specific issues for denial on each of the permits appealed by Mr. Zilli are summarized on an attachment to this memo. Staff and the attorney for the applicant, Verizon Communications, have submitted additional Findings of Fact to address the issues raised by the appellant. Verizon has also submitted revised photo simulations and documents addressing the concerns raised in the appeals. It is recommended that Council do site visits in addition to reviewing

the photo simulations. If a site visit is performed, you should declare an ex parte contact and describe what you saw. If the Council supports the HLC and APC decisions with the conditions, the Council should adopt the Findings of Fact as approved by the HLC and APC, and attached supplemental Findings of Fact. Should the Council determine that the WCF tower does not meet the criteria for approval, staff will have supplemental Findings of Fact prepared for Council consideration and adoption at a future meeting.

Due to the fact that the three appeals are related to the same facility and site, it is recommended that Council hold a combined public hearing on the three appeals; however, the Council decision on each appeal will need to be done with separate motions. It is recommended City Council hold the public hearing on the appeals and consider whether to uphold or reverse the Historic Landmarks Commission decision and the Planning Commission decisions to approve the Requests with conditions. If the Council upholds the decisions, the Council needs to adopt the HLC and/or APC Findings of Fact and Supplemental Findings of Fact. If the Council reverses the decision, staff will prepare revised Findings of Fact for consideration at the February 1, 2016 meeting.

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:00 pm.

Councilors Present: Nemlowill, Herzig, Warr, Price, Mayor LaMear

Councilors Excused: None

Staff Present: City Manager Estes, Police Chief Johnston, Community Development Director Cronin, Planner Ferber, Special Projects Planner Johnson, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Library Director Tucker, Public Works Director Cook, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

Mayor LaMear noted that at 6:00 pm, City Council held a reception for the 145 volunteer members in the City and acknowledged the commissioners in the audience.

REPORTS OF COUNCILORS

Item 3(a): Councilor Nemlowill reported that she was thankful to the Mayor, Councilors, staff, and board and commission volunteers for a great year. Prior to the meeting, she asked some of the department heads to tell her their greatest accomplishment in 2015. City Manager Estes had said getting fully staffed was no small feat. The Parks and Recreation Department has made a 180 degree turn on deferred maintenance. Two sections of the Riverfront Vision Plan were implemented. The Fire Department has a new fire engine and will receive a new ladder truck soon. The Police Department established a strong and positive presence in the community. The CSO project has progressed and the City is exploring sites for a new library. Astoria is also earning carbon credits for its trees. All of this work has been a team effort and she thanked everyone involved.

Item 3(b): Councilor Herzig reported that as he reads through the minutes of each board and commission, he has noticed the time and thought put into their decisions. He thanked the volunteers for giving up their time and committing to their responsibilities. The library had a successful after hours program on Friday, December 18. The concert hall held their traditional holiday concert, which was a great use of public space. The Astoria Warming Center has been open for 20 nights since it first opened on November 19. So far this winter, the center has received 45 men and 11 women. Some of the guests have been veterans, pregnant women, mentally ill, and women escaping domestic violence. He believed the center would be open through Christmas Day because the weather is so severe. The warming center is an incredible community project and he thanked the volunteers and donors for their support. There are no other warming shelters in Clatsop County and he was glad to be part of it.

Item 3(c): Councilor Price reported she was thankful to her fellow Councilors. It has been great to get to know and work with each one. She enjoyed the year and was looking forward to the next three years. City Council has laid a lot of good ground work in 2015 and she expected something spectacular in 2016.

Item 3(d): Councilor Warr had no reports.

Item 3(e): Mayor LaMear reported that she participated in the Fire Department's Christmas Food Parade. A lot of food was collected and she enjoyed the event. The City held a reception for the students from Waldorf, Germany. It was wonderful to meet all of the students. She read a letter she wrote in support of the Astoria Armory's Oregon Community Foundation grant application.

CHANGES TO AGENDA

City Manager Estes requested the addition of the following items:

- Item 7(c): Astoria Senior Center Lease Agreement
- Item 7(d): Division of State Lands Extension to the Proposed Rule Change Comment Period
- Item 7(e): Uppertown Slide Area Development Proposal

The agenda was approved with changes.

PRESENTATIONS

Item 5(a): Astoria-Megler Bridge 50th Anniversary Celebration – Mac Burns

Mac Burns, Executive Director of the Clatsop County Historical Society, will brief the City Council regarding the plans for the Astoria-Megler Bridge 50th Anniversary Celebration. As plans are developing, it is important to have the project endorsed by the City. A budget for the celebration is included and it has been requested that \$9,500 be provided. It would be appropriate to use Promote Astoria Funds for this event.

Mac Burns, 960 Franklin Avenue, Astoria, gave a presentation on plans for the Astoria-Megler Bridge 50th Anniversary Celebration, which was included in the agenda packet. The presentation included the history of the bridge, the bridge's importance to Astoria, a budget for the celebration, and a request for \$9,500 from the Promote Astoria Fund for the celebration event.

Councilor Warr believed Council should fully support the request and asked if the City had enough money. City Manager Estes confirmed the Promote Astoria Fund could accommodate the request.

Councilor Herzig said he appreciated the Historical Society taking responsibility for the event, but he was unsure who owned the bridge. Therefore, he was unsure who should be leading the celebration. Several years ago, the City gave the Historical Society \$10,000 for the Ghadar event, but never received a full financial report. He asked if the Historical Society would provide a full financial report on how the \$9,500 was spent on the event.

Mr. Burns replied, of course. He believed he had sent a financial report on the Ghadar event to John Snyder, who worked in the City's Finance Department at the time. He apologized that City Council never received a copy of the report.

Bill Johnson said Oregon Department of Transportation (ODOT) is very grateful to the Historical Society and the City for the supporting the event. ODOT would have held some commemoration of the 50th anniversary of the bridge, but it would not have been as elaborate as what the Historical Society has proposed. The event will be a community event as much as it is an ODOT event. ODOT will be assisting and coordinating to make the event happen. The bridge is owned collectively by the State of Oregon and the State of Washington. Maintenance costs exceed the original construction costs. He confirmed that a ten-year restoration project on the bridge was currently ongoing. Restoration costs will be between \$80 million and \$100 million, which is about as much as the bridge cost to build in 1964.

Councilor Herzig said Sara Meyer had shown a slideshow on the construction of the bridge at the Senior Center. He asked if any other entities were helping fund the event.

Mr. Burns said he only presented a budget for the funds being requested of Astoria. He believed groups like the Chamber of Commerce, ODOT, and Regatta would contribute. The ODOT historian will give a presentation. The Chamber has embraced this event as the theme for their annual meeting in January and the event will be the centerpiece of the Regatta's theme for the year.

Councilor Price said she wanted the City to limit disbursements from the Promote Astoria Fund to the Budget Committee's regular process. However, this event is a good example of a good exception. She agreed other entities would contribute to the event after the first of the year. If the event works out, she would like a celebration of the end of ferry service during celebration of the opening of the bridge. She is part of a group that is interested in bringing back one of the original ferries.

Councilor Nemlowill said she appreciated that Mr. Burns and the Historical Society took on this project. She did not believe the City's investment in this event would be large compared to the benefits it would provide. This is a very appropriate use of Promote Astoria Funds.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price, to approve the request by the Clatsop County Historical Society for \$9,500 of Promote Astoria Funds for the Astoria-Megler Bridge 50th

Anniversary Celebration. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

City Manager Estes added that Astoria's Sister City Committee planned to host guests from Waldorf during the event.

Item 5(b): Parks Master Plan Progress and Community Feedback – Ian Sisson

In May of 2015, the Astoria City Council adopted "develop a city parks master plan" as a goal for the 2015-16 Fiscal Year budget. The Parks and Recreation Department is in the process of preparing a Comprehensive Master Plan, with the assistance of RARE AmeriCorps participant Ian Sisson. The plan will establish short and long-term priorities for the Parks and Recreation Department's parks, facilities, operations, and program offerings. Ian will update the Council on the first phase of the project, community engagement and information collection, which will continue through January 2016. The next phase of the project will analyze the information collected, assess the Parks and Recreation Department's level of service, and develop an initial set of recommendations for the Parks and Recreation Comprehensive Master Plan.

Ian Sisson, 1263 Commercial, Astoria, gave an update on the first phase of the master planning process for the Parks Master Plan, noting staff has hosted several public engagement activities, including an online survey that is still ongoing. Initial recommendations are being identified and will be refined in the spring. The survey is on the City's website and 473 responses have been collected so far. The survey will remain open through January 1, 2016, with a \$50 punch pass being raffled off each day to participants who provide a valid email address. He presented the survey responses collected to date as follows:

- Most Visited Parks – The Column, Tapiola, Fred Lindstrom, Shively, and Young's River
- Least Visited Parks – The Customs House, Birch Field, the Doughboy Monument, Tidal Rock, and People's Park
- Priorities if you were Parks Director – Maintenance, trails and natural areas, playgrounds, fitness facilities and programs, and youth programs
- Most Utilized Programs and Services – Swimming lessons, memberships and punch passes, youth sports leagues, runs and walks, and special events
- Beers to Your Health was a community engagement event to discuss the history and future planning of six parks. The tour of parks and park facilities highlighted the vastness of the park system operated and maintained with limited staff. Most of the 23 attendees were Citizen Advisory Committee and Park Board members, but the tour was open to the public. He showed a video that was recorded during the tour. Other community outreach events included a survey at Monster Bash and two community input sessions. Collectively, about 700 people have participated in the community outreach events to date. The next community outreach effort will be meeting with focus groups that can provide targeted feedback. Those meetings will be scheduled for January. More public events will be held late winter and early spring, where initial recommendations will be announced so they can be refined. This initial phase of the planning process has resulted in an inventory and existing conditions report, currently still a rough draft. Each park, trail, and facility has been identified on a fact sheet. The report will be refined and included in the final master plan document. The next phase, the development phase, will result in a level of service analysis and a draft of initial recommendations. The next Citizens Advisory Committee meeting will be on January 28 at 8:00 am at the Astoria Recreation Center. He would give City Council another update in February.

Mayor LaMear thanked Mr. Sisson for all of his work, adding the fact sheets for each trail and facility provide very useful information.

Councilor Nemlowill said she has been proud of this process, which has included a lot of community outreach. She thanked Mr. Sisson and Director Cosby. The City is getting a lot for the \$30,000 spent on this process. A consultant would have cost a lot more and it was great to work with an AmeriCorps RARE volunteer.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 11/16/15**
- 6(b) Boards and Commission Minutes
 - (1) Library Board Meeting of 4/15/14

- 6(c) Request for Proposals (RFP) for Audit Services (Finance)
- 6(d) Authorization to Award Contract for Astoria Aquatic Center Sand Filter Media Replacement and Lateral Repair (Parks)**
- 6(e) 2015 Street End Bridge Repair Project – Construction Contract Award (Public Works)**
- 6(f) Heritage Square EPA Grant – AMEC Contract Amendment (Public Works)
- 6(g) Authorization to Enter into a Lease Agreement with the Astoria School District (Parks)**

Councilor Herzig and Mayor LaMear requested Items 6(a), (d), (e), and (g) be removed for further discussion.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill, to approve Items 6 (b), (c), and (f) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 6(a): City Council Minutes of 11/16/15

Councilor Herzig noted that traffic consultant Chris Maciejewski's name had been misspelled throughout the minutes. He suggested the transcription company be given the names of consultants and other speakers.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill, to approve City Council Minutes 11/16/15 as amended. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 6(d): Authorization to Award Contract for Astoria Aquatic Center Sand Filter Media Replacement and Lateral Repair (Parks)

Mayor LaMear said the memorandum did not mention how long the pool would be closed during this repair work. Director Cosby explained that each filter would take about two or three hours. All of the work would be done within one day, during which time each of the four pools would be closed for two or three hours. The kiddie pool and hot tub would be done first and the lap pool and recreation pool would be done in the middle of the day when the Aquatic Center is slower.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Herzig, to award a contract for the Astoria Aquatic Center sand filter media replacement and lateral repair. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 6(e): 2015 Street End Bridge Repair Project – Construction Contract Award (Public Works)

Mayor LaMear believed it was important for citizens to be aware of the \$8.2 million ODOT grant Astoria has received for this project.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill, to award a construction contract for the 2015 Street End Bridge Repair Project. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 6(g): Authorization to Enter into a Lease Agreement with the Astoria Senior Center (Parks)

City Manager Estes noted a typographical error in the synopsis memorandum. The lease is between the Senior Center, operated by the Parks and Recreation Department and the Astoria School District for the operation of Port of Play and Li'l Sprouts at Gray School, so the memorandum should have stated "Astoria School District".

Mayor LaMear asked why the rent was less in 2015 than it was in 2014. Director Cosby said originally the rent was going to increase by several thousand dollars in 2015. However, continued discussions with the school district revealed the Parks Department's limited resources and the facility's benefit to the community. Therefore, the school district was willing to reduce the rate.

Mayor LaMear commented that does not happen very often.

Councilor Herzig stated City Council has been told the lease with the school district expired in June 2014. Adopting a payment for the 2015 calendar year will leave a six-month gap. He wanted to know what happened between June 2014 and now. City Manager Estes explained that the school district bills the City annually for the lease payments. The bill for Gray School was received right after the end of fiscal year 2014-2015. At this time, the school district discovered the lease had expired, so the Parks and school district staffs began renegotiating the lease. As a result, two lease payments will be made this fiscal year, one for 2015 and one for 2016.

Councilor Herzig clarified he was asking about the period between June 2014 when the lease expired and the end of 2014. He asked how the payment was made during this time. City Manager Estes said the last payment to the school district was made in June 2014. The following year, the bill was sent later, in July, when the school district realized the lease had not been approved. Therefore, the lease needs to be readopted and the payment for 2015 authorized.

Councilor Herzig understood the City was being asked to pay by the calendar year, but negotiates with the school district by the fiscal year. The lease expired in June 2014 and Council is now considering the calendar year for 2015, which leaves half of 2014 unaccounted for. City Manager Estes stated the City is billed one time each year. The payment should be made one time each fiscal year. The school district usually bills the City in June each year, but for fiscal year 2014-2015, the City was billed in July. When the City was billed in July, the school district discovered the lease had expired. The school district has not received their payment yet because Council must approve a new lease first. Once the lease is approved, staff can make the payment for the bill that should have been sent in June. In the future, the Parks Department will make sure the school district submits the bill before the end of each fiscal year. The repercussions of this situation will result in two lease payments in this fiscal year.

Councilor Herzig explained he wanted to know if the City was leasing the facility by the fiscal year or the calendar year. There are still six months the City cannot account for. He thanked Director Cosby for negotiating the lower rent for the next year.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price, to authorize the lease agreement with the Astoria School District. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 7(a): Resolution Adopting Public Works Department Engineering Design Standards (Public Works)

The Public Works Department, with assistance from the firm Plangineering, recently finalized the Engineering Design Standards. The intent of the document is to provide a consistent approach for design professionals to use when designing and implementing public infrastructure improvements or related facilities. Completion and adoption of these standards is anticipated to increase efficiency, reduce staff time associated with development review, and reduce the overall coordination efforts between design consultants and staff. Assistant City Engineer Nathan Crater will provide Council with a brief presentation and will answer any questions that are raised. It is recommended that Council approve the resolution adopting the Public Works Department Engineering Design Standards, and designate authority for interpretation or updates to the City Engineer.

Assistant City Engineer Nathan Crater presented an overview of the Public Works Department Engineering Design Standards, which were included in the agenda packet. He briefly discussed the intent of the standards, explained how the standards were developed, and noted the benefits of adopting the standards.

Councilor Price asked why City Council needed to adopt the design standards. City Manager Estes explained that adopting the standards as a resolution allows the City to enforce the standards. Staff cannot implement new laws or policies. Engineer Crater added that adopting these standards through a resolution is a common method of formalizing the document, which is similar to a comprehensive plan or development code.

Councilor Nemlowill said making development in the city more efficient seems like a good goal. Staff's recommendation and the credibility of the process for creating the standards gave her the confidence to approve the standards.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to approve the resolution adopting the Public Works Department Engineering Design Standards, and designate authority for interpretation or updates to the City Engineer. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(b): Consideration of Continuance of Appeals AP15-01, AP15-02, AP15-03 by Ron Zilli of the Verizon Permits WCF15-03, V15-03, NC15-03 (Community Development)

Ron Zilli filed appeals on the Planning Commission and Historic Landmarks Commission permits concerning construction of a wireless communication facility tower in Shively Park. A public hearing was scheduled for December 7, 2015. At that meeting, the City Council continued the hearings to the January 4, 2016 City Council meeting at the request of Verizon due to the holidays. Verizon hired a firm to complete new photographic simulations. Due to the holidays and the time involved in preparing the simulations, Verizon was unable to provide the documents to staff in time for the January 4 City Council meeting. Therefore, Verizon has requested that the public hearings on the three appeals be continued to the January 19 City Council meeting. Both Verizon and Mr. Zilli have requested that the City Council consider the request for a continuance at their December 21 meeting rather than wait until the night of the hearing to make a decision. It would be in order for the Council to consider the request for a continuance and, if a continuance is granted, announce the date and time of the new hearing date.

City Manager Estes noted that a Verizon representative and Mr. Zilli wanted to make a statement to City Council.

Ron Zilli stated he preferred to speak after Verizon because Verizon's comments would help him understand the nature of their request.

Mike Connors, 520 SW Indian Hill Street, Portland, said this was Verizon's second request for a continuance. The first request was made because City staff asked for additional information to be submitted into the public record in response to a meeting they had with the Appellant. Verizon was not prepared to do the work in time for the hearing, so they requested a continuance to January 4, 2016. Verizon had hired a new company to prepare the photo simulations requested by staff. This company uses a much more sophisticated process that includes 3-D modeling and a balloon test. The balloon will be raised to the height of the proposed tower to create the simulation. On Verizon's first attempt to conduct a balloon test, windy conditions led the consultant to delay the test. Verizon could have all of the requested information ready by January 4. However, staff wants the opportunity to review the information prior to the hearing so they can prepare a staff report and comments. Verizon is not in a position to provide the new information by staff's due date. Therefore, Verizon is asking for a continuance, which is in the best interest of all parties. A continuance will allow Verizon to finalize their information and give staff and Mr. Zilli the opportunity to review it in advance of the hearing.

Councilor Herzig confirmed Mr. Zilli would have the opportunity to review the information before January 19.

Ron Zilli, 1444 16th Street, Astoria, asked City Council to consider the citizen's perspective of the process. When the hearings for the permits were advertised, citizens only had a few short weeks to read the staff report, understand the project, and make comments to the Planning Commission and Historic Landmarks Commission. When the Applicant submitted their application to the City for their project, it was their responsibility to submit a complete and accurate assessment of their work and prepared plans. After the hearings, he only had 15 days to file an appeal, which required him to look through the Development Code to determine Findings of Fact. January 4 is approximately three months from the date he filed the appeals. He asked City Council to consider that the Applicant has been given much more time to prepare for a hearing than he was given to understand and appeal the project. He wanted the hearing to be conducted on January 4. The City has 120 days to make a decision on an application, which began on August 4 when the application was submitted. It is important to be aware of where the process is within that timeline and what the Applicant's intentions are. The time taken by the Applicant has worked against the clock. If the City does not take action within 120 days, the application is automatically approved.

Planner Johnson confirmed that State law requires the City to make a decision on all applications within 120 days. However, Oregon Revised Statutes allows extensions to the 120-day time limit. No City Council or government can force an extension, but the Applicant has the right to request an extension. The Applicant can

grant the City an extension of up to 245 days beyond the original 120, which totals one full year. She presented a signed application from Verizon extending the time limit for all three applications to March 8, 2016. Verizon wanted to extend the time beyond January in case City Council wanted additional time to consider the request. She confirmed the original 120 day time period expired in December. A first extension was granted to January 20 and the second extension expired on March 8.

Councilor Nemlowill asked if Mr. Zilli had any comments in response to Mr. Connors or Planner Johnson.

Mr. Zilli said the information about the extension was important because there is the potential for an additional process after the appeals hearings. The extension allows time for subsequent processes if they are necessary.

Mayor LaMear confirmed there were no public comments.

Councilor Price asked what other items would be on the January 19th agenda. City Manager Estes said the only item that had been scheduled for the January 19th meeting so far was a work session on Heritage Square.

Councilor Herzig understood Chief Johnston and Director Cosby have devoted a lot of time to these hearings. If staff wants more time to review the additional information submitted by Verizon, City Council should give them the time. It is frustrating to continue putting off a decision, but staff has invested a lot to the entire project.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr to continue Appeals AP15-01, AP15-02, AP15-03 by Ron Zilli to the January 19, 2016 City Council meeting. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(c): Astoria Senior Center Lease Agreement (Parks) (Added Item)

City Manager Estes said the renovation of the Senior Center would be complete shortly after the New Year. Director Cosby has been working with Senior Center to establish a 5-year lease. The final lease agreement has been submitted to City Council for review. Staff had intended to submit the lease agreement with the agenda packet. However, staff needed to more time to make sure the lease satisfied the requirements of the Community Development Block Grant that funded the renovation. The State of Oregon's comments were just received on Friday, December 18th. The Senior Center would like the lease approved before taking possession in January. Staff recommends approval of the lease agreement with the Astoria Senior Center.

Councilor Herzig said Larry Miller has done a great job of keeping the Senior Center motivated throughout this project. The Senior Center hosted a Christmas dinner at the American Legion and it has been great to see the interest, support, and enthusiasm continue for so long.

Councilor Nemlowill said she wished the information had been included in the agenda packet so she could review the lease. She asked why the rent decreased each year from \$5,000 in 2016 to \$1,000 five years later. City Manager Estes explained that the renovation was completed with the intent to transfer ownership of the Senior Center facility from the City of Astoria to the Senior Center at some point. When the grant was secured, staff and the Senior Center discussed structuring the lease to reduce the amount of City financial support over time. This structure will help the Senior Center become self-sufficient over the long term. In addition to paying rent that decreases by \$1,000 each year, the City will pay water expenses only for the first two years of the lease. Director Cosby added that the Parks and Recreation Department currently pays for electric, water, sewer, natural gas, garbage collection, maintenance and repair costs. With this lease, the City will no longer provide financial support, except two years of water and sewer payments. City Manager Estes noted that the City had been spending more than \$5,000 each year on the Senior Center, so this lease will result in an immediate reduction of expenses.

Councilor Herzig explained that the lease is for five years because the grant funds five years of operating expenses. At the end of the five-year period, the grant funding will cease and the City and Senior Center will decide if the Senior Center is ready to take ownership of the facility. The grant has strict requirements for what the Senior Center must offer the community.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to approve the lease agreement with the Astoria Senior Center. Motion carried 4 to 0 to 1. Ayes: Councilors Price, Warr, Herzig, and Mayor LaMear; Nays: None. Abstentions: Councilor Nemlowill

Item 7(d): Division of State Lands Extension to the Proposed Rule Change Comment Period (City Council) (Added Item)

City Manager Estes said the Division of State Lands (DSL) held a hearing the previous week at the Judge Boyington Building regarding amendments to land lease policies. The DSL leases submerged properties and properties that were submerged at one time. Waterfront property owners and citizens became aware of the hearing the day it was scheduled. Councilor Price had attended a portion of the meeting that included a discussion indicating the public wanted a longer comment period, which is scheduled to end on December 31, 2015. Councilor Price has requested the City send a letter to the DSL requesting a 60-day extension to the comment period. He believed the State was willing to grant an extension, but has not yet made a decision.

Councilor Price believed the hearings officer could have granted an extension at the hearing, but he was looking for public comment. She understood that everyone at the meeting had heard about the hearing earlier that day after reading a Facebook post by Floyd Holcomb. Mr. Holcomb was the only local landowner who received a notice about the hearing. More time to review basic administrative rules would be good.

Councilor Warr asked if the DSL was considering taking ownership of the lands that were submerged at one time.

Councilor Price said she did not believe so. She understood the intent was to clean up their process administratively. The only previously submerged lands affected are lands considered historically submerged, which are lands that were submerged prior to May 1963. The proposed changes were not quite clear to her because she does not own land. However, all of the landowners in attendance wanted more time to review the changes. This formal request for an extension would do landowners a favor.

Councilor Warr said several years ago, the DSL claimed ownership of all historically submerged lands, which would include all of Downtown Astoria. He believed this issue had been settled long ago. City Manager Estes explained that the DSL's Astoria Act provides a different set of rules for Astoria.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to request an extension to the Division of State Lands Proposed Rule Comment Period. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(e): Uppertown Slide Area Development Proposal (Public Works) (Added Item)

City Manager Estes explained that staff is concerned about possible development of an area to the south of Safeway.

Engineer Crater said a developer has contacted the City about the property southwest of Safeway, which was previously associated with the Uppertown slide. City Codes and Ordinances provide guidance on the development of geologically challenged areas. However, staff believes the rules in place may not adequately address the development of a site directly associated with a recent slide. Staff has been considering more comprehensive methods of protecting the city and the public when development is proposed.

City Manager Estes noted the property is currently owned by Clatsop Community Action (CCA) and he has discussed potential sale of the property with Elaine Bruce. The CCA is being charged property tax by the County even though they are a non-profit, which is a financial burden to the organization. He told Ms. Bruce the City could work with CCA to address the tax issue and consider other ownership options.

City Attorney Henningsgaard said the developer has backed away from plans that previously seemed urgent. Therefore, the issue is no longer a problem. However, his review of the Code demonstrated that the City has very few resources to protect the city when a developer wants to build on property that staff believes is dangerous. Protective devices could include bonding requirements and requiring developers to reimburse the

City for desiccation processes in or near identified slide areas. This particular incident spurred thoughts that the City should consider a landslide overlay zone or implementation of safeguards.

Councilor Herzig understood that if the land was sold to the developer now, the City has very few legal means of restricting development on a dangerous site. City Attorney Henningsgaard added that if the developer provided a geotechnical report that recommended development, the City could not prevent it even if staff and City Engineers disagreed with the report. It is important to address this issue. He confirmed for Councilor Herzig that staff did not want to block development, just protect citizens when development occurs.

City Manager Estes explained that staff would continue to work with CCA and the potential buyer of their property. The potential buyer does not want to get into a complicated situation with the City. However, CCA needs to resolve the tax issue on the property. Staff will also consider ways to incorporate safeguards in the development of slide prone areas.

City Attorney Henningsgaard noted this item was added to the agenda because of the possibility that staff would need to request a moratorium requiring immediate action by the City. However, the parties involved have backed off. Staff will proceed with developing recommendations for some helpful devices if Council believes it is a good idea to do so.

Mayor LaMear believed safeguards were necessary. She thanked staff for their work and said it was important to satisfy CCA.

Councilor Herzig said when the slide area was disrupted, houses slid as well. Development of this property would be extremely dangerous.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

There was none.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:28 pm to convene the Astoria Development Commission meeting.

ATTEST:

APPROVED:

Finance Director

City Manager

Community Development Department Quarterly Report Work Program Update – Q2 2015

Current Planning		
Current Planning	Date	Activity
Permit Report		<ul style="list-style-type: none"> • Q2 Revenues: \$25,030
HLC		<ul style="list-style-type: none"> • Exterior Alterations: Buoy Beer, 676 Irving (MacPherson), 2921 Marine (Boran: Olsen Dry Goods Store) • Certificate of Occupancy: Supple House – 1542 Grand Ave • Verizon Wireless: V/WCF - Appealed to City Council
PC		<ul style="list-style-type: none"> • Conditional Use: Grow Facility (401 Industry) • Condition Use: Food Cart (300 Industry) • Verizon Wireless: Appealed to City Council
DRC	N/A	<ul style="list-style-type: none"> • No Applications
Building		
Permit Report		<ul style="list-style-type: none"> • Q2 Revenues: \$221,824
Yacht Club Apts Ph 2		<ul style="list-style-type: none"> • Leased and opening in March 2016
Women's Resource Center		<ul style="list-style-type: none"> • Construction stalled; fundraising for final improvements
Holiday Inn Expansion		<ul style="list-style-type: none"> • Under construction
Patriot Hall Redevelopment		<ul style="list-style-type: none"> • Under construction
CMH Expansion		<ul style="list-style-type: none"> • Under construction
Senior Center		<ul style="list-style-type: none"> • Move In: 1/22/16; Ribbon Cutting: 02/16/16
Building Official Vacancy		<ul style="list-style-type: none"> • County providing excellent service on temporary basis • Developing FY 16-17 budget with County as service provider
Code Enforcement		
Flavel: 943 Commercial	09/15	<ul style="list-style-type: none"> • Monitoring bid process; consulting with conservator and broker
324 38 th St	10/15	<ul style="list-style-type: none"> • Parking in private easement; no violation
49 th & Leif Erickson	10/15	<ul style="list-style-type: none"> • Trash, junk in the right of way; owner cleaned up
Sweet Relief Sign	11/15	<ul style="list-style-type: none"> • Off premise sign violation; sign removed
Banker's Suite	11/15	<ul style="list-style-type: none"> • Pigeon excrement on façade; owner cleaned up
Graffiti in Downtown	12/15	<ul style="list-style-type: none"> • Multiple locations; made contact with most owners
364 Floral	12/15	<ul style="list-style-type: none"> • Investigate homestay lodging complaint; no violations found
Waldorf	12/15	<ul style="list-style-type: none"> • Trash in alcove; owner cleaned up
4559 Leif Erickson	01/16	<ul style="list-style-type: none"> • Derelict building violation; locating current owner address
Code Position Vacancy		<ul style="list-style-type: none"> • Investigate partnership with Police Department; consider PT position
Projects		
Heritage Square	12/15	<ul style="list-style-type: none"> ▪ Presented final draft report to ADC ▪ Clean up of contaminated soils commenced ▪ Scoping of next phase being investigated
Development Review/ Streamline Evaluation	Ongoing	<ul style="list-style-type: none"> ▪ Inventoried current process and identified gaps ▪ Created customer survey; launch week of January 11 ▪ Schedule focus groups with local contractors ▪ Develop overall communications strategy and social media platform ▪ Attend NCBIA annual meeting in February
Affordable Housing	10/15	<ul style="list-style-type: none"> ▪ Contacted DLCD for Code Assistance code audit for infill and redevelopment improvements ▪ Attended Regional Housing Summit (CEDR/Col-Pac) ▪ Co-Chair Non Traditional Regional Housing Committee

Community Development Department Quarterly Report Work Program Update – Q2 2015

		<ul style="list-style-type: none"> ▪ Contacted NOHA Uniontown Apartments
Riverfront Vision Plan Ph 3	11/15	<ul style="list-style-type: none"> ▪ CC: Adopted Comprehensive Plan and Code amendments
Parks Master Plan (P&R Department)		<ul style="list-style-type: none"> ▪ Technical assistance on public involvement components ▪ Attended Community Workshop ▪ Schedule City Hall focus group
Astor West Gateway		<ul style="list-style-type: none"> ▪ Looking for grant opportunities; scope out concept plan ▪ Potential combine with Economic Development Strategy
Traffic: Right Turns	10/27	<ul style="list-style-type: none"> ▪ Assisted City Engineer with right turns permitted solutions
Historic Resources		<ul style="list-style-type: none"> ▪ 2nd Street designation with SHPO approved by HLC ▪ Lecture to CCC HP Class on Community Development ▪ Developing priority list for Columbia Pacific Council & HLC ▪ Netshed (“Big Red”) added to Restore Oregon’s Endangered List
DSL	12/15	<ul style="list-style-type: none"> ▪ Monitoring DSL sale of South Tongue Point ▪ Monitoring rulemaking process for submerged lands
Bridge Ends Project (Public Works Dept)		<ul style="list-style-type: none"> ▪ Assisted with SHPO analysis
FEMA/Hazards Planning	11/15	<ul style="list-style-type: none"> ▪ Annual check in on Natural Hazards Pre-Disaster Plan
Other		<ul style="list-style-type: none"> ▪ Hosted City of Redmond, City of Forest Grove, Alderbrook interest in neighborhood association formation, Central Neighborhood meeting, PSU research on Latinos in Oregon, Uniontown Association (Rae Goforth), CREST, “Jake” Jacob
URA Program		
Astor Hotel	12/15	<ul style="list-style-type: none"> ▪ Verizon lease reassigned
Economic Development		
5 Year ED Strategy ADHDA		<ul style="list-style-type: none"> ▪ Reapply for DLCD grant; Request Council authorization 2/16 ▪ Serve on Business Development Committee; identify retail gaps via cluster analysis and fill vacancies or underutilized storefronts
Site Visits/Meet & Greet		<ul style="list-style-type: none"> ▪ Wauna CU; Bank of the Pacific, Astoria Art Lofts, Looney Bin Kombucha, Energy Trust of Oregon, Ohana Group
ADMIN		
Professional Development		<ul style="list-style-type: none"> ▪ Emergency Preparedness Workshop (Astoria) ▪ Legal Issues Workshop (Portland)
Planner Recruitment		<ul style="list-style-type: none"> ▪ Nancy Ferber started on December 14!



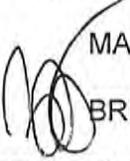
CITY OF ASTORIA

Founded 1811 • Incorporated 1856

December 31 2015

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: FINANCE AND ADMINISTRATIVE SERVICES STATUS REPORT

The following are summaries of Finance and Administrative Services projects and activities for September through December, 2015.

OPENGOV

- Finance Director and Financial Analyst began working with OpenGov mid-September with data transfers beginning in October. The process has been to verify five years of data and the database of accounts. We have had a few challenges as some funds have changed during this period which have created additional reconciling steps for us. Finance is now in the process of developing the reporting formats and specific queries or "views" for internal and external reporting. Due to the additional reconciliation steps necessary and some other projects which have interrupted the processing we are about 4 weeks behind on our desired implementation schedule but look forward to launch within the first quarter of 2016.

PERSONNEL POLICIES AND PROCEDURES MANUAL

- An updated manual was presented to Council, September 21 and made available on our shared system drive. Several comments and questions have been coming in during October and November.
- We are compiling known issues for review with Xenium but the largest issue stems from the index not syncing with the title numbering. We anticipate this change being incorporated in early January.
- Necessary changes have been identified to recognized changes necessary to incorporate requirements of Oregon Sick Leave (Senate Bill 454) which became effective January 1, 2016. This law requires employers to provide up to 40 hours of sick leave per year to all employees along with accrual rate requirements, eligibility for use and carry over requirements. Xenium has been working with Director of Finance and Administrative Services regarding policy updates. The draft has been reviewed and final updates are waiting to posted.
- Any adjustments within policy sections which came from staff will be adjusted as these new requirements are added.

GRANT APPLICATIONS

- In anticipation of the budget cycle and grant process the Service Organization and Arts & Cultural funding applications have been updated and are ready to post and distribute by February 2, 2016.
- Reporting is coming in for mid-year requirement. Follow-up is commencing as many entities are unclear on the financial reporting requirements. We will continue to work through the adjustments to requirements with each entity and anticipate FY 2016-17 being smoother for all parties.

AUDIT AND FINANCIAL STATEMENT PREPARATION

- Final fieldwork was conducted the week of October 12, 2015. The lead for the audit team took a position outside of Pauly, Rogers and Company and staff have been working with several people to obtain the final statements.
- Preliminary closure of Fiscal Year 2014-2015 information was conducted by City staff in August with the majority of information transmitted to audit team by September 4, 2015.
- Moss Adams providing professional services specific to implementation of GASB 68 relating to pension reporting and associated first year transactions and reporting information necessary to account for the GASB change in presentation.
- Financial statements were scheduled for completion by December 31, 2015 for presentation to Council at the January 19 meeting. We received notification on December 28, 2015 financial statements would not be finished by December 31 but shortly after year end.
- A request to send a RFP out for bid on audit services was approved at the January 4, 2016 Council meeting. With new staff on board at the City and the current audit firm, it is an appropriate time to review the services and possible responders.

FINANCIAL SYSTEM

- Director of Finance and Administrative Service has been reviewing a variety of financial processes to gain better understanding of the variety and complexity of information which makes up the City financials. Continued understanding of reporting processes enhances the ability to review historical information and develop expectations for the future based on trends.
- Information has helped identify additional reviews and potential enhancements for efficiency during the last quarter of 2015.

OPEN ENROLLMENT AND STAFF DEVELOPMENT

- Open Enrollment for Health, Dental, Vision, Life, Disability and other applicable benefits was conducted the first week of October.
- The process is completed through on-line registration by participants.
- The process and verification completed towards the end of November with CIS having some issues with distinct aspects of the process. These problems did not impact coverage for staff but did delay information for payroll data. Finance was able to make changes despite the reporting issues and work with newly hired individuals who seemed to be most impacted by CIS problems.

BUDGETING

- Budgeting process began the first of December with Calendar creation and information distribution to department heads.
- Finance staff is working with departments to provide and receive information which will be crucial to develop the FY 16-17 budget.
- Obtaining updated information for budgetary descriptions as well as reviewing prior questions and information to incorporate for upcoming budget cycle.
- Finance Director and Financial Analysis will attend the State Local Budget Workshop in February, 2016

REPORTING AND FORMS

- EEOC reporting was generated for submittal by September 30, 2015
- Completed on-site Worker Comp Audit as well as submitted information online
- Renewal forms were generated in December and mailed out prior to year end.

CONFERENCES, SEMINARS AND MEETINGS

- Director of Finance and Administrative Services attended the following conferences/workshops:
 - Oregon Government Financial Officer Association in October
 - Met with new Xenium representative and VP for our account, after OGFOA conference to discuss transition of Federal and State Family Medical Leave Act (OFMLA/FMLA) required paperwork and Xenium performing this function as part of existing contract.
 - Seminar attended regarding Oregon Sick Leave legislation through Lower Columbia Human Resources Management Association (LCHMRA) in November
 - Attended the PERS Employer Town Hall Meeting October 22, in Astoria. Distributed video links to Budget members in December for those who could not be present.

BAN THE BOX, JOB OPENINGS AND THE HIRING PROCESS

- Oregon House Bill 3025 was signed June 25, 2015 and effective January 1, 2016. This legislation makes it unlawful for employers to exclude an applicant from an initial interview solely because of a past criminal conviction.
- Staff looked at measures for compliance which included changing the on-line process for application and the physical application form. Xenium worked with staff to change the application form to be implemented January 1, 2016.
- The online system the City has been using to advertise open position is iapplicant. An upgrade was introduced to staff in July but the upgrade was deferred until the later part of 2015 due to other projects already underway and to minimize the disruption to applications and opening currently in process. By December all except one position had been filled and the transition to ApplicantPool was made on December 18.
- ApplicantPool offers some enhancements unavailable in the prior version and interaction with job boards which were not otherwise available. The new platform is mobile enhanced for smartphone and ipad users. One enhancement is the ability to group openings by posting managers and segregate information by departments. This was a requested feature which we are happy to be able to provide through the upgrade.
- Work is underway to provide training to all posting managers so new posting may be developed and made available. We look forward to utilizing many more features which the upgrade provides.
- We had many challenges with some of the postings in the last quarter but I am happy to report all the full time positions except one were filled and the other has an offer pending checks and drug screen results.
- In October we reviewed the hiring processes and made some changes to background checks which have improved the turnaround time and provide better information than was previously provided. The results for drug screens are now sent electronically which expedites information for the hiring process.
- The new employee orientation process was enhanced with updated cover sheets providing more comprehensive information and the amounts new staff should expect to see for deductions based on their union and family situation.
- We look forward to additional review of hiring processes and paperwork in the future to streamline where possible, in the future.

Submitted by: _____

Susan Brooks, Director Finance and
Administrative Services



CITY OF ASTORIA

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January 7, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: LIBRARY DEPARTMENT STATUS REPORT

The following are summaries of Library Department projects and activities for October through December 2015.

LIBRARY BUILDING PROJECT

Library staff continues to work with the Community Development Department to investigate locating the Astoria Public Library as a part of a mixed use residential development within Heritage Square, to facilitate redevelopment of this space. Library staff participated in the October 21 event at the Lovell Room of the Fort George and in Heritage committee meetings on October 8, November 5 and November 19.

LIGHTING

Public Works employees continued installing more efficient ballasts and lens covers.

DOORS

Immediately following the Haunted Library event on October 31, the 10th street doors broke. Public Works was able to secure them for the evening and repair them the next day.

ROOF

Staff is working with McBride Architects to update a 2010 report and drawings of the library roof. The update includes an analysis of repair versus rebuilding the roof. The update is expected to be complete by February 26, 2016.

STAFF DEVELOPMENT

- Anne Odom is continuing cross training in cataloging with Laura Meeker.
- A majority of staff have received cross training in preschool and toddler program procedures, in order to assist when the children's services staff cannot deliver program.
- Lindsay Johnson completed an American Library Association course titled "Creating a Welcoming Library Environment for and with Teens." She is applying the principles learned to teen programs.
- Lindsay Johnson and Ami Kreider attended the Astoria High School's annual Activity Fair. They introduced upcoming programs and discussed ideas with students.

COMMUNITY ENGAGEMENT

Highlights in the second quarter focus on adult, family and teen programs including Library After Hours, Haunted Library, and Teen programs. Overall, 1,648 people participated in 53 programs sponsored by the Astoria Library in the second quarter.

LIBRARY AFTER HOURS AND OTHER PROGRAMS FOR ADULTS

A broad variety of programs have been offered and well attended. Staff has noticed that different audiences assemble when the programs are varied, which extends the reach of the library into the

community. A few programs have been notable for their attendance and/or content. The Oregon Humanities program titled Talking About Dying provoked deep thought and feeling among the attendees. Alton Chung's Storytelling performance drew a sizeable audience and featured spooky tales from many cultures. With Tongue Point students helping to set up and perform, the 3rd annual Haunted Library drew 171 people in just over two hours and produced many memorable screams. Musical performances rounded out Library After Hours presentations, with the Flat Nines and the Consort of All Sorts filling the library with song.

TEEN PROGRAMS

Lindsay Johnson focused her skills on programs for this demographic. Johnson's perseverance and training paid off at the Halloween Make-Up Tutorial, which drew a group of highly interested teens who explored different methods and tools to achieve different looks and effects.

The Teen Anime Zone was enthusiastically embraced and International Game Day offered Astoria teens a chance to join with teens in over a thousand libraries in numerous countries.

LIBRARIES ROCC*

Libraries ROCC supports resource sharing among the Warrenton, Seaside and Astoria libraries and provides no fee library cards to children in Clatsop County. During the second quarter of the fiscal year, the Warrenton, Seaside, and Astoria directors provided courier service among the libraries and initiated fundraising events. The Seaside Friends of the Library serve as the fiscal agent for Libraries ROCC.

- Little Libraries were promoted in this quarter and completed libraries have been received at the Seaside Library. Two Little Libraries are available for viewing at the Astoria Library. A fundraising event, sponsored by the Seaside Public Library Foundation, will include an auction for the Little Libraries and other donations. The event is scheduled for Thursday, February 11, 2016, at the Seaside Convention Center.
- Autzen Foundation awarded \$4000 to ROCC.
- Participating families and parent groups donated \$300.00 in the second quarter of this fiscal year.
- Libraries ROCC participated in the Gifts That Make a Difference Fair on December 12, raising \$365.00.
- A prior grant to the Oregon Community Foundation that had been declined initially will be resubmitted in January 2016.
- Staff participated in an annual library card drive in the Knappa schools that was led by the ROCC Outreach Specialist contractor.

TECHNOLOGY

Library operations are conducted via cloud service with TLC (The Library Corporation). An upgrade of the wireless service was completed in 2015. Eight hardwired workstations currently provide public access computers. During the second quarter, were 13,847 technological uses.

<u>DATABASE USE</u>	
<u>Database</u>	<u>Uses</u>
Research databases – Gale	92
Learn a languages - Mango	12
Download music – Freegal	149
Sanborn maps database	3
Library website	9,249
Public computers	2,313
Wi-fi (# of devices)	600
Library2Go (ebooks)	1429
Total	13,847

COMMUNITY SERVICES PROVIDED

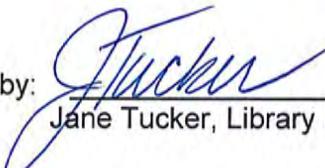
During the last quarter, circulation staff proctored 25 tests for distance education students.

The Fall Food for Fines event, led by the circulation staff, collected 397 pounds of food from at least 53 patrons. When Fall Food for Fines ended, the Library joined the City Hall staff in the Civil War Food Drive, collecting an additional 57 pounds of food for the food bank.

All staff participated in the Great Oregon Shake Out. The young children in the preschool class and their parents were particularly responsive. All patrons and staff exited the building and discussed further actions to take in an earthquake and/or tsunami. Educational materials were displayed in the library.

The second quarter produced significant circulation activity. Staff added/updated 1,208 library card holders and performed 29,426 circulation functions.

<u>WHAT IS YOUR LIBRARY WORTH TO YOU?</u>			
<u>How much would you pay out-of-pocket for your library services?</u>			
<u>2nd quarter use for 2015/16</u>			
Library Use	Library Services	Value of Service	Total per Service
10,407	Books Borrowed	\$15.00	\$156,105
300	Newspapers Read (Daily A, Oregonian)	\$3.00	\$900
240	Magazines Borrowed	5	\$1,200
3,461	Movies Borrowed	4	\$13,844
565	Audio Books Borrowed	15	\$8,475
1410	Library2Go Downloads	15	\$21,150
8	Meeting Room Use per Hour	35	\$280
1112	Participants in Adult/Young Adult and teen Programs	10	\$11,120
536	Participants in Children's Programs	6	\$3,216
2313	Hours of Computer Use (Public computers)	12	\$27,756
600	WIFI devices used	12	\$7,200
9249	Library Website	10	\$92,490
254	Use of Database Searching like Gale, Freegal, Mango	20	\$5,080
1500	Reference Questions Asked	7	\$10,500
300	Newspaper Archives (microfilm reader/Astoria newspapers)	10	\$3,000
	Total Value of Library Use that visit	\$179	\$362,316

Submitted by: 
Jane Tucker, Library Director



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

January 10, 2015

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: PARKS AND RECREATION DEPARTMENT STATUS REPORT

The following are summaries of Parks and Recreation Department projects and activities between September and December 2015.

AQUATIC CENTER

Aquatic Center Season Overview

The Aquatic Center reopened from the maintenance closure on September 28, 2015.

Below are some highlights from this season:

- On Monday, September 28th the Aquatic Center re-opened after completing the capital improvement projects of re-surfacing the Lap and Leisure Pools, replacing lighting with energy efficient LED lights, Installation of new shower systems, and performing updates to the HVAC system.
- Our Aquatic Risk Management Company, Ellis and Associates, performed an unannounced audit on October 27th. The Aquatic Center staff performed well and received the rating of “exceeds”.
- From September - December the Aquatic Center adopted temporary reduced hours. The pools were closed from 1:00 PM to 3:30 PM on weekdays due to a shortage of certified lifeguards.
- In October and November the Aquatic Center hosted two lifeguard courses. A total of 16 students attended and became certified lifeguards. 7 of these participants were hired as lifeguards.
- Two new swim instructors were hired this fall. Allowing the Aquatic Center to offer additional swim lessons. Swim Lessons are currently full with waiting lists.
- In October and November we held an annual water safety swim lessons for the Naselle Rivers School District. A total of 44 students that attending this six week course.
- In November the Astoria High School Swim team began using the facility for practices and swim meets. In December the team hosted the successful Andrew Nygaard Invitational Meet.

ASTORIA RECREATION CENTER

After School Program

The after school program has continued at the ARC and the Warrenton Grade school this fall. In addition to the after school program, we have offered several “no school days camps” during fall no school days for both the Warrenton and Astoria school district. The Warrenton grade school numbers have almost doubled since the beginning of the school year. Staff have planned and implemented several fun activities in the program including:

- Craft projects
- Science projects
- Agriculture
- Preparing snacks
- Holiday projects

Adult Volleyball

The women’s volleyball program began in September and has been running smoothly with new program changes including roster/ ID checks and new referees. Six women’s teams are participating in this league. Additionally, the drop in coed volleyball is being held at the Astoria Middle School every Wednesday evening. Averages of 15 people are coming regularly to the open gym night.

Youth Flag Football

The flag football program expanded this year from a handful of participants in Astoria and Warrenton last year to four teams from Astoria, Warrenton and Seaside participating this year. The program is geared towards 1st and 2nd graders but also allows 3rd graders to participate.

Youth Basketball

Big changes have been made to the program this year as all 5th and 6th graders (boys and girls) played in the fall with a new two referee per game structure. 3rd and 4th grade boys and girls began practicing in January with games in late January through the beginning of March. This change was made to increase the number of athletes participating in the program. The number of teams increased dramatically due to this change, twelve more teams participated this year between the fall and winter leagues versus last year’s programs.

Adult Basketball

The 2015/ 2016 season began league play in November and continues with games through February. The league has the same number of teams playing as last year.

Fitness Classes

The fall fitness classes held regular attendance due in part to less class offerings. Early morning classes continued to be popular and staff has kept the same number of these classes going in to fall. Planning for winter/ New Year’s resolution attendance increases, staff have added new classes to the schedule for early morning and after work times.

Other Classes

Staff ran two sessions of beginner and intermediate gymnastics this fall. The class proved to be very popular, the first session had five plus children in each class and our second session of gymnastics filled up. Staff added a third class to our session beginning in January.

Staff is also working with a new volunteer instructor to start a new Jiu Jitsu course as well as Self Defense classes in January.

Monster Bash

The Annual Monster Bash Halloween event was held for a second year at the Armory. This location boosts attendance being so close to downtown. Hundreds of young children and their families enjoyed carnival style games, treats, hotdogs and a costume contest. This event is especially successful due to the contribution of other community organizations such as the Rotary Club and numerous donations from area business.

Gobbler Gallop Fun Run

The annual Gobbler Gallop fun run was held on Thanksgiving morning, Nov. 26. Staff saw a record number of attendances for this event with over 140 people in attendance. The 5K race hosted a variety of participants ranging in age from 4 to 80 years old.

LIL' SPROUTS ACADEMY/PORT OF PLAY:

It has been a busy Fall at Lil' Sprouts! Many of our kiddos that were not here for the summer have since returned, and we still have waitlists in all our classrooms. We've had many transitioning up to new/older classrooms to start the year, and it's been exciting to see the progression.

Unfortunately, we continue to have staffing challenges, and while we still have a core group of teachers, there has been a great deal of turnover. It's often a struggle to find qualified individuals who want to do this job because they love it, and not just to have a job, and/or make ends meet.

Curriculum/Safety



During our fall months, teachers and kiddos were very busy in the classroom. For the week of Oct. 12th, all classrooms focused on the theme, "Welcome Fall", and had to represent their own interpretation of fall through door and bulletin board decorating.

Classrooms were very busy during the month of November, creating projects, gifts for parents and special tasks that incorporated thankfulness and Thanksgiving.

On Wednesday, Oct. 14th, we had our first Fire Drill of the year. It just so happened to be one of our busiest days, and we had 60 kiddos evacuating the building. Surprisingly, it was probably one of our best drills yet.



On Thursday, Oct. 15th, we participated in the Great Shakeout, to practice our earthquake preparedness. Although it was a very successful drill, it opened our eyes to things we need to do to ensure we are fully prepared.

On Friday, Oct. 30th, we had our first ever Halloween parade at Lil' Sprouts. Almost all kiddos were dressed up in costumes, and parents came to see them march around the gym, showing up their outfits. It was a lot of fun!



Port of Play

Port of Play has been pretty busy this Fall. As soon as the weather turns wet and/or cold, parents seem to seek refuge with us, as they need a warm, dry place for their children to burn some energy.

Parents' Night Out has continued to have steady attendance of approximately 10-15 kids every weekend. It seems that more parents are becoming aware of this service, and are taking advantage of it regularly.

On Friday, Oct. 23rd, we held our annual Free Family Pumpkin Carving. We had a great turn out, approximately 40-50 people throughout the evening. Families brought their pumpkins, and we provided the stencils, tools and treats.

PARKS MAINTENANCE

This fall the Maintenance Division accomplished:

- Completed Aquatic Center closure activities: replaced lights, showers, pool plaster, HVAC, removed shower area tile, annual maintenance of equipment. All work completed on time and under budget
- Routine facilities/grounds maintenance
- Coordinating with Clatsop Community College to renovate Alderbrook Hall. First phase of work will be re-siding the south exterior wall of the building, Parks Dept. will provide materials, CCC will provide labor and expertise. Work will commence May 2016
- 10 full burials
- 12 cremation burials
- Special events support: hall rentals, CHIP In's, City Service Fair, Brew Cup, Monster Bash, stage & chair rentals
- Coordinated with Lewis and Clark Heritage Association and Tongue Point Job Corps to install interpretive sign, bench and plaque at east end of Riverwalk at Alderbrook Lagoon
- Hazard tree removals in parks
- Implemented Smoke Free Parks—Installed "No Smoking" signs in all parks and park areas
- Coordinated with Job Corps to repaint Doughboy Monument
- Installed three porta-potties along Riverwalk
- "Pinked" Column for Breast Cancer Awareness Month in October
- Two Staff obtained Certified Pool Operator credentials
- Working to locate and resolve leak in Recreation Pool pipes
- Provided input and support for Parks Master Planning Committee site tour and ongoing planning efforts

- Scheduled replacement of sand filter media and components at Aquatic Center
- Provided input and support on Oceanview Cemetery Turf Renovation RFP—Renovation proposal was not approved by City Council due to lack of long-term solutions for grounds at OVC
- Contracted Arbor Care Tree Specialists to add supports and cabling to Big Leaf Maple in LaPlante Park to preserve the tree after rot and wind damage was discovered in the trunk

CHIP-in

This fall, from October - December, 30 CHIP-in volunteers have dedicated more than 90 hours to various park clean-up events. Volunteers have put in over 10 yards of bark mulch, removed invasive species, trimmed overgrown plants, picked up trash, and painted the inside and outside of many park facilities.

During this time, the CHIP-in Volunteer Coordinator, Melissa Keyser, began sending out a new monthly volunteer e-mail with over 100 recipients. Planning for 2016 CHIP-in events is almost complete and a schedule will be posted on the Astoria Park and Recreation website soon.

CHIP-in Events:

Maritime Memorial Park, October 16th:

- CHIP-in partnered with the Kennewick Coast Guard
 - The Coast Guard reaches out to local Coast Guard stations when members are promoted – Kennewick wanted to reach out to Astoria and invited them to participate in a community service, CHIP-in, event
- 9 volunteers
- Volunteers cutback overgrown shrubbery, trimmed trees, filled in bark mulch, picked up trash and pulled weeds



Pioneer Cemetery, November 1st:

- Cancelled due to stormy weather
- About 10+ volunteers still showed up

Astoria Recreation Center, November 15th:

- 10 volunteers
- Volunteers painted the “Kid Zone” bright and fun colors
- Volunteers also picked up trash, wiped down the inside of the facility, removed old tape, mopped, cleaned baseboards, and put in bark mulch



Lil' Sprouts & Port of Play, December 20th:

- 11 volunteers
- Painted the PoP Grocery store
- Painted outdoor murals leading into Lil' Sprouts and Port of Play
- Volunteers also wiped down surfaces inside Port of Play
- Volunteers were able to choose a gift from the CHIP-in "Giving Tree" as a thank you for their time and participation



OCEAN VIEW CEMETERY

Cemetery Software System

The third phase of cemetery data was completed in late October. This phase of the data entry is the phase we have been waiting on to finish "populating" our online map with persons who have bought or are buried in the plots.

The original plan was that upon completion of this phase, the cemetery map, which is already viewable to the public, would become populated so that folks can locate loved ones without the assistance of city staff online. Staff is coordinating with contractor Mark Scott to move forward with this part of the project.

Now that phase 3 is complete, staff has begun phase 4 data entry, which will enhance and support the records of those who are buried in the cemetery. This phase will add details such as payments, but is not an integral part of documentation.

Cemetery Grounds Maintenance

Ocean View Cemetery continues to be a challenge to maintain and manage with our minimal resources. It takes approximately 40 man hours to mow the entire grounds and weed eating has been outsourced to the local juvenile work crew for two weekends a month during the summer months. Burials and cremations add to the toll the cemetery exacts on the Maintenance Division's capacity, because these events often cannot be foreseen or planned for beyond a three day window.

Mausoleum

The Parks and Recreation Department also partnered with Clatsop Community Colleges Historic Preservation Program to receive a \$3,200 grant from the Oregon Parks and Recreation Department to conduct a workshop assessing and repairing the 6 leaded-glass windows in the Mausoleum. The workshop will be held this spring.

OTHER PROJECTS

Lawn and Plant Management Task Force

The Plant and Lawn Management Task Force was created to address concerns raised about the use of herbicides and fertilizers in parks and open spaces.

The task force consisted of:

- Norma Hernandez, Northwest Food Web
- Fred White-Gardener, Concerned Citizen
- John Whisler, Head Superintendent, Astoria Golf and Country Club
- Tom Duncan-Physician, Lower Columbia Clinic

- Howard Rub, Athletic Director Astoria High School
- Jessica Schleif, Master Gardener
- Drew Herzig, City Council Liaison
- Dave McElroy, Friends of McClure Park

The task force met four times over the course of 8 months:

- February 11, 2015: Meeting agenda included values, goals, and desired outcomes for the task force were established
- March 14, 2015: Meeting agenda included site tour of a variety of parks and open spaces (Alderbrook Lagoon, Fort Astoria, Niemi Field, Lindstrom Park, Shively Park)
- April 2, 2015: Meeting agenda included evaluation of progress and draft of policy recommendations
- September 9, 2015: Meeting agenda included review of policy recommendations, updates and final approval

The task force developed recommendations for a final herbicide/pesticide use policy that was presented to and recommended by the Parks and Recreation Advisory Board during the September 23, 2015 meeting. Finally, the policy was presented to and adopted by the Astoria City Council during the October 5, 2015 meeting.

Comprehensive Parks and Recreation Master Plan

The Parks and Recreation Department's comprehensive planning process is underway. Beginning in fall of 2015, the first phase of the project involved extensive community engagement and evaluation of existing conditions. Outcomes from this phase of the project included feedback from over 1,000 community participants (through public meetings, surveys, focus groups, and a tour of Astoria's Parks and Recreation system), and a draft report on the current inventory, history, existing conditions, and maintenance of the department's parks, trails, and facilities.

Currently transitioning into the second phase of the project, the RARE AmeriCorps Parks and Recreation Planner, along with Department staff and the Mayor-appointed Citizen Advisory Committee, will begin to develop an initial set of Master Plan recommendations. This set of recommendations will be formulated by evaluating the community feedback collected in the first phase of the project, and conducting an assessment of the department's level of service in comparison to State of Oregon recommendations, as well as comparison with similar communities in the region.

The third and final phase of the project will kick off in the spring of 2016. The initial set of Master Plan recommendations will be refined through additional public meetings and surveys, as well as continued input from the Citizen Advisory Committee. The planning process will conclude with a final set of recommendations and strategy for implementation, before being presented to approving boards for adoption in the summer.

Astoria Column Restoration

The Column restoration began in March and was completed on October 9th. With the exception of wind storms and nearby road construction, the Column grounds have observed regular hours during the restoration, and docents have been onsite to share information about the restoration project.

The restoration includes:

- Cleaning the exterior surface of the Column, comprising of a series of historic murals that spiral from bottom to top of the 125-foot structure.
- Structural repairs to stabilize cracking, delamination and spalling; architectural repairs; and additional structural surveys, evaluations and inspections.
- Preservation and rehabilitation of the artwork/mural on the Astoria Column
- Restoration of the cupola and repairs to the observation deck

Because of the Astoria Columns location high on Coxcomb Hill, the Column is exposed to punishing environmental conditions like gale-force winds and driving rain that inflict wear on the structure and its artwork. Restorative efforts are conducted as dictated by the state of the structure and the effects of variable weather conditions, and are hoped to last 10 to 20 years.

More than half the cost of the estimated \$1 million project is required to repair the Column artwork and structure itself. The balance is allocated to restoration and repair of the plaza that surrounds the base of the Column, landscape improvements, and installation of new energy-efficient LED lighting which is scheduled to be completed in April 2016. Over \$700,000 has already been committed to the project by private donors, and the balance is being raised through local and regional fundraising campaigns and events.

The most recent major art restoration performed on the Astoria Column was completed in 1995. Additional improvements to the grounds were completed in 2004, and the Column's spiral staircase was replaced in 2008. With the exception of the stair replacement, these projects, totaling over \$3.5 million, were funded exclusively by Friends of Astoria Column through campaigns and grants

Peoples Park

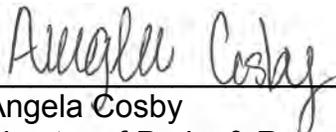
The City of Astoria Park located on 16th and Marine Drive known as Peoples Park, has a deck and observation tower that the Astoria Rotary Club constructed in the late 1970's following the People Places Plan from 1977. Following its construction, the Rotary Club continued to maintain and care for the structure by; rebuilding a portion of the structure, adding an ADA ramp, adding stairs leading to the railroad tracks, and partnering with the Coast Guard to rebuild the stairs leading to the observation tower.

Unfortunately, the Rotary Club has discontinued maintaining the structure and since June 18, 2015 the structure has been temporarily closed due to the structures hazardous state. This closure came after the Parks Maintenance team noticed one of the hand rails had fallen off, and upon repair found an additional rail down, several decking boards rotted and broken, and structural supports rotted. At this time, Parks and Recreation staff began requesting bids to repair the structure and began to ask the bigger question, of whether or not the structure will continue to be of value as it degrades further and requires increased levels of maintenance to keep it safe for the public's use. In recent years, the Parks and Recreation Department staff have been challenged with the task of keeping the structure safe for all users, as a large amount of illegal drugs, drug paraphernalia, alcohol, garbage, and illegal camping are found and take place on and underneath the structure.

After being informed that bids to repair the structure ranged from \$12,000 - \$16,000, Parks and Recreation Director, Angela Cosby, met with the Astoria Rotary Board on July 13, 2015 to seek assistance in repairing or removing the structure and ways to increase positive use of the park. Following this meeting, the Rotary President and

Board solicited feedback from the clubs members. During Mondays, August 10th Rotary Board meeting, the Board reviewed the feedback received from its members and decided that; the Rotary Club was not in a position to financially contribute to the needed repairs, they would like to be involved with the removal of the structure, and they would like to replace the structure with grass. Several Rotary members provided suggestions for alternative use of the space, such as a water feature, or a dog park. Parks and Recreation Department staff encouraged these members to participate in the upcoming parks master planning process, as future development of the site will be best determined by the direction provided in the Parks Master Plan.

During the Wednesday, August 19th, Parks Advisory Board Meeting the Board concurred with the Parks and Recreation Department staff and Rotary's suggestion of removing the platform from People's Park. Therefore, as a donation to the Astoria Rotary Club, Mike Abrahams with ABA Company and Tom Alfonse with Alfonse Trucking have offered their services to tear down and remove the structures at no cost, with the exception that the work will be performed during the precipitation season when their businesses obligations decrease.

By: 

Angela Cosby
Director of Parks & Recreation



Astoria Police Department

Dedicated to Duty

-

Committed to Community

2015 Annual Report

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What a quick year this was. It is hard to imagine that it has been a year since we published last.

We continue to struggle to keep up with the demand for our services. At the same time we are being asked to provide more services that are not traditional policing problems. We are also struggling with service gaps in the mental health system that require a significant portion of our time, increases in training needs, an increase in traffic volumes and the resultant concerns about traffic safety.

As a Department, we know we are not in this alone. We need to work with other departments within the City, other law enforcement agencies, community partners who provide services, and our citizens. Without the help and consent of all those groups, it is difficult, if not impossible for us to accomplish our mission.

This year saw the start of a new program called Coffee with a Cop, which you will see featured in these pages. It was a great opportunity to meet people that we don't normally have conversations with over a cup of coffee. If you haven't been to one of these events we hope you will make a point of attending one soon. One of the fantastic things with this program is that we surprise people. Not everyone who we talk to planned on coming to the event. They just happened to be at the coffee shop and we took advantage of the opportunity. This gives us exposure to a portion of the community that we would not normally hear from.

We were also able to revitalize our citizen's police academy. What a great program and a great group of graduates. With the exception of our dispatchers, we manage to get every member of the Department involved in some way. Building connections, talking about the work we do, having that longer, focused opportunity to dialogue about the business is a priceless opportunity.

Finally, thank you! I cannot imagine a community that supports its police more. We feel it and know that the feeling we get from our community is not true everywhere. Thanks.—Chief Brad Johnston

Have you liked us on Facebook? We have a vibrant community on our Facebook page that we update several times a week (sometimes several times an hour). You can find there: traffic alerts, quick tips, press releases, questionnaires, weather warnings, and appeals for information. If you want to stay up to date, like, follow and subscribe at: www.facebook.com/AstoriaPolice. You can also follow Chief Johnston at www.facebook.com/ChiefJohnston. Astoria Police are also on twitter AstoriaPD and YouTube user name AstoriaPolice



Why an Annual Report ?

We understand, if we want support it starts with a transparent Police Department. We want you to know what we do so that you can make a determination on our delivery of service. It is all focused on a service to our community. We can't imagine you being able to evaluate the level of service we provide with no knowledge of what we do. This report is a tool to keep you informed about us.



Comings and Goings

These are the people that came, went and moved around during 2015

Joining:

- Communications Officer Candace Pozdolksi
- Communications Officer Vanessa Ahl

Promoted/Appointed:

- Sgt Eric Halverson promoted to Deputy Chief
- Officer Thomas Litwin appointed to Detective
- Officer Chris McNeary promoted to Sergeant



Pictured left: Deputy Chief Eric Halverson participating in HazMat training with the Regional Hazardous Materials Team.

Leaving:

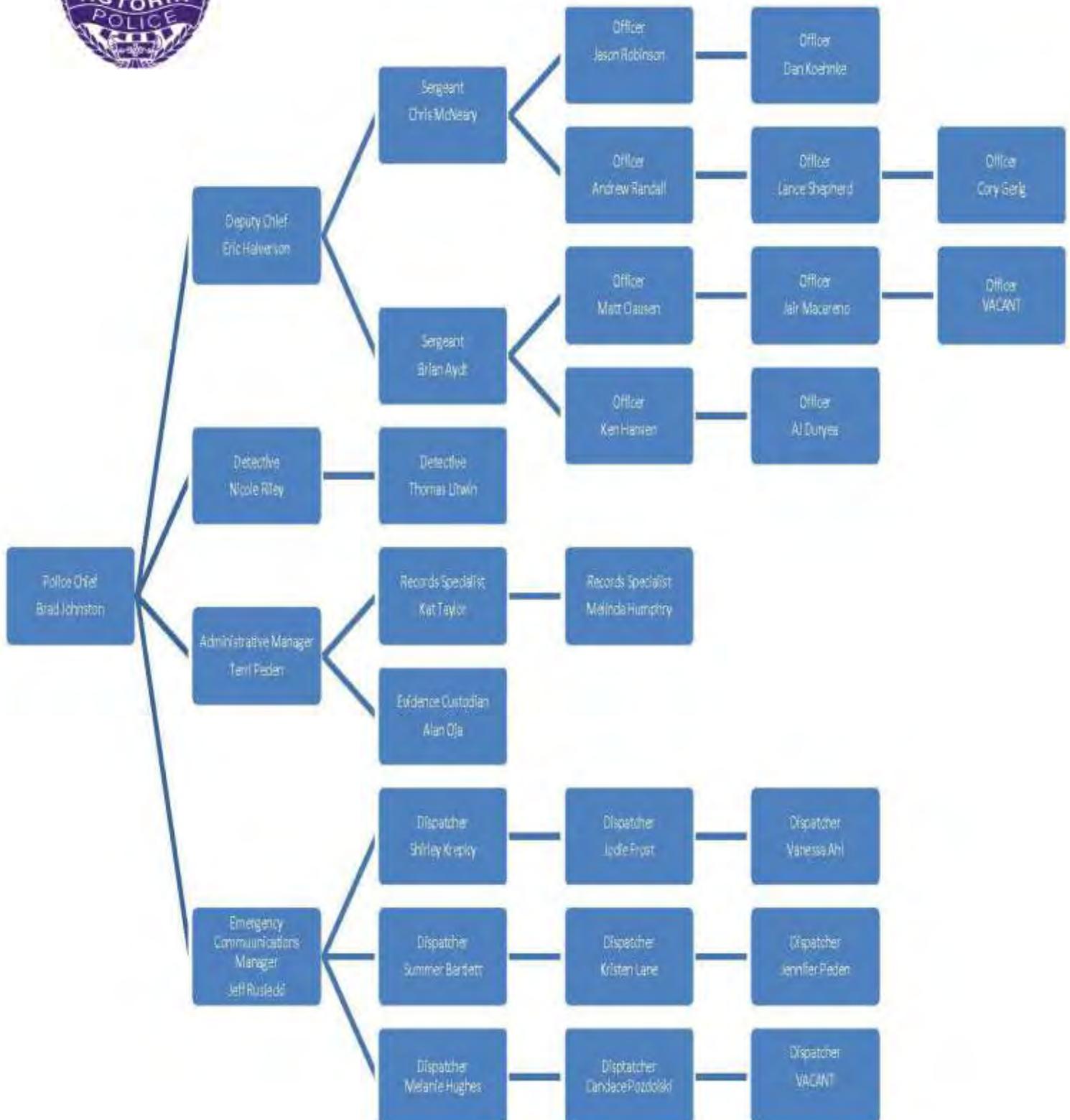
- Communications Officer Donna Galich
- Communications Officer Lani Williamson
- Reserve Officer Jim Pierce
- Reserve Officer Mike Stanton
- Reserve Officer John Hord



Pictured above: Sergeant McNeary and Chief Johnston waiting to take the oath of their new offices at an Astoria City Council Meeting.



Astoria Police Department Organizational Chart



Records Division

The Records Division consists of the Administrative Services Manager, one full-time Records Specialist and one part-time Records Specialist. The Records Division personnel have many duties in addition to processing cases. Some of these include data entry of traffic citations, completing attorney discoveries, serving and tracking subpoenas, fulfilling records requests and issuing taxi driver's licenses.



Pictured above are Records Specialists Kat Taylor and Melinda Humphrey.

Records has seen a substantial increase this year as compared to previous years. With an increase of over 700 cases (2014 had a total of 4297 and 2015 will end the year with nearly 5100) the trend is certainly upward. Since 2011 we will have seen over 1200 additional cases

to process. The Records Division also fulfills requests for copies of records. The Division sees an average of 35 requests a week for copies of records. An increase from 20 last year. These requests can be time consuming since each report must be reviewed to determine if there is information in reports that must be redacted. If redaction is required each case could take several hours to comply with each request.

Also part of the support services function is our Evidence Room (pictured right). Part of our 2012 remodel was a move away from stray shelves, gym baskets, lockers, and cabinets to a high density system that allowed us to consolidate the evidence room into a smaller footprint improving the organization of evidence.

The Department contracts with GovDeals.com to aid in the disposal of found and/or unclaimed property from the evidence room. This online auction website has clients from around the Nation auctioning surplus. If you are interested in picking up vehicles, bicycles, tools, jewelry, knives and electronics this is a site you should be checking out. Anyone is eligible to sign up as a bidder. You can check-out our current offerings at www.govdeals.com/astoriapd



Patrol

The Astoria Police Department Patrol Division, when it is fully staffed, is made up of 11 officers including two patrol sergeants who maintain a 24 hour a day, 365 day a year schedule. This year saw several staffing challenges due to both on the job and off the job illnesses and injuries which took several officers off the street for prolonged and overlapping periods of time. At one point there were only 7 sworn staff members in the agency to cover Patrol's two person minimum staffing schedule. This situation was identified as one of our most dire staffing challenges in the past 25 years. Despite these staffing challenges, we were able to maintain our minimum staffing with dedication and sacrifice on the part of all sworn members of the Police Department. Fortunately the majority of our Patrol Division is back to work.



Our Patrol Division is the backbone of the Police Department's operations for first response to calls for service. This year is on track to be one of the busiest years in our history for calls for service.

Case Highlight

Serial Burglar

Astoria Police investigated 18 burglary cases in 2015 that involved a single suspect, 33 year old Jesse Pitts. Officers first narrowed in on Pitts after locating an apology letter dubbing himself "The desperate squatter" at the scene of a burglary. The burglaries were not what police typically see. Pitts would break into or enter dwellings to steal food and hygiene items. He was believed to even have stayed in the basement of a residence while the homeowners carried on their normal activities, unbeknownst of the man in the basement. Several more of these burglaries with similar modus operandi occurred covering over 40 blocks of Astoria neighborhoods. At one point Pitts came face to face with an owner finding him in her basement. In another a 17 year old resident confronted him at the residence food pantry. Some victims initially did not report missing or moved items, thinking their memories had played tricks. Officer Clausen went door to door talking to neighbors within a couple block radius of a burglary to try and develop leads. A neighbor pointed out a vacation house. Officer Clausen did a perimeter check and found an unlocked slider door. He contacted the owners who were out of the area. They gave permission to search the house. During a search of the house it was apparent someone had recently been there. While searching the home, officers noticed insulation hanging below an attic door. Pitts was found hiding inside. A few weeks later Pitts was released and several similar burglaries occurred. Pitts, who was living in the urban forest was again located by officers and interviewed. During the interview Sergeant McNeary was able to obtain information linking Pitts to numerous burglaries.

Astoria Police Department Gets Cellebrite

It is no surprise to anyone that more and more people are using mobile devices, tablets and phones as part of their day to day lives, the same is true of the criminal element. Until recently local law enforcement agencies had to travel to the Northwest Regional Computer Forensic Laboratory (NWRFCFL) to process any mobile devices that were seized as evidence to process phones. This meant that there were long waits to process the evidence and that it was only done in limited cases. Many phones require the better part of a day to process this way and in some cases several devices were seized requiring multiple day trips to obtain the evidence.

These mini computers can divulge a wealth of information to investigators. After all, many people take pictures, access bank records and social media, text, instant message and email using this portable computer that they carry with them everywhere they go. Astoria Police only process these devices under consent or a valid search warrant.



The Astoria Police Department budgeted for the item and obtained it this year. After the purchase, grant funds were located that may reimburse for the purchase and allows for the use of the software by all agencies in the county. Detective Thomas Litwin attended a Certified Logical Operator and Physical Analyst Course that allows him to do in depth evaluations of the phones. Less in depth data can be obtained by other users.

Prior to obtaining this software and allowing us to use it locally, mobile devices were only processed in the most serious of cases. Now, mobile devices are much more likely to be processed in the search for additional evidence. In a single month local agencies including the Astoria Police Department, the Clatsop County Sheriff's Office, the Seaside Police Department and Warrenton Police Department, have processed 24 devices in cases ranging from drug charges to child sex abuse, sexual assault cases and death investigations.

Investigations

The Investigations Division at the Department currently has two detectives assigned. There was only a single detective assigned to the office until October 2014 when it was decided to deploy a second detective. The decision was made because the high volume of cases experienced over several years had become too much for a single detective. In 2015 our detectives handled over 200 investigations. Over the past year there has been high-profile investigations in Astoria that include the kidnapping of a 15 year old girl from California by a 48 year old male, two home invasion robberies, and two heroin overdose deaths.

Cases investigated by the detectives may include serious assaults, robberies, sexual assaults, missing persons, child abuse investigations, death investigations, fire investigations, and financial crimes. The Detective's Office will see the case through prosecution and works closely with the Clatsop County District Attorney's Office from the beginning of the case through resolution.

Patrol Officers will generally conduct the initial case interviews and forward the case to the detectives for further investigation and follow-up. A detective can be called out during the night or on weekends in a case where there is significant injury, an active threat of harm, or the case that has the potential to become a long term investigation.

The Investigations Division is currently part of the Clatsop County Major Crime Team and the Clatsop County Multi Disciplinary Child Abuse Team.

Featured Case

Home Invasion Robbery

In April 2015 Police responded to a residence in Astoria that was first reported as having two victims with gunshot wounds to the head. As officers were responding to the scene, other information was received that two armed males wearing bandanas over their faces entered the residence and assaulted the victims by deploying chemical spray and striking them with a baton and handgun. Officers were able to determine there were no gunshots fired during the incident, but victims did receive substantial injuries when they were struck with weapons.



Gun recovered in robbery suspect vehicle.

A suspect vehicle description was provided by witnesses, and the vehicle was observed shortly after by the Warrenton Police traveling on Highway 101 southbound but officers were not able to catch up to it. A Seaside Police Detective who was coming to Astoria to assist in the robbery investigation, observed the vehicle in the parking lot at a café in Warrenton. Three suspects were detained and interviewed at that time, but a fourth suspect had fled the area on foot prior to police arrival. At the time, investigators were still putting pieces of the puzzle together at the scene, and the three suspects that were contacted at the café were released. The suspect vehicle was impounded and transported to a secured garage where investigators served further search warrants for evidence.

Over the next several months, investigators were able to identify the suspects in the case and what

Investigations

Featured Case (Continued)



Expandable baton located in the suspect vehicle.

their roles in the crimes were. Three suspects cooperated with investigators and investigators were able to corroborate their stories with information already known. Kevin Morse, Tasha Van Dolah, and Amanda Preston all pled guilty to Robbery III and were sentenced to supervised probation with prison time if they do not complete their probation. Leticia Westfall was sentenced after she pled guilty to Hindering Prosecution and she received supervised probation. Joseph Armstrong admitted to being the masked intruder holding the handgun. Armstrong pled guilty and was sentenced to 70 months in prison. Anthony Lane was identified as one of the masked intruders who entered the residence. In December he was the final suspect to enter a plea. Lane pled guilty to two counts of Robbery II and received 70 months in prison.

This case is a great example of teamwork and how important it is to maintain working relationships with other agencies. We were assisted in the investigation by the Clatsop County Major Crime Team, Clatsop County District Attorney's Office, Tillamook County Sheriff's Office, and the US Marshals. DNA collected at the scene and on key pieces of evidence was processed by the Oregon State Police Forensics Laboratory in Portland, Oregon. This investigation took over 8 months, involved 16 written reports, 6 search warrants, 4 cellular devices downloaded and hundreds of hours reviewing case information and conducting follow-up interviews.



Coffee with a Cop

In 2015 the Astoria Police Department discovered a successful program for putting citizens together with police officers in a positive environment. There are no speeches and there is no agenda other than having an arena to meet over a cup of coffee.

Coffee with A Cop started in Hawthorne, California. The idea was to interact in a more positive light with the community. With new technology, the ways to interact with the public have further detached the police from the public they serve. Coffee with a Cop is a low tech solution to an ever increasing high tech problem.



Officer Nicole Riley talking to citizens at 3 Cups Coffee House at the first Coffee with a Cop

Coffee with a Cop (continued)



Not all the conversation is serious. Sergeant McNeary, Deputy Chief Halverson, Chaplain Gaidos, and Norma Hernandez pictured.

(Continued from page 10)

Hawthorne Police Department constructed a simple recipe to cook up some sweet interactions between cops and citizens. This gave birth to Coffee with a Cop.

In a little over three years, over 2000 communities are using this model in some form to build better relationships in their communities. The framework has even gone global, being used in Canada, Europe, Australia, and Africa. The prime element of Coffee with a Cop is the fact that the police and the public get to meet when they are not experiencing a crisis. There are no motives, other than providing a chance to meet in a neutral space.



The City of Astoria Police Department rolled out this program with its first Coffee with a Cop venture in July of 2015 at 3 Cups Coffee House. The program is spearheaded by Sergeant Chris McNeary who schedules and advertises the events then arranges for the officers to be there. The first event was enjoyed by both the officers and the citizens that attended.



Officer Dan Koehnke answering questions from a group of citizens at the December event at Coffee Girl

The second event took place in the beginning of December 2015 at Coffee Girl and was also well received. Astoria Police plan to continue this outreach in 2016, aiming for quarterly events. We have already begun looking at the next location, date, and time. We hope to vary the time, date and location enough that we provide additional opportunities for the public to meet their police officers, especially those who were not able to attend the first two events.

Citizen's Police Academy



In June and July of 2015 Astoria Police Department put on a Citizen's Police Academy. This year had 11 students participate in the academy. The academy met for 3 hours on Wednesdays for 5 weeks.

Students were given a wide variety of information regarding the operations of the Police Department and training that is given to all Astoria Police Officers. Students were taught by Astoria Police Department staff and only one officer was unable to be involved in the teaching of courses.

Students were given a tour of the Astoria Police Department, including dispatch and the Emergency Operations Center. They were shown how records are kept and the process for entry and storage of evidence. Students were also taken through the process from applying as a police officer, through mental and physical testing, background investigations, and the initial training process. They were given an updated account of the Department of Public Safety Standards and Training's basic police academy from the Department's newest officer.

With the large amount of media coverage regarding law enforcement's use of force, we covered this topic in many different forums. On one day students were able to spend one and a half hours learning about the firearms and ammunition that we use. They learned how to safely handle various guns and were allowed to shoot numerous firearms, if they wished. On this same day, students were given some instruction on the defensive tactics used by officers. Students were shown officer safety tactics and the reason why officers address situations in a certain way. Students were then given a presentation about the science behind human capabilities as it pertains to police officers use of force.

After these discussions, students were then given the opportunity to use a use of force simulator called MILO. Students were equipped with a duty belt that carried a special firearm, Taser, pepper spray, and flashlight. A video scenario was then played on a large screen that would react to the student's verbal commands and to their decisions to use, or not use, a force option. After each scenario the class had a discussion on the situation and on the decision to use or not to use force.

Students were then given a presentation by District Attorney Josh Marquis. He presented the class with some history of him and his office as well as how the legal process works for suspects, victims, law enforcement, and attorneys. They were then given a full tour of the Clatsop County Jail and the process an inmate goes through, from booking to being released.

(Continued on page 13)

The 2015 citizen police academy students were extremely involved. During every topic covered all students were very engaged. One question would lead to 4 or 5 more. The students wanted to be engaged in their learning and most topics steered away from a PowerPoint Presentation towards a discussion forum. It seemed that the students enjoyed this more and I know that presenters enjoy an engaged audience. Given the response from this year, we will be conducting another Citizen's Police Academy in 2016 with an expanded agenda to allow for even more discussion.



One of the best things that come from this class is the relationship built between every member of the Department and the students in the class. Everyone walks away with an understanding of what the other is seeing as they look at the work we do day in and day out.

Training

To help ensure that the officers that serve the City are well trained, officers are required to attend four quarterly trainings a year that are put on by the Department. During training the officers focus on a variety of skills and topics. Additionally officers train on firearms and use of force on a monthly basis.

When selecting the topics or skills that officers train on, we often choose the skills that they use on a day to day basis that will help keep both themselves and the public safe.

This year's training focused officers on a variety of topics, including emergency vehicle operations, which focuses on both normal and emergency driving situations. Most people don't think about this but driving is one of the skills that an officer will use every day and is an area where many officers are injured or killed each year.

Other skills focused on this year include: death investigations, child abuse investigations, officer safety topics, leadership, crisis intervention, communications, first aid/CPR, proper use of Stop Sticks (a tire deflation devices designed to slow/stop a fleeing vehicle), D.U.I.I. detection and updates on case law.

Throughout the year officers also attend classes that are taught away from the Department. Officers attended training in mobile device processing, defensive tactics, background investigations, child abuse investigations, interviewing, a detective academy, and one officer attended a training that has allowed him to become an instructor to teach standardized field sobriety testing.

Each officer is required to keep current on continuing education and the Astoria Police Department exceeds this requirement with every officer.



CERT (Community Emergency Response Team) is a part of the Citizen Corps program through the Federal Emergency Management Agency (FEMA). The program trains citizens to be prepared to take care of themselves, families, friends, neighbors and others in the event of a disaster until professional responders arrive. The CERT program contributes to the emergency response capabilities in a community when needed.

Training for CERT involves light search and rescue, fire safety and team organization. The team also learns ways to secure a home or workplace in a time of disaster.

Astoria CERT is a joint venture with Astoria Police and Fire Departments. All team members have been through a basic CERT academy. They are trained to support the missions of the Astoria Police and Fire Departments. The team leader is Officer Ken Hansen. Astoria CERT has 20 members. Members include retired community members, a registered nurse, a veterinarian, radio station manager, veterans advocate and several others.

Most team members are HAM radio operators, certified flaggers and are trained in CPR and first aid. The team

(Continued on page 15)

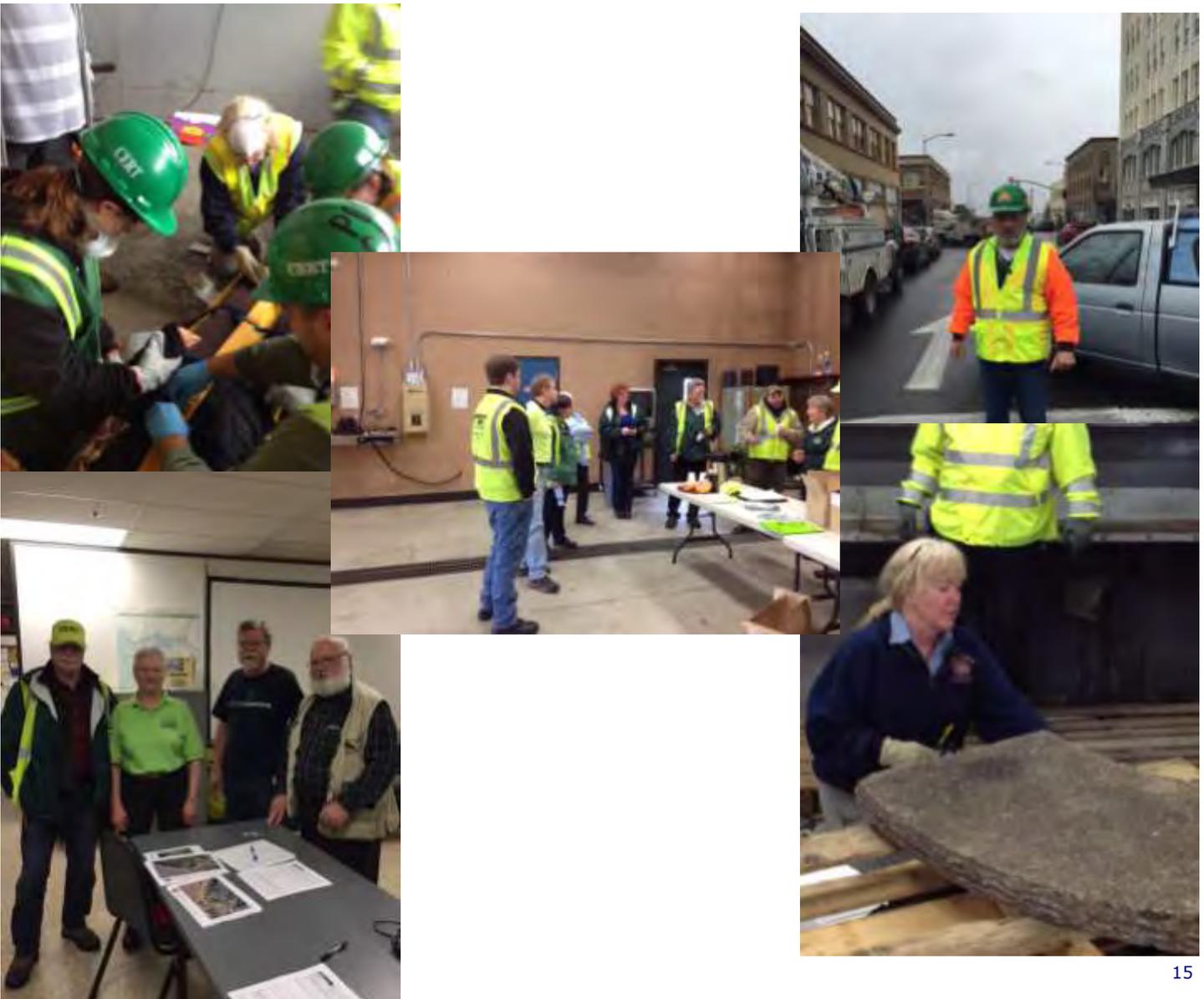


logged 601.5 volunteer hours this year, which included both training and missions. The team provided traffic control for the Crab Festival, the Goonies 30th Anniversary event, the Astoria Regatta parade and the fire in the basement of Gimre's shoes.

Astoria CERT participated in the instruction of 2 CERT academies. Some members also participated in a joint class with Clatsop County Search and Rescue regarding ground searches. Members participated in an event with Astoria Kiwanis that was designed to let community members know what organizations exist in the community and what they have to offer. The team also participated in the City of Astoria Service Fair and assisted the Police Department putting on an event called Safety City. Safety City is a program that promotes traffic and pedestrian safety to children.

In December 2015 Astoria CERT was activated along with Clatsop County Search and Rescue (SAR) to search for a missing Astoria resident. This was the first time that CERT and SAR deployed together.

In the coming year CERT is planning to administer the MAP TOUR NEIGHBORHOOD PROGRAM. CERT will also be preparing to present to groups on the topic of emergency preparedness and will be doing joint training with other agencies.



Dispatch

The City of Astoria provides dispatch services for 15 separate public safety agencies.

- Clatsop County Sheriff's Office
 - Astoria Police Department
 - Warrenton Police Department
 - Port of Astoria Security
 - Westport Fire and Rescue
 - Knappa, Svensen, Burnside RFPD*
 - John Day-Fernhill RFPD*
 - Astoria Fire and Rescue
 - Olney Walluski Fire and Rescue
 - Lewis and Clark RFPD*
 - Warrenton Fire
 - Warrenton RFPD*
 - USCG Airstation Fire
 - Elsie Vinemaple RFPD*
 - Oregon State Forestry
- *RFPD is a Rural Fire Protection District

The Astoria 9-1-1 Center had another busy year. On average we are seeing an annual increase County wide in calls for service these past several years. A call for service may begin as a 9-1-1 call though there are many other means by which we receive these requests. A vast majority of calls for service are Officer initiated, such as a Traffic Stop. Some calls may begin with a citizen coming in to the Police Department and others can be generated by Tele Type or radio. We keep very meticulous records relating to how calls are generated as well as types of calls. This information is then used for staffing and planning purposes.



Dispatch (Continued)

Personnel

No amount of technology or training can replace our highly skilled and caring Dispatchers. I would like to personally recognize and thank them all individually. They are truly amazing individuals:

Shirley – 25 years of service

Jodie – 14 years of service

Summer – 7 years of service

Kristen – 5 years of service

Jennifer – 4 years of service

Melanie – 3 years of service

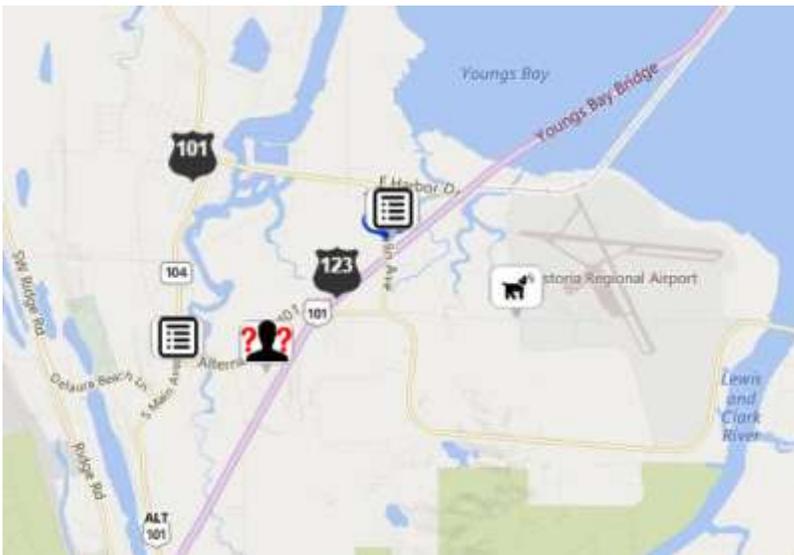
Candace – 2 years of service

Vanessa – 1 year of service

Our newest Dispatchers Candace and Vanessa bring a wealth of knowledge and experience from large dispatch centers in California. Candace comes to us from San Luis Obispo County Sheriffs Office and Vanessa from Kern County Sheriffs Office.



Dispatcher Jennifer Peden was presented with a notice of achievement by Chief Brad Johnston for her hard work and initiative. She is one of several dispatchers presented with awards in 2014



Technology

Improvements

All 9-1-1 Centers use technology to enhance and assist the Dispatchers with critical decision making. Astoria 9-1-1 is no different, in some respects we are ahead of many with our technological improvements. Working with our technology partners we now have an operational display for Dispatchers. In the above example the calls for service show as Icons or small pictures on the map (barking dog is an animal complaint) which have different meanings, and the available Officers

show as black badges. If an Officer is assigned to a call for service, his badge color changes to blue. With this information displayed the Dispatchers are able to quickly assess the current operations, including call load and the location of all Police and Deputies. In the police vehicles a similar display is available for the Officers to use, which allows them access to more information about a call, driving directions as well as showing them the location of all units in service.

Dispatch (Continued)

COMMUNICATIONS

With the need to communicate with our First Responders throughout the county we have a diverse and robust communications infrastructure. To accomplish this Dispatchers use eight different communication sites spread between Oregon and Washington.

Some sites are on mountain tops which offer great coverage for certain geographic areas and others are at ground level. Each site has been specifically designed to offer maximum coverage in often challenging mountainous environments which we live. Some sites called "Voting Sites" listen constantly for transmissions from people in the field. These sites are smart enough to then pass on the best quality transmission to the Dispatcher. We spend a fair amount of time and money maintaining these critical sites.



Commercial communications site at Tillamook Head south of Seaside. This site contains public safety communications gear as well as commercial providers.



TRAINING

In May Dispatch participated in a multi-agency training exercise which simulated a dangerous anhydrous ammonia leak from a tanker truck. This scenario is not an unexpected possibility given the number of commercial vehicles using our local roads and highways. An incident of this type, even during training, requires an enormous amount of logistical support from the Dispatch Center.

Astoria 9-1-1 also co-sponsored the 2015 Oregon Criminal Justice Information Security Workshop. This

(Continued on page 19)

Dispatch (Continued)



(Continued from page 18)

conference was held at the Seaside Convention Center and drew Public Safety Officials from Law Enforcement agencies, Dispatch Centers, Corrections, and others involved in support functions for criminal justice from Oregon and Washington.

We also hosted Public Safety Training Consultants, out of Red Wood City California to train local Dispatchers on methods of handling High-Risk calls as well as Customer Service for 9-1-1 Professionals. Both classes were well received by the 46 students in attendance from 15 different agencies.

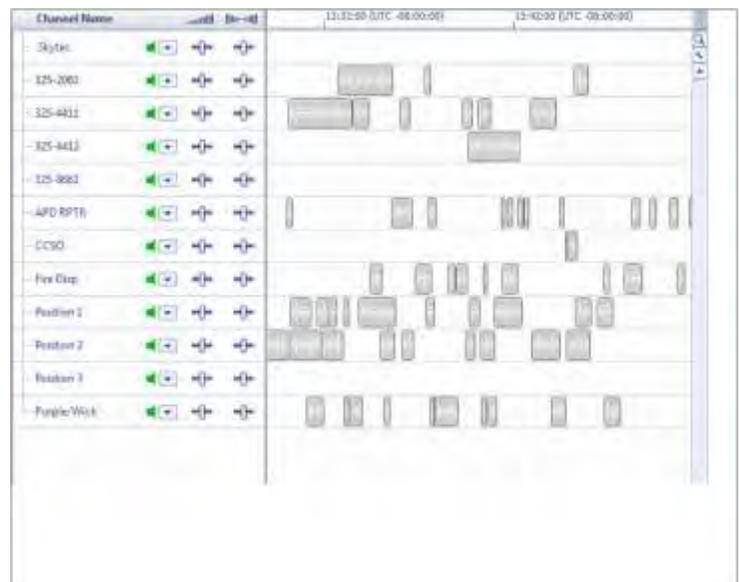
Between the thin red line and the thin blue line lies the thinnest gold line. This gold line represents those who rarely are seen but mostly heard. The calm voice in the dark night:

The golden glue that hold it all together. Dispatchers.

WHAT DOES A DISPATCHER DO?

To answer this we picked a day to look at. December 7th 2015, as another winter storm begins to come ashore. The picture below is a 10 minute snap-shot of activity during that afternoon. This picture is a screen shot of the digital logging recorder, which records all telephone and radio traffic to and from the Dispatch Center. In this example we have two Dispatchers (Position 1 & 2) taking 9-1-1 as well as non-emergency phone calls (6-911 lines and 5 non-emergency) and talking to Fire and Law Enforcement units on 5 different radio channels.

During this storm we had numerous trees and power lines blown down closing or obstructing numerous highways and streets. There were also several motor vehicle crashes related to the weather. The Dispatchers were dispatching various Police and Fire Departments, notifying Utility companies, County and City Public Works, ordering Tows for disabled vehicles, notifying ODOT of any highway closure or obstruction, and posting weather and road closure information on our website which also feeds the Astoria Police Facebook page. December the 7th resulted in 180 calls for service and over 220 9-1-1 and non-emergency phone calls answered in a 24 hour period.



Dispatch Statistics

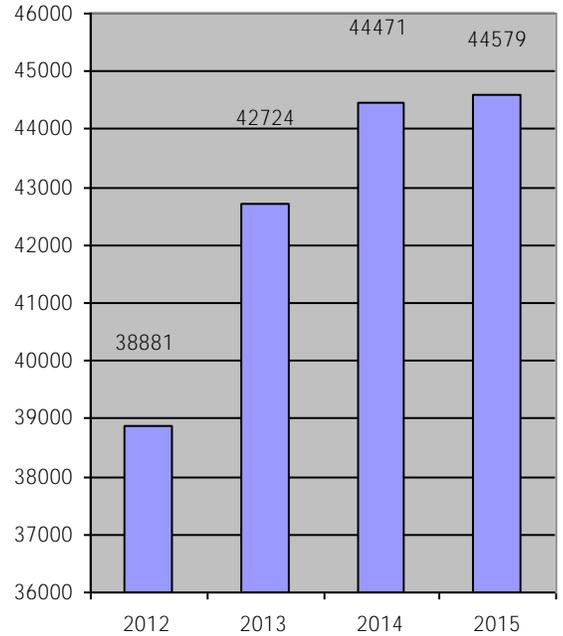
Calls for service

The Astoria Police Department provides dispatch services for several agencies. The metric for work volume is calls for service. A call for service is created every time a resource is dispatched or a person calls requesting information, response, or advice. It also is created by officers discovering things (self initiating).

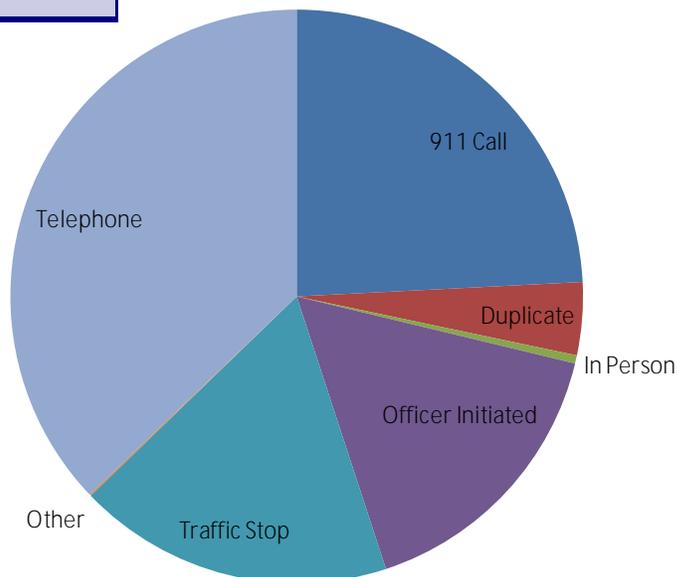
Calls for service is our best metric for determining the volume of work in the dispatch center. Others which include percentage of busy time on the phone lines and radio frequencies are more difficult to track. While the amount of self initiated activity is declining, (likely as a result of declines in discretionary time), the total call volume is increasing quickly.

Source	2012	2013	2014	2015
911 Call	9962	11329	11691	10782
Duplicate	1096	1522	1671	1833
In Person	54	104	135	205
Officer Initiated	4998	5548	6456	7220
Other	13	9	17	37
Radio	15	2	2	12
Telephone	13213	13823	15292	16563
Traffic Stop	9530	10387	9206	7927
Wire/TTY			1	
Grand Total	38881	42724	44471	44579

Calls for Service



2015 Calls for Service by Origin



Statistics

Astoria PD Calls for Service

While the previous page details why we use calls for service and shows the activity for all agencies dispatched by the Astoria Dispatch Center, this page details the calls for service requesting or initiated by members of the Astoria Police Department.

Source	2012	2013	2014	2015
911 Call	2527	2939	3122	2990
Duplicate	317	411	442	1639
In Person	47	76	98	166
Officer Initiated	1650	1811	1893	2264
Other	3	2	1	11
Radio	2	1		7
Telephone	5616	5673	6103	5973
Traffic Stop	3957	4351	3655	2369
Wire/TTY	6			
Grand Total	14119	15264	15316	15249

Call Type	2012	2013	2014	2015
Traffic Stop	2799	2845	2540	1787
OTHER ALL	1284	1115	1126	1498
HANGUP 911	963	1360	1451	1216
DISTURBANCE	985	1022	1052	1129
SUSP CIRCUMSTANCES	977	823	839	807
INTERVIEW, FIELD	611	667	612	736
PROPERTY CRIMES	659	641	554	690
TRAFFIC CITE	1005	1327	931	546
PHONE CONTACT	120	322	451	512
TRAFFIC COMPLAINT	344	449	504	503
ASSIST OTHER AGENCY	290	358	371	472
FOLLOW UP ENTRIES	135	205	336	468
DOG/ ANIMAL COMPLAINTS	262	289	359	402
TRAFFIC ROADS	455	395	322	359
PROPERTY FOUND	195	213	253	328
MOTOR VEH ACCIDENT	284	267	305	309
INFORMATION	505	354	444	285
MISCELLANEOUS	65	197	323	272
WARRANT ARREST	188	209	212	267
WELFARE CHECK	170	189	214	258
WARRANT INFORMATION	107	126	95	207
ABANDON/JUNK	142	156	150	207
DHS REFERRAL	135	149	148	201
TRESPASS	45	76	171	195
ALARM FALSE	181	162	174	186
FORGERY/FRAUD	58	111	144	163
MVA, HIT & RUN	97	97	119	132
SICK PERSON CARED FOR	52	44	89	115
PROPERTY LOST	96	110	109	114
ATTEMPT TO LOCATE	62	68	68	96
ASSIST RENDERED	79	115	104	80
UNAUTH ENTRY MV	64	51	42	78
MISSING PERSON	86	69	72	75
TRUCK INSPECTION	181	220	214	65
Assorted Other	438	463	418	491

ASTORIA PD CALL TYPES

When calls for service come in, Dispatchers categorize them in broad categories. These may change after the officer arrives and after further investigation, the call may become something completely different from its initial classification. The table at left includes information as categorized by the dispatcher. As an example of how this classification works, a call of a bar fight could start as a disturbance, upon investigation the officer could learn that a victim was assaulted. This would result in the investigation being classified as an assault, even though the initial call was a disturbance.

Some notable changes in 2015: Over the four years in this table the number of identified mental health issues officers have responded to (Sick Person Cared for) have doubled. Traffic stops and citations are down from previous years. This was expected since the officers directed time is increasing, self initiated activity is decreasing. Warrant entries and trespass complaints are also greatly increased. Finally, truck inspections have dropped along with the loss of federal pass through dollars that funded this focused enforcement effort.

Statistics

Astoria PD Calls for Service

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Citations

Nationwide, when surveyed, traffic violations are one of the most important police issues on the minds of most communities .

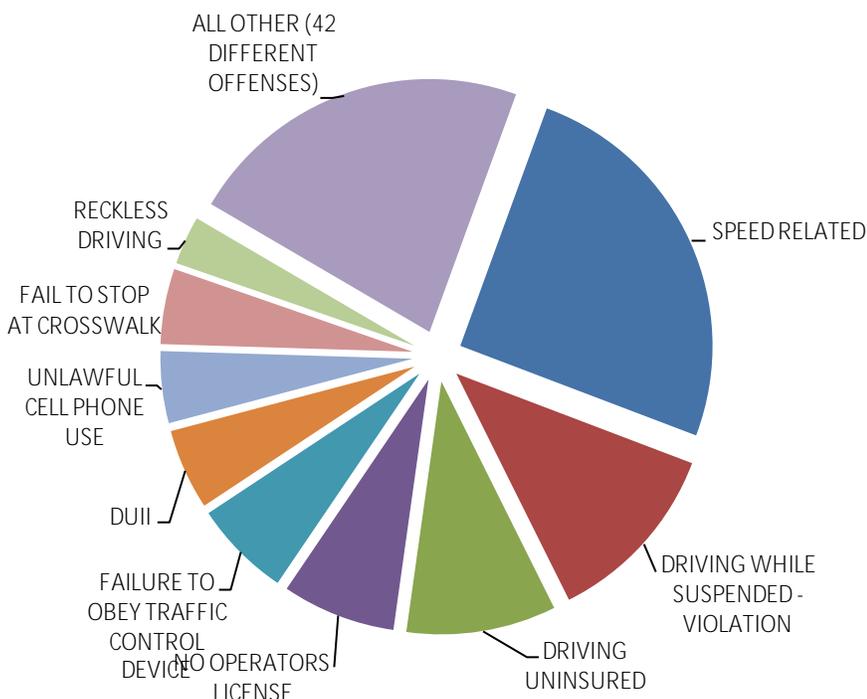
While the Astoria Police Department firmly believes that education and engineering are important to improving traffic safety, we also believe in enforcement.

Astoria Police do not have a dedicated traffic unit but instead ask officers to carry on traffic enforcement and education on a daily basis in conjunction with their other duties. This does two things. It empowers the officer who is handling other calls in the residential neighborhoods to deal with the issues in that neighborhood while he is there. It also means that all of our officers are contributing to the solution. Not

just one "traffic cop."

Citations are down as our dispatched incidents require more time to deal with and officers have less discretionary time.

In addition to being busier, we had several injuries and illnesses this year that caused vacancies. All totaled, we lost a full time position from Patrol this year to illness and injuries.

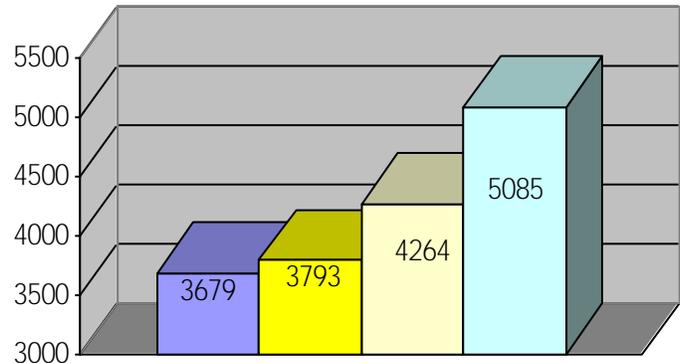


Total Citations		
2013	2014	2015
1294	1383	867

Statistics (Continued)

Calls for service frequently require no action on the part of the officer and no requirement to document what occurred, outside of the call. However, when something requires additional documentation the officer will write a case. As the cases table indicates, while the number of calls remained stable last year, things requiring more documentation increased significantly.

Astoria PD Cases



Police Officer Staffing

Staffing with Police Officers is a challenge for the Astoria Police Department. Our staffing rates have remained stable for many years, changing by one here and there as grants could be located. No matter how we slice it, we could use more bodies. In general, we have a two person staffing for Patrol. Our best staffing scenario increases to three on occasion but not regularly.

The number of "sworn" personnel per thousand is one measure of staffing levels. Astoria enjoys a 1.6 ratio here. Other similar or near agencies are indicated in the table at right.

Another indication for staffing would be calls per officer. Since we have dispatch data for all Clatsop County law enforcement agencies we know that data as well.

Looking at the Calls for service per officer it is apparent how this staffing level translates for the Astoria Police Officer. This year was also exacerbated by the fact that we have been unable to fill a position because of recruitment issues which are being noticed nationally as well. In addition to this position we have not been able to fill, we have lost another full time employee equivalent due to illness and injuries. Major medical injuries caused by an off duty car crash, an on duty shoulder injury requiring surgery, and a serious medical diagnosis totaled well over a year's wages paid for minimal return in labor. Those two positions are included in the 16 officers authorized.

Agency	Authorized Staffing	Population	Staffing/ 1,000 population
Cannon Beach	7	1695	4.1
Lincoln City	26	7930	3.3
Seaside	19	6476	2.9
Tillamook	13	5001	2.6
Warrenton	12	5135	2.3
Newport	21	9968	2.1
Gearhart	3	1467	2.0
Cottage Grove	17	8910	1.9
Florence	15	8507	1.8
Astoria	16	9516	1.6
Coos Bay	24	15650	1.5
National Avg		<10,000	2.3
National Avg		10,000— 24999	2

	Calls / Officer	Officers
APD	957.2	16
SPD	865.3	19
WPD	771.8	11
CCSO	661.2	22.5
CBPD	460.4	7
GPD	331.3	3

Statistics (Continued)

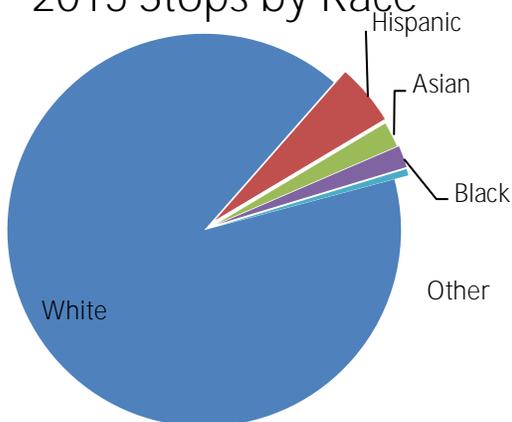
Racial Profiling Data

In 2009 the Astoria Police Department began collecting data related to racial profiling. We did not, and still do not, believe we have an issue related to racial profiling but knew that if we did not capture data we would never be able to have a factual discussion.

In addition to the perceived race of the driver, officers capture the reason for the stop (Traffic, BOLO, Etc), whether someone was searched, and what the result of the stop was. Data includes all stops initiated by police officers.

<i>Stops by Perceived Race</i>					
	2012	2013	2014	2015	Total
White	3747	4161	3421	2222	15093
Hispanic	221	230	189	122	878
Asian	47	70	56	51	230
Black	29	44	49	44	163
Middle Eastern/ East Indian	10	17	15	10	10
Native American/ Indian Alaskan	5	7	0	3	16

2015 Stops by Race



In other jurisdictions not only who gets stopped but what enforcement action they received has been questioned. Below is the enforcement action taken after the stop by perceived race over the last five calendar years. Other races are tracked but have contact numbers so low they were not included in the data.

Actions after Stop

Enforcement Action	Race						
	W	H	A	B	M	I	N
Warning	10994	624	192	134	40	4	9
Citation Issued	2783	212	38	33	3	1	1
Speed Warning	2750	135	49	20	9	3	2
Speed Citation	1458	85	32	17	16	1	1
Field Interview	946	62	2	21	4	0	2
Commercial Vehicle Inspection	534	4	0	1	0	0	0
DL Violation Cite	480	74	5	9	2	0	2
Safety Belt Warning	234	4	4	2	0	0	0
Safety Belt Citation	197	8	2	1	0	0	0
All Other	255	9	2	2	0	0	1



January 13, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: **PUBLIC WORKS PROJECT ACTIVITY STATUS REPORT**

The following are brief summaries of the status of Public Works major projects and/or activities:

TRANSPORTATION

Irving Avenue: 19th Street Bridge Replacement

- Irving Ave. reopened to traffic on October 29th
- Completion of final punch list items is underway

Waterfront Bridges Replacement Project

- Project includes street end bridge structures at 6th through 11th Streets
- OBEC Consulting Engineers was selected as the engineering consultant and the design effort is underway
- Construction is anticipated to span two winter seasons beginning Fall 2017

OR202: High School – Hanover Sidewalks (Astoria)

- The City is working with ODOT to finalize the funding agreement.
- Design consultant selection will begin in the spring.

23rd Street/Franklin Ave. Access Management Project

- The City is working with ODOT and Columbia Memorial Hospital (CMH) to finalize the funding agreement.
- CMH will be administering the construction contract.
- Construction is planned for early 2016

Pedestrian Safety Enhancements

- Street Lights at 33rd Street & Highway 30 – The ODOT IGA has been finalized and the project is in the preliminary design/coordination stage.
- Public Works staff is assisting Police staff on obtaining funding for a portable speed reader to be used for speed enforcement in problem areas.
- ODOT's preliminary scoping work on Downtown traffic signal upgrades (\$450,000 project budget) has begun and construction is anticipated to take place in 2016 when grant funds become available.

COMBINED SEWER OVERFLOW (CSO)

16th St. CSO Separation Project

- Construction on 14th St., 15th St., 17th St. and 18th St. is completed
- All construction on 16th St. was postponed until summer 2016 to avoid conflicts with the Clatsop Community College Patriot Hall Redevelopment Project

SEWER

Pump Station No. 1 Upgrades Project

- Preliminary design completed by Richwine Environmental
- Progressive Design Build contract awarded to Portland Engineering, Inc.
- Equipment procurement is scheduled to begin in February 2016
- Construction is scheduled for July 2016 due to funding, seasonal low flows through the pump station and procurement of long-lead time equipment

WATER

Bear Creek Dam Seismic Stability Study

- Phase 2 of the Bear Creek Dam Seismic Analysis Project budgeted at \$147,000 was not completed during the 2014/2015 fiscal year and is continuing into the current fiscal year.
- The consultant has determined that additional geotechnical work is required to complete the study. City Council has authorized the additional work for \$144,000 and has authorized acceptance of a grant from the Oregon Water Resources Department grant in the amount of \$72,000 to assist with half of the additional costs.
- The additional drilling and final report is planned to be complete by the end of the 2015/2016 fiscal year.

Slow Sand Filter

- Engineering and Operations staff is engaged in ongoing efforts to optimize cleaning operations and appropriate methods of algae control in order to extend the life of the filter sand.
- Preliminary planning for the next re-sanding project is underway. Re-sanding will be needed in about 1-2 years.

Spur 14 Water Line

- City staff is coordinating with CH2M to finalize the design for the improvements.
- A conditional use application has been submitted by the City and is currently being processed by the County.
- City staff will begin environmental permitting once the design is finalized.
- Construction is anticipated to take place in summer/fall of 2016.
- This project will provide a water source that will improve our ability to control water quality and manage our drinking water supply.

SANITATION

Landfill Closure

- Staff is continuing to work with the Oregon Department of Environmental Quality on post closure activities consisting of gas monitoring and groundwater monitoring. A final permit has been issued and staff is currently working on the final documents requirements for the site. One all operation manuals are complete, staff will continue with annual reporting as required for the term of the post closure period.

PUBLIC WORKS PLANNING

Advance Planning

- In the last update we stated that Public works staff was working on the development of a priority project list for the ODOT STIP 2018/2021 Funding cycle. ODOT had indicated that the funding will be very limited and has suggested that we limit our request to two projects. Staff has submitted the list and it includes the remaining Hwy 202 sidewalk segments as Priority #1 and the Williamsport Sidewalk Project as Priority 2. Due to the limited funding we do not anticipate the second project being funded.
- Staff had also applied for replacement of the Irving Avenue Bridge at 33rd Street back in July of 2015. The funds applied for are from the 2018/2021 Bridge STIP Program. These are the same funds that have paid for 90% of the replacement costs for all of our other bridges. Unfortunately we were informed on November 5th that we did not make the eligibility list. ODOT has told us that the next Bridge STIP Cycle (2022/2025) will most likely include an emphasis on timber bridges of the same vintage as our bridge. The bridge is in fair condition and staff is searching for funding opportunities to replace the guard railing and seal the deck. They are two deficiencies identified during our annual ODOT inspections that we have not had adequate funding to take care of.

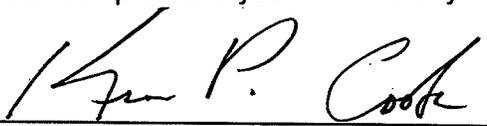
Asset Management

- Staff is continuing to research asset management tools such as specialized asset management computer software. Asset management programs can be defined as software that assists with managing infrastructure capital assets to minimize the total cost of owning, operating, and maintaining assets at acceptable levels of service. Staff is currently reviewing the feasibility of investing in the software with the understanding that the resources (costs and additional staff time) required to fully implement a system may not be available or practical for a city the size of Astoria. Our current pavement management system is an example of such a tool but it only addresses one asset, pavement. A fully implemented asset management system would allow staff to manage the diverse majority of our infrastructure assets.

Storm Damage to Columbia River Shoreline

- The City has submitted an Initial Damage Assessment Grant Application for Emergency Shoreline Erosion to Oregon Emergency Management (OEM) for approximately \$126,600 in damage that occurred along the Columbia River Shoreline during the storm event of December 8th – 12th. Based on initial conversations between the City Engineer and the OEM Public Assistance Officer, it appears that we are eligible but there are many steps to go through prior to being awarded an emergency repair grant for the damage. If awarded the grant, engineering staff would administer the contract and obtain the required permits for the work. If the grant is not received, we will need to evaluate available City funding and decide how much of the repair work we can complete this year with the City funds available.

Submitted By: _____


Ken P. Cook, Public Works Director



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

January 6, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: **PUMP STATION NO. 1 UPGRADES – PROGRESSIVE DESIGN BUILD CONTRACT AMENDMENT FOR EQUIPMENT PROCUREMENT**

DISCUSSION/ANALYSIS

The City of Astoria's wastewater treatment facility, interceptor and the main pump and lift stations were constructed in the mid-1970s. Pump Station No. 1 (PS#1) is the largest pump station in Astoria and is located in the Alderbrook neighborhood. This pump station receives approximately 95% of the City's combined sewage flows and, depending on the weather and the season, pumps between one and eighteen million gallons per day (MGD) to the City's wastewater treatment plant (WWTP).

PS#1 contains three wastewater pumps consisting of two variable speed 125 horsepower (hp) pumps and one fixed speed 75 hp pump. The system has provided reliable service for the past 40 years, but lacks peak efficiency. Replacement parts are no longer readily available and parts of the system have reached the end of their useful life. It is a credit to our wastewater treatment plant operators that this pump station has functioned for such an extended number of years.

On June 1, 2015, Council authorized Richwine Environmental to prepare a Concept Design Report for this project, which was completed in July. The report recommended a project scope that includes replacement of the pump's variable frequency drives (VFDs) and installation of a new control system at PS#1.

In September 2015, Council awarded Phase 1 of a Progressive Design Build contract for this project to Portland Engineering, Inc. (PEI). Phase 1 work included design and development of a lump sum price for installation of the equipment. PEI also prepared an installation schedule.

Upon evaluation of the existing conditions at PS#1 and the practicality of replacing select equipment, PEI recommended expanding the scope of the project to include replacement of the motor control center (MCC), installing a harmonic filter and replacing the variable frequency drive (VFD) to the third pump even though this pump's motor is not being replaced with this project. This expanded scope allows a better integration of new equipment with old and reduces the risk of incompatibility.

PEI evaluated the cost, feasibility and risk of winter installation and in collaboration with City staff is recommending summer installation when PS#1 pumps lower flows to the WWTP. During

installation, it will be necessary to have a backup system that can pump flows when the exiting control system is being upgraded. The type and size of the backup system is significantly larger for winter flows from the City's combined system versus the summer flows, resulting in an estimated \$9,000 increase in project cost for the temporary equipment should this work be done in the winter. Furthermore, the replacement motors are not a standard size, so manufacture and delivery could take up to 12 weeks for these parts. Therefore, the project team concluded that expedited winter construction is not feasible.

The increased cost of the project due to the expanded scope exceeds the approved budget for Fiscal Year (FY) 2015-16. Summer installation will allow the increased project cost to be distributed over two fiscal years with procurement of equipment and parts occurring in FY 2015-16 then installation, programming and training in FY 2016-17.

The project budget has increased from the preliminary estimate of \$225,000 to \$376,792 due to the expanded scope. This budget includes 7% contingency, which is less than a typical 10% contingency because the work is aboveground:

PROJECT BUDGET

Phase 1 Progressive Design Build	\$30,000
Phase 2 Equipment Purchase (FY 2015-16)	\$148,263
Phase 3 Installation (FY 2016-17)	\$166,529
Contingency (7%)	\$12,000
Construction Project Management	\$19,500
Electrical Permit	\$500
TOTAL	\$376,792

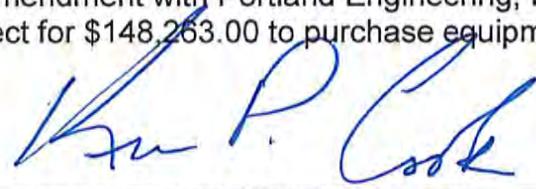
Energy Trust of Oregon has provided a grant incentive in the amount of up to \$72,940 for this project based on the results of a study that evaluated the energy consumption and economics related to upgrading the pump station in order to improve energy efficiency. The Energy Trust incentive is the maximum grant amount allowed for replacing the VFDs and installing a new control system. Keep in mind that the final incentive will be determined based on measured energy savings. An incentive offer has been executed with Energy Trust so eligible expenses can be incurred within the funding guidelines.

Funding for the Phase 2 contract amendment is available in the Public Works Improvement Fund for the current fiscal year. The contract amendment for Phase 3 will be presented to Council at the first meeting in FY 2016-17. Energy Trust of Oregon incentives will be received upon demonstration of project energy savings in FY 2016-17.

RECOMMENDATION

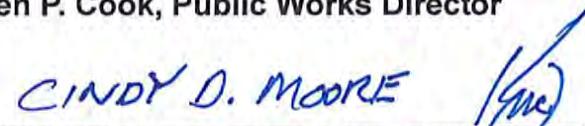
It is recommended that Council authorize a contract amendment with Portland Engineering, Inc. for Phase 2 of the Pump Station No. 1 Upgrades Project for \$148,263.00 to purchase equipment and parts.

Submitted By:



Ken P. Cook, Public Works Director

Prepared By:



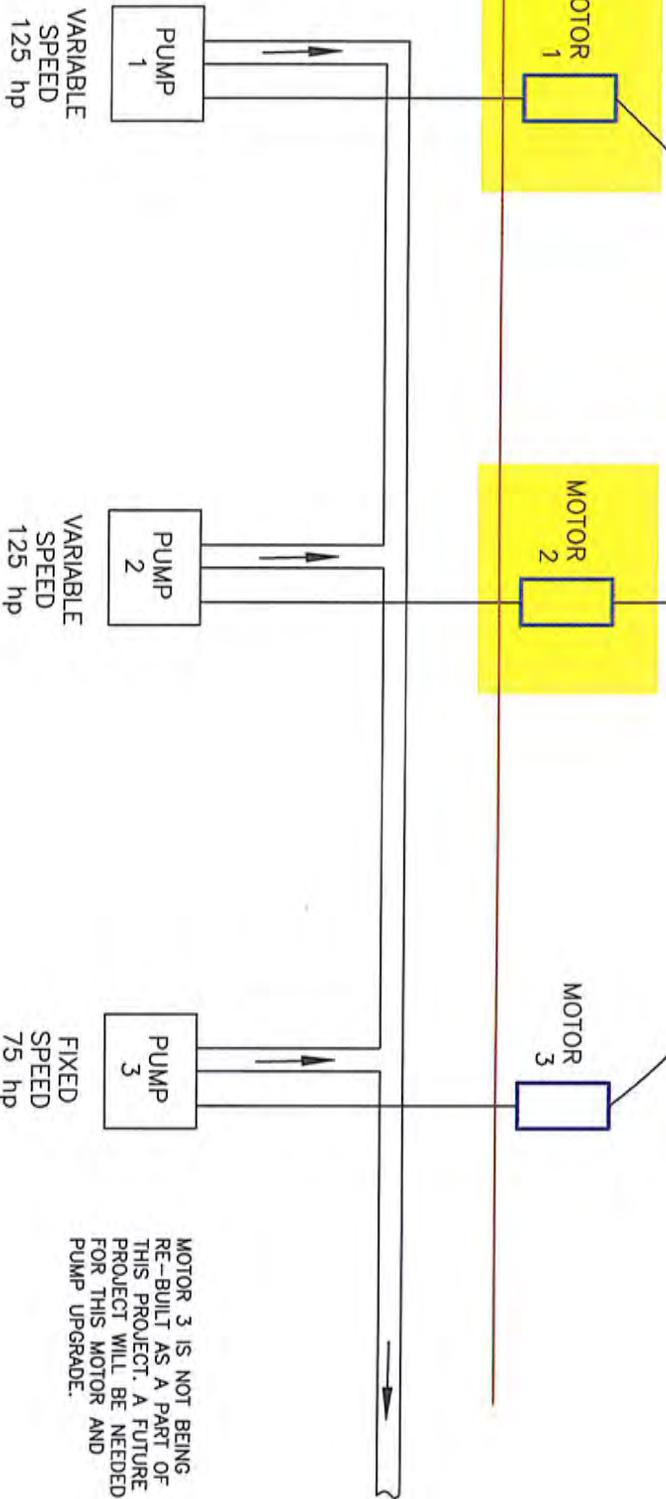
Cindy D. Moore, City Support Engineer

PS #1 UPGRADES
PROJECT INCLUDES
YELLOW HIGHLIGHTED
COMPONENTS

- MOTOR CONTROL CENTER (MCC)
- POWER DISTRIBUTION
 - MOTOR CONTROLS
 - CONTROL PANEL
 - NEW INSTRUMENTATION
- VARIABLE FREQUENCY
DRIVES (VFD)

PUMP STATION No.1 UPGRADES

SCHEMATIC



MOTOR 3 IS NOT BEING
RE-BUILT AS A PART OF
THIS PROJECT. A FUTURE
PROJECT WILL BE NEEDED
FOR THIS MOTOR AND
PUMP UPGRADE.



**CONTRACT AMENDMENT
BETWEEN
THE CITY OF ASTORIA AND PORTLAND ENGINEERING, INC.
FOR
PUMP STATION NO. 1 UPGRADES**

The PROGRESSIVE DESIGN/BUILD AGREEMENT dated September 9, 2015, by and between THE CITY OF ASTORIA, hereinafter called "THE CITY" and PORTLAND ENGINEERING, INC., hereinafter called "CONSULTANT", is hereby amended as follows:

Amend Scope of Services of the AGREEMENT to separate the remaining services into two separate phases. Phase II services will include services for permitting and for equipment procurement through June 30, 2016. Phase III services will include work for the period of July 1, 2016 through contract completion and will include installation, testing and training. (See attached scope and fee)

Amend ATTACHMENT B – COMPENSATION

Compensation for Services shall be amended to be a **Fixed Contract Price** per Attachment B, Section 3.0.

The compensation for Phase II Services shall be the fixed contract price of \$148,263.00 as provided in the 100% design documents at the conclusion of Phase I Services. Phase II Services are to be completed by June 30, 2016.

The compensation for Phase III Services shall be authorized through a separate contract amendment as a fixed contract price. Phase III Services are to be completed between July 1, 2016 and August 15, 2016.

The fixed contract price includes all services and conditions as well as the General Conditions specified in the original contract for:

**PROGRESSIVE DESIGN/BUILD AGREEMENT
FOR
CITY OF ASTORIA PUMP STATION NO. 1 UPGRADE PROJECT**

Amend ATTACHMENT C – SCHEDULE

Phase II and Phase III Services

The goal of this project is to complete the Phase III services prior to August 15, 2016. The project must be finalized prior to 210-days following Notice-to-Proceed.

IN WITNESS WHEREOF, THE CITY AND CONSULTANT have executed this AMENDMENT as of _____, 2016.

THE CITY OF ASTORIA a municipal corporation of the State of Oregon

CONSULTANT:
Portland Engineering, Inc.

BY: _____
Arline LaMear Date
Mayor

BY: _____
Consultant Date

BY: _____
Brett Estes Date
City Manager



Date: December 1, 2015

To: Cindy Moore, PE
City of Astoria

Dale Richwine, PE
Richwine Environmental

From: Carl Serpa, PE
Portland Engineering, Inc.

RE: 100% Phase 1 Design Document Delivery and GMP/Fixed Price Costing for Phase 2 Construction of the Astoria Pump Station #1 Upgrade.

Per the terms of PEI's Progressive Design/Build Contract with the City of Astoria for the Pump Station #1 Upgrade project, PEI is pleased to provide the following 100% Phase One Deliverables. The submitted 100% set reflects the City of Astoria's recent review comments on the 90% submitted set.

Design Notes:

- A Transient Voltage Surge Suppressor (TVSS) has been added to the MCC design.
- After a review of the MCC design with regards to station harmonic current, PEI does not recommend reducing the size of the harmonic filter. The design allows for the operation of all three pumps while still meeting IEEE 519 standard for harmonic current. Due to the location of the station near a residential area and unknown details of the power distribution system, it is not advisable to exceed the IEEE standard.

100% Complete Design Drawings for the Pump Station #1 upgrade that include:

- Basic site plans for site location and site data.
- Plan view layout for location of instruments, conduit and MCC.
- Electrical one line drawings.
- MCC elevation drawings and electrical schematics.
- Conduit and wire schedule.
- Control Panel design and wiring schematics.
- VFD and electrical component Bill of Materials.

Additionally Provided Phase 1 Documentation Includes:

- Control Narratives
- Pump motor model number and shaft connection materials list.
- Temporary MCC and control installation drawings and temp control narrative.
- Construction Schedule that reflects a field construction start date after July 1, 2016.
- Cost Weighted Schedule to reflect fiscal 2015/16 costs as well as 2016/17 costs.

- Phase 2 GMP/Fixed Costing -
 - PEI Engineering Cost Sheet
 - PEI Material Supply Cost Sheet
 - MCC NC Quotation
 - Team Electric Installation Labor and Materials Cost Sheet
 - Motor Supply Quotation

Based on the thorough understanding of the scope of work and detailed design PEI proposes a Fixed Cost project approach for Phase 2 completion.

Phase Two – Construction (Per PEI’s proposal and the Progressive Design Build Contract):

The construction phase will be led by PEI as the General Contractor. Team Electric will be the primary sub-contractor and account for the majority of the installation labor. Team’s on site supervisor will coordinate the day-to-day on site construction and supervise Team’s own sub-contractors as required. PEI will assign Jim Evans to manage the Phase Two of the project and would report to the City of Astoria on progress and prepare payment submittals. Construction meetings would take place on a regular basis to coordinate with the City of Astoria so that all risk is mitigated. Billing will be monthly based upon labor, costs and fees as agreed within the Fixed Cost contract.

The intent of a July 2016 construction period is to reduce both risk and cost. The plan for temporary controls and MCC would allow for minimal shutdown of the station (if any). Short duration manual pump operation may be necessary during cut-over to permanent controls as well as during startup and testing. One pump would be left on the old MCC while the new pump motor is installed and connected to a temporary Drive panel. Once connected the single new motor, pump and drive with controls would operate during the MCC replacement and second pump upgrade.

Safety:

Safety procedures are always reviewed during construction by Team Electric and PEI and both companies have outstanding safety records. A weekly construction meeting will always include specific safety issues, but a key to project safety is the day to day safety awareness that comes from utilizing experienced and trained staff and sub-contractors that understand that safety is the top priority. Prior to construction commencement at the Pump Station, the PEI/Team will work with the Owner to develop a project construction safety plan. This plan will include Owner’s commitment to safety and establish procedures for Owner’s operation of the pump station during construction to maintain Owner’s and Contractor’s safety.

Disposal of Existing MCC

Costs for disposing the metal components of the existing MCC and Pump Drives has been included within the costing, but abatement of any hazardous materials has been excluded. The City will need to budget for Owner’s contractor to perform abatement services on site of the de-energized equipment (if required). It is assumed that the existing equipment will have materials that will not be accepted at a

metal recycling facility. Once materials are abated from the equipment, PEI will arrange recycling and or disposal of the MCC.

System Startup and Commissioning:

Testing documentation will be developed prior to Startup and Commissioning and will be reviewed and approved by Owner. Training will be completed both during the startup and commissioning phase along with dedicated training per an approved training agenda.

Phase Two Deliverables

- Coordination with the City during City and County Permit Review.
- Quality construction that meets the design.
- Temporary controls and pumping that allows for nearly full operation during construction. Temporary pumping is planned for one pump operation during the month of July when anticipated flows will be low. Station shutdown of 1 hour or less may be required to transition from utility power to temporary panel.
- Construction completed with safety being the highest goal.
- Startup and commissioning that is planned and coordinated with the Owner to allow for Owner's acceptance.
- Billing that is clear and meets the contract needs of the City.
- Communication between the City and PEI/Team during the course of construction and through completion.

Astoria Pump Station #1 - Phase I Services

Project Design					
100% Project Design					
Item	Description		Qty	Unit Cost	Total
1	PEI Design Services		1	\$ 30,000	\$ 30,000
				Design Subtotal	\$ 30,000

Completed

Astoria Pump Station #1 - Phase II Services

Project Procurement					
Procurement Only of two Motors for Pumps 1 & 2 and new MCC and three VFDs					
Item	Description	Type	Qty	Unit Cost	Total
1	Harmonic Filters	included with MCC	1		\$ -
2	125HP VFDs	included with MCC	3		\$ -
3	125HP Motors	Quote	2	\$ 11,863	\$ 23,727
4	Fusing	included with MCC	1		\$ -
5	MCC Panels	Quote	1	\$ 102,028	\$ 102,028
6	Control Panel	Quote	1	\$ 9,156	\$ 9,156
12	Engineering	Quote	1	\$ 4,800	\$ 4,800
13	General Requirements-Project Management	Quote	1	\$ 1,492	\$ 1,492
15	Contractor Fee	5%	1		\$ 7,060
				Equipment and Materials Subtotal	\$ 148,263

Fiscal 2016 - Contract Amendment

Astoria Pump Station #1 - Phase III Services

Project Installation and Startup					
Installation and Startup Services					
Item	Description	Type	Qty	Unit Cost	Total
7	Level Sensors and Floats	Quote	1	\$ 2,768	\$ 2,768
8	Cable and Conduit for panel and sensor installation	Quote	1	\$ 950	\$ 950
9	Mechanical Installation	Quote			\$ -
10	Electrical Installation/Temp MCC/Motor Installation	Quote	1	\$ 134,389	\$ 134,452
	Less 1 temporary 125 HP VFD		1	\$ (9,000)	\$ (9,000)
11	Labor for Level sensor and panel installation	included with elect install	1		\$ -
12	Engineering and Control System Startup	Quote	1	\$ 25,644	\$ 25,644
				Installation and Labor	\$ 154,814
13	General Requirements-Project Management	Quote	1	\$ 3,788	\$ 3,788
14	Contractor Mark Up and Sub	Quote	1		\$ -
15	Contractor Fee	5%	1		\$ 7,927
				Contractor Management, Overhead and Profit Subtotals	\$ 11,715
				Phase III Project Cost	\$ 166,529

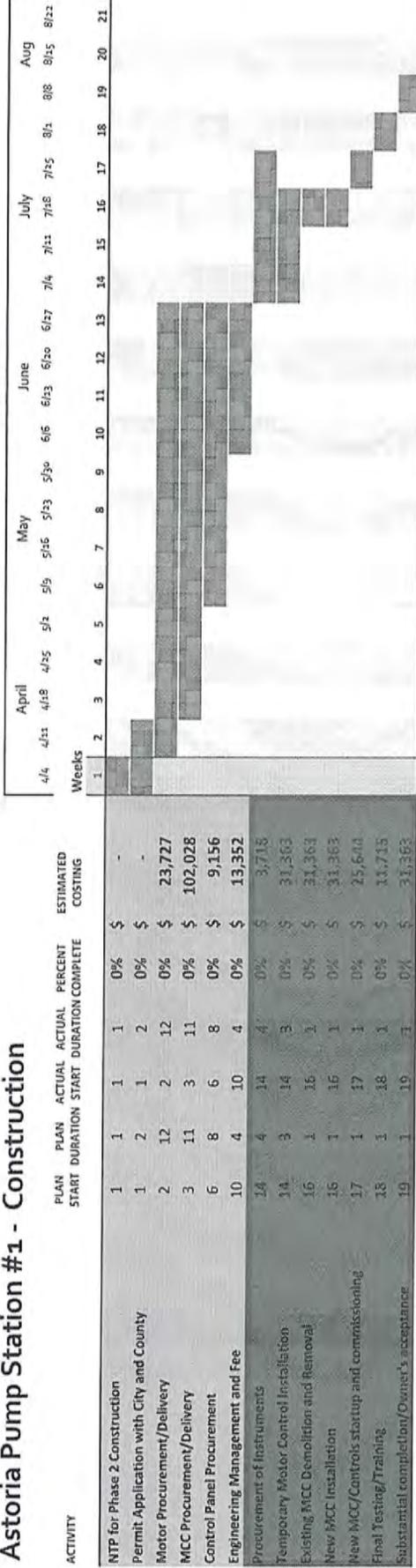
Future Fiscal 2017 - Contract Amendment

				Total Project Cost	\$ 344,792
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Astoria Pump Station #1 - Construction

2016



Design Service \$ 30,000 (completed)
 Fiscal 2015/16 \$ 148,763
 Fiscal 2016/17 \$ 166,579
 Total Project \$ 344,792

Period Highlight: 1

Plan
 Actual (beyond plan)
 % Complete (beyond plan)

January 8, 2016

To: All Cities

Subject: Surface Transportation Program (STP)
2016 Fund Program

DEPARTMENT OF
TRANSPORTATION
ACTIVE TRANSPORTATION SECTION
Program and Funding Services
(503) 986-3755

Please find attached the summary showing the calendar year 2016 STP fund allocations for cities. The STP allocation is based on the current AOC/LOC Working Agreement #28906 including all current amendments and is calculated from the Federal Fiscal Year (FFY) 2015 funds.

Before the distribution of STP funds to each city/MPO, \$163,072.00 was deducted to finance the LOC Senior Staff position, \$25,000 was deducted to fund the Oregon Technology Transfer (T2) Center, and \$140,000 was deducted to fund LOC's portion of the Local Program Support positions.

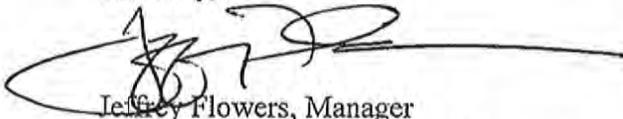
The ODOT fund exchange option is available for the current year. The exchange rate will be 94 cents state funds for every \$1 federal funds that is exchanged.

For those cities/MPOs that will not participate in the ODOT fund exchange program, the STP funds must be used as federal funds on a federal aid project. This means you will need to work with your Region Local Agency Liaison (see attached directory) to ensure the project is amended into the STIP. Also, please ensure that all federal requirements are being met, such as the Environmental Impact Statement, and that all funding including the match has been worked out prior to commencement of the project.

All cities must notify ODOT by September 30, 2016 how they plan to use their STP allocation (exchange for state funds, use as federal funds on a federal aid project, or a combination of the two).

If you have any questions, please contact LOC, your Local Agency Liaison, or myself.

Sincerely,



Jeffrey Flowers, Manager
Program and Funding Services
Active Transportation Section

Attachments

CC: All Local Agency Liaisons
All STIP Coordinators
Craig Honeyman, LOC
All MPOs



ALLOCATION FROM FEDERAL FISCAL YEAR 2015
URBAN AREAS
SURFACE TRANSPORTATION PROGRAM FUND ALLOCATION

Nonattributable Funds to Balance of State		\$10,871,450
Less LOC Contribution to ODOT for Local Program Support positions		(\$140,000)
Less funds for LOC Senior Staff Assoc.		(\$163,072)
Less T2 Center		(\$25,000)
	Total	\$10,543,378 **

<u>MPO Areas (50K - 200K pop)</u>	<u>Federal Population *</u>	<u>Percent of Total</u>	<u>Fund Allocation</u>
Bend	91,361	9.59%	\$1,011,290
Corvallis	64,980	6.82%	\$719,274
Medford	160,082	16.81%	\$1,771,974
Rainier	1,905	0.20%	\$21,087
Albany	60,284	6.33%	\$667,293
Grants Pass	51,958	5.45%	\$575,132
Milton-Freewater	7,060	0.74%	\$78,148
42 Smaller Urban Areas	514,870	54.05%	\$5,699,180
Total	952,500	100.00%	\$10,543,380 **

* Population figures from 2014 PSU estimates for MPOs and Cities.

**Any difference due to rounding

**STP ALLOCATION FROM FEDERAL FISCAL YEAR 2015
(URBAN AREAS (5,000 - 50,000 POPULATION))**

<u>URBAN AREA</u>	<u>POPULATION ***</u>	<u>PERCENT OF TOTAL</u>	<u>FEDERAL FUNDS</u>	
ALBANY		0.00%	\$0	1
ASTORIA	9,590	1.86%	\$106,153	2
BAKER CITY	9,890	1.92%	\$109,474	3
BROOKINGS	6,535	1.27%	\$72,337	4
CANBY	16,010	3.11%	\$177,217	5
COOS BAY	16,315	3.17%	\$180,593	6
COTTAGE GROVE	9,840	1.91%	\$108,921	7
CRESWELL	5,075	0.99%	\$66,176	8
DALLAS	14,940	2.90%	\$165,373	10
FLORENCE	8,565	1.66%	\$94,807	11
GRANTS PASS		0.00%	\$0	12
HERMISTON	17,345	3.37%	\$191,995	13
HOOD RIVER	7,545	1.47%	\$83,517	14
INDEPENDENCE	8,605	1.67%	\$95,250	15
JUNCTION CITY	5,620	1.09%	\$62,209	16
KLAMATH FALLS	21,500	4.18%	\$237,987	17
LA GRANDE	13,150	2.55%	\$145,559	18
LEBANON	15,740	3.06%	\$174,229	19
LINCOLN CITY	8,400	1.63%	\$92,981	20
MADRAS	6,260	1.22%	\$69,293	21
MCMINNVILLE	32,705	6.35%	\$362,017	22
MILTON-FREEWATER		0.00%	\$0	23
MOLALLA	8,820	1.71%	\$97,630	24
MONMOUTH	9,620	1.87%	\$106,485	25
NEWBERG	22,765	4.42%	\$251,989	26
NEWPORT	10,095	1.96%	\$111,743	27
NORTH BEND	9,730	1.89%	\$107,703	28
ONTARIO	11,465	2.23%	\$126,908	29
PENDLETON	16,700	3.24%	\$184,855	30
PRINEVILLE	9,385	1.82%	\$103,884	31
REDMOND	26,770	5.20%	\$296,321	32
ROSEBURG	22,510	4.37%	\$249,167	33
SANDY	10,170	1.98%	\$112,573	34
SCAPPOOSE	6,700	1.30%	\$74,163	35
SEASIDE	6,560	1.27%	\$72,614	36
SHERIDAN	6,225	1.21%	\$68,906	37
SILVERTON	9,460	1.84%	\$104,714	38
ST. HELENS	12,990	2.52%	\$143,788	39
STAYTON	7,700	1.50%	\$85,233	40
SUTHERLIN	7,945	1.54%	\$87,945	41
SWEET HOME	9,060	1.76%	\$100,287	42
THE DALLES	14,480	2.81%	\$160,281	43
UMATILLA	7,050	1.37%	\$78,038	44
WARRENTON	5,175	1.01%	\$57,283	45
WINSTON	5,410	1.05%	\$59,884	46
WOODBURN	24,455	4.75%	\$270,696	47
TOTAL	514,870	100.00%	\$5,699,180	

STP FUND EXCHANGE PROGRAM LOCAL AGENCY LIAISONS

REGION 1

Justin Shoemaker	Justin.D.SHOEMAKER@odot.state.or.us	503-731-8486
Mahasti Hastings	Mahasti.V.HASTINGS@odot.state.or.us	503-731-8595
Michele Thom	Michele.R.THOM@odot.state.or.us	503-731-8279
Tom Weatherford	Thomas.L.WEATHERFORD@odot.state.or.us	503-731-8238
Bret Richards	Bret.N.RICHARDS@odot.state.or.us	503-731-8288
Natividad Sherman	Natividad.A.SHERMAN@odot.state.or.us	503-731-8463
Matthew Novak (Program Assistant)	Matthew.C.NOVAK@odot.state.or.us	503-731-3247
David Arena	David.ARENA@odot.state.or.us	503-731-8276
Reem Khaki	Reem.D.KHAKI@odot.state.or.us	503-731-8501
Sam Hunaidi	Sam.H.Hunaidi@odot.state.or.us	503-731-8472

REGION 2

Lee Cronemiller	Lee.M.CRONEMILLER@odot.state.or.us	503-986-2779
John Johnson	John.W.JOHNSON@odot.state.or.us	503-986-5834
Ted Keasey	Ted.W.KEASEY@odot.state.or.us	503-986-6903
John Huestis	John.HUESTIS@odot.state.or.us	503-986-2702
William Jablonski	William.R.JABLONSKI@odot.state.or.us	503-325-7222
Mark Foster	Mark.A.FOSTER@odot.state.or.us	503-931-0915
Brennan Burbank	Brennan.S.BURBANK@odot.state.or.us	503-986-2650
Jeff Lange	Jeffrey.R.LANGE@odot.state.or.us	541-747-1302
Tony Snyder	Tony.R.SNYDER@odot.state.or.us	503-986-2692

REGION 3

Scott Adams	Scott.ADAMS@odot.state.or.us	541-957-3636
Kelli Sparkman	Kelli.Sparkman@odot.state.or.us	541-774-6383
Jeanette Denn	Jeanette.M.DENN@odot.state.or.us	541-957-3508

REGION 4

Cari Charlton	Cari.CHARLTON@odot.state.or.us	541-388-6047
Darrell Newton	Darrell.R.NEWTON@odot.state.or.us	541-388-6272

REGION 5

Michael Barry	Michael.P.BARRY@odot.state.or.us	541-963-1353
Sean Maloney	Sean.MALONEY@odot.state.or.us	541-823-4025
Ken Patterson	Kenneth.E.PATTERSON@odot.state.or.us	541-963-1365
Kari Sprenger	Kari.L.SPRENGER@odot.state.or.us	541-963-1364



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

January 8, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: *Be* BRETT ESTES, CITY MANAGER

SUBJECT: **OR202 SIDEWALK PROJECT – LOCAL AGENCY AGREEMENT**

DISCUSSION/ANALYSIS

ODOT, through the Multimodal Transportation Enhance Program (MTEP), is providing funding for pedestrian improvements between Astoria High School and Hanover Street. The project includes new sidewalk, bike lane, drainage facilities, and associated retaining walls on the north side of OR202. The total estimated project cost is \$2,500,000. ODOT will be providing \$2,243,250 in funding and the City will be responsible for a 10.27% match of \$256,750. Preliminary engineering design for the project is anticipated to start this summer, with construction starting by early 2018.

The City will need to execute the attached Local Agency Agreement in order to start the consultant selection process and begin preliminary project engineering. The City Attorney has reviewed the agreement and has approved it as to form. The City's contribution will come from the ODOT Surface Transportation Program (STP) funds.

The City recently applied for additional funding to complete pedestrian improvements adjacent to the project described above through ODOT's Enhance Proposal process. If funded, these additional improvements will be included in the 2018-2021 State Transportation Improvement Program (STIP). This next phase of the project, if funded, will complete a continuous pedestrian route around the peninsula from 45th Street near the Alderbrook neighborhood to 7th Street past the Old Young's Bay Bridge

RECOMMENDATION

It is recommended that Council approve the Local Agency Agreement with ODOT for the OR202 Sidewalk Project.

Submitted By: *Ken P. Cook*
Ken P. Cook, Public Works Director

Prepared By: *NATHAN CRATER* *(Signature)*
Nathan Crater, Assistant City Engineer

LOCAL AGENCY AGREEMENT
MULTIMODAL TRANSPORTATION ENHANCE PROGRAM (MTEP)
OR202: HIGH SCHOOL TO HANOVER STREET, SIDEWALKS (ASTORIA)
City of Astoria

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" and the CITY OF ASTORIA, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statutes (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
2. Oregon Route 202 (OR 202) (Nehalem Highway) is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC). Hanover Street is a part of the city street system under the jurisdiction and control of Agency.

NOW THEREFORE the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

DEFINITIONS

1. "Contract Award" (construction projects) means the issuance of a Notice to Proceed (NTP) to the construction contractor.
2. "Contract Time" means amount of time for completing the bid item work under the contract.
3. "Establishment Period" means the time specified to assure satisfactory establishment and growth of planted materials.
4. "Final Acceptance" means written confirmation by Agency and State that the project has been completed according to the contract, with the exception of latent defects and warranty obligations, if any, and has been accepted.
5. "Final Payment" means the amount of final payment will be the difference between the total amount due the contractor and the sum of all payments previously made. All prior partial estimates and payments shall be subject to correction in the final estimate and payment.
6. "Funding Ratio" means the relationship between MTEP funds and Total Project Cost and

Other Funds and the Total Project Cost. This ratio is established at the time the Agreement is executed and does not change during the course of the project. The ratio governs the obligation of MTEP funds at the time of construction/consultant award or Project Closeout.

7. "Match" means the minimum amount State or Agency must contribute to match the federal aid funding portion of the project.
8. "MTEP" means Multimodal Transportation Enhance Program and may be funded by a combination of federal and state funds.
9. "Obligation" means Federal Highway Administration (FHWA) approval that allows a specific phase of a project to commence with spending that can be reimbursed with federal funds.
10. "Other Funds" means other funding required to complete the project including but not limited to state, federal, and agency funds.
11. "Project Completion" means Final Acceptance of the project, Final Payment to the contractor has been made by the State, and project documentation is completed per the *ODOT Construction Manual*.
12. "Project Overruns" means the final cost estimate at Contract Award exceeds the estimated Total Project Cost estimate in this Agreement, or the final actual project costs exceeds the final cost estimate at Contract Award.
13. "Project Underrun" means the final cost estimate at Contract Award is below the estimated Total Project Cost in this Agreement, or the final actual project costs are below the final cost estimate at Contract Award.
14. "Project Closeout" means project is ready to close as there are no more expenditures associated with project.
15. "Second Notification" means written acknowledgment by the Engineer of the end of Contract Time in accordance with ODOT Standard Specification 000180.50(g).
16. "Third Notification" means written acknowledgment by the Engineer, subject to Final Acceptance, that as of the date of the notification the contractor has completed the Project according to the contract, including without limitation completion of all minor corrective work, equipment and plant removal, site clean-up, and submittal of all certifications, bills, forms and documents required under the contract.
17. "Total Project Cost" means the estimated amount as shown in this Agreement. This amount will include MTEP funds, local matching funds, and other funds as required to complete the project as stated in this Agreement.

TERMS OF AGREEMENT

1. Under such authority, Agency and State agree to design and construct a sidewalk and bike

lane along a 0.4 mile segment of OR 202, hereinafter referred to as "Project." The Project includes retaining walls and drainage from Astoria High School east to Hanover Street. The location of the Project is as shown on the sketch map attached hereto, marked "Exhibit A," and by this reference made a part hereof.

2. The Project shall be conducted as a part of the Multimodal Transportation Enhance Program (MTEP) with funds provided under Title 23, United States Code and may include a combination of federal and state funds. The Total Project Cost is estimated at \$2,500,000, which is subject to change. MTEP federal and state funding for this Project shall be limited to \$2,243,250. Agency shall be responsible for all remaining costs, including the 10.27 percent match for all MTEP eligible costs, any non-participating costs, and all costs in excess of the available federal or state funds.
3. The Funding Ratio for this Project is 89.73% of MTEP funds to 10.27% Agency funds and applies to Project Underruns. The Funding Ratio does not apply in the case of Project Overruns.
4. If, at the time of Contract Award or Project Closeout, the Project Underruns the estimated Total Project Cost in this Agreement, MTEP funding and Other Funds will be obligated proportionally based on the Funding Ratio. Any unused MTEP funds, will be retained by State, and will not be available for use by Agency for this Agreement or any other projects.
5. Project Overruns which occur at the time of Contract Award, or at the time of Project Closeout is the responsibility of the Agency.
6. Project decisions regarding design standards, design exceptions, utility relocation expenses, right of way needs, preliminary engineering charges, construction engineering charges, and Contract Change Orders as applicable shall be mutually agreed upon between Agency and State, as these decisions may impact the Total Project Cost. However, State may award a construction contract at ten (10) % over engineer estimate without prior approval of Agency.
7. The scope, schedule, progress report requirements, and Project Change Request process are described in "Exhibit B," attached hereto and by this reference made a part hereof. Agency agrees to the conditions set forth in Exhibit B.
8. State will submit the requests for federal funding to FHWA. The federal funding for this Project is contingent upon approval of each funding request by FHWA. Any work performed prior to acceptance by FHWA or outside the scope of work will be considered nonparticipating and paid for at Agency expense.
9. State considers Agency a subrecipient of the federal funds it receives as reimbursement under this Agreement. The Catalog of Federal Domestic Assistance (CFDA) number and title for this Project is 20.205, Highway Planning and Construction.
10. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten (10) calendar years

following the date all required signatures are obtained, whichever is sooner.

11. Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the Parties that State shall in all instances, except for Claims arising solely from the negligent or willful acts or omissions of State, be indemnified by the contractor and subcontractor from and against any and all Claims.
12. Any such indemnification shall also provide that neither Agency's contractor and subcontractor nor any attorney engaged by Agency's contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at any time at its election assume its own defense and settlement in the event that it determines that Agency's contractor is prohibited from defending the State of Oregon, or that Agency's contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against Agency's contractor if the State of Oregon elects to assume its own defense.
13. This Agreement may be terminated by mutual written consent of both Parties.
14. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.

- e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.
15. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
16. a. Information required by 2 CFR 200.331(a), except for (xiii) Indirect cost rate, shall be contained in the USDOT FHWA Federal Aid Project Agreement for this Project, a copy of which shall be provided by State to Agency with the Notice to Proceed.
 - b. The indirect cost rate for this Project at the time the Agreement is written is zero percent.
17. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are by this reference made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The Parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this Agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.
18. Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to the FHWA, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
19. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
20. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
21. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
22. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. In the event of conflict, the body of this Agreement and the attached Exhibits will control over Project application and documents provided by Agency to

State. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

23. State's contact for this Agreement is Bill Jablonski, Local Agency Liaison, ODOT Area 1, 350 West Marine Drive, Astoria, OR 97103-6206, Phone: (503) 338-7334, Email:william.r.jablonski@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

24. Agency's contact for this Project is Astoria City Council, 1095 Duane Astoria Dr., Astoria, OR 97103, Phone:(503) 338-5173, Email:jharrington@astoria.or.us, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2015-2018 Statewide Transportation Improvement Program (STIP), (Key #18735) that was adopted by the Oregon Transportation Commission on December 18, 2014 (or subsequently by amendment to the STIP).

Signature Page to Follow

CITY OF ASTORIA, by and through its
elected officials

By _____

Title _____

Date _____

By _____

Title _____

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By  _____
Agency Counsel

Digitally signed by
com.apple.ssm.applet.prd.A9317566476d4a380754144546593
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c=us, o=com.apple.ssm.applet.prd.A9317566476d4a380754144546593,
cn=74423546773d3d
Date: 2015.12.22.19:49:28 -0800

Date _____

Agency Contact:

Jeff Harrington, P.E.
City Engineer
City of Astoria
1095 Duane Street
Astoria, OR 97103
Phone:(503) 338-5173
Email:jharrington@astoria.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____

Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____

Region 2 Manager

Date _____

By _____

Region 2 Planning and Development
Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date _____

State Contact:

Bill Jablonski, Local Agency Liaison
350 W Marine Dr
Astoria, OR 97103-6206
Phone(503) 338-7334
Email:william.r.jablonski@odot.state.or.us

EXHIBIT A



EXHIBIT B

Project Cost Estimate, Progress Reports and Project Change Request Process

Agreement No. 30928

Key Number: 18735

Project Name: OR202: HIGH SCHOOL TO HANOVER STREET, SIDEWALKS (ASTORIA)

1. Project Description and Deliverables

Design and construct 6 (six) foot sidewalks, dedicated 6 (six) foot (minimum) adjacent bike lane, new retaining walls, and drainage facilities on OR 202 from Astoria High School east to Hanover Street (0.4 miles). Additional segments along OR 202 may be constructed in future phases.

2. This Project is subject to progress reporting and project change process as stated below.
3. **Monthly Progress Reports (MPR)** - Agency shall submit monthly progress reports using MPR Form 734-2935, incorporated by reference and made a part of this Agreement. The MPR is due by the 5th day of each month, starting the first month after execution of this Agreement, and continuing through the first month after State issues Project Acceptance (Second Note) for the Project's construction contract.

The fillable MPR form and its instructions are available at the following web site:

[http://www.oregon.gov/ODOT/TD/AT/Pages/Forms Applications.aspx](http://www.oregon.gov/ODOT/TD/AT/Pages/Forms_Applications.aspx)

4. **Project Milestones** – The Parties agree that the dates shown in Table 1 constitute the intended schedule for advancing and completing the Project. Project Milestones may only be changed through amendment of this Agreement, after obtaining an approved Project Change Request.

Table 1: Project Milestones – Construction Project

	Milestone Description	Completion Date
1	Obligation (Federal Authorization) of federal funds for the Preliminary Engineering phase of the Project	3/30/2016
2	Obligation (Federal Authorization) of federal funds for the Right of Way phase of the Project	3/30/2017
3	Obligation (Federal Authorization) of federal funds for the Construction phase of the Project	4/30/2018

5. Requirements for Construction Projects

- a. **Second Notification** – Upon completion of on-site work Second Notification shall be issued. Second Notification is further defined in the Definitions Section of this Agreement. The anticipated and actual date for issuance of Second Notification shall be reported in the required monthly report as described in paragraph 3, above.

b. **Third Notification** – Issuance of Third Notification must be received within 120 days from the issuance of Second Notification as stated above with the exception of any Establishment Period noted in the construction contract or any remaining responsibilities of the contractor. If Third Notification is not issued within the required timeframe, Consequences for Non-Performance, paragraph 8 below may apply.

6. **Project Change Request (PCR) Process** - Agency must obtain approval from State's Contact for changes to the Project's scope, schedule, or budget as specified in paragraphs 6a, 6b and 6c, below. Agency shall be fully responsible for all costs that occur outside the established Project scope, schedule or budget and prior to an approved PCR. Amendments to this Agreement are required for all approved PCRs.

a. **Scope** - A PCR is required for any significant change or reduction in the scope of work described in the Project Description (paragraph 1 of this Exhibit).

b. **Schedule** – A PCR is required if Agency or State's contact anticipate that any Project Milestone will be delayed by more than ninety (90) days, and also for any change in schedule that will require amendment of the Statewide Transportation Improvement Program (STIP).

c. **Budget** – Total Project Cost and approved funds for the Project are controlled by Terms of Agreement, paragraph 2 of this Agreement.

7. **PCR Form** - Agency must submit all change requests using PCR Form 734-2936, attached by reference and made a part of this Agreement. The PCR Form is due no later than thirty (30) days after the need for change becomes known to Agency. The PCR shall explain what change is being requested, the reasons for the change, and any efforts to mitigate the change. A PCR may be rejected at the discretion of State's Area Manager.

The fillable PCR form and its instructions are available at the following web site:
http://www.oregon.gov/ODOT/TD/AT/Pages/Forms_Applications.aspx

8. **Consequence for Non-Performance** - If Agency fails to fulfill its obligations in paragraphs 3 through 7 above, or does not assist in advancing the Project or perform tasks that the Agency is responsible for under the Project Milestones, State's course of action through the duration of Agency's default may include: (a) restricting Agency consideration for future funds awarded through State's managed funding programs, (b) withdrawing unused Project funds, and (c) terminating this Agreement as stated in Terms of Agreement, paragraph 14 of this Agreement. State may also choose to invoice Agency for expenses incurred by State for staff time to assist in completion of the final Project documentation and issuance of Third Notification.

**ATTACHMENT NO. 1 to Agreement No. 30928
SPECIAL PROVISIONS**

1. Agency, or the consultant, shall conduct the necessary field surveys, environmental studies, traffic investigations, foundation explorations, hydraulic studies, assist State with acquisition of necessary right of way and easements; obtain all required permits and arrange for all utility relocations/adjustments.
2. Upon State's award of the construction contract, Agency, or the consultant, shall be responsible for all required materials testing and quality documentation; and prepare necessary documentation with State-qualified personnel, to allow State to make all contractor payments. Contract administration, construction engineering and inspection will follow the most current version of the *ODOT Construction Manual* and the *ODOT Inspector's Manual*.
3. Agency guarantees the availability of Agency funding in an amount required to fully fund Agency's share of the Project.
4. State may make available the State's On-Call Preliminary Engineering (PE), Design and Construction Engineering Services consultant for Local Agency Projects upon written request. If Agency chooses to use said services, Agency agrees to manage the work performed by the Consultant and reimburse State for payment of any Consultant costs that are not eligible as MTEP participating costs or that are not included as part of the total cost of the Project.
5. State will perform work throughout the duration of the Project and shall provide a preliminary estimate of State costs for this work. Prior to the start of each Project phase State shall provide an updated estimate of State costs for that phase. Such phases generally consist of Preliminary Engineering, Right of Way, Utility, and Construction. Agency understands that State's costs are estimates only and agrees to reimburse State for actual cost incurred per this Agreement.
6. State and Agency agree that the useful life of this Project is defined as 20 years.
7. Agency shall obtain a miscellaneous permit to occupy State right of way through the State District 1 Office prior to the commencement of construction.
8. State grants authority to Agency to enter upon State right of way for the construction of this Project as provided for in miscellaneous permit to be issued by State District 1 Office.
9. If Agency fails to meet the requirements of this Agreement or the underlying federal regulations, State may withhold the Agency's proportional share of Highway Fund distribution necessary to reimburse State for costs incurred by such Agency breach. Agency will be ineligible to receive or apply for any Title 23, United States Code funds until State receives full reimbursement of the costs incurred.

ATTACHMENT NO. 2 FEDERAL STANDARD PROVISIONS

PROJECT ADMINISTRATION

1. State (ODOT) is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this Project, and Agency (i.e. county, city, unit of local government, or other state agency) hereby agrees that State shall have full authority to carry out this administration. If requested by Agency or if deemed necessary by State in order to meet its obligations to FHWA, State will act for Agency in other matters pertaining to the Project. Prior to taking such action, State will confer with Agency concerning actions necessary to meet federal obligations. State or its consultant, with Agency involvement shall, if necessary, appoint and direct the activities of a Citizen's Advisory Committee and/or Technical Advisory Committee, conduct a hearing and recommend the preferred alternative. State and Agency shall each assign a person in responsible charge "liaison" to coordinate activities and assure that the interests of both Parties are considered during all phases of the Project.
2. Any project that uses federal funds in project development is subject to plans, specifications and estimates (PS&E) review and approval by FHWA or State acting on behalf of FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.
3. State will provide or secure services to perform plans, specifications and estimates (PS&E), construction contract advertisement, bid, award, contractor payments and contract administration. A State-approved consultant may be used to perform preliminary engineering, right of way and construction engineering services.

PROJECT FUNDING REQUEST

4. State shall submit a separate written Project funding request to FHWA requesting approval of federal-aid participation for each project phase including a) Program Development (Planning), b) Preliminary Engineering (National Environmental Policy Act - NEPA, Permitting and Project Design), c) Right of Way Acquisition, d) Utilities, and e) Construction (Construction Advertising, Bid and Award). Any work performed prior to FHWA's approval of each funding request will be considered nonparticipating and paid for at Agency expense. State, the consultant or Agency shall not proceed on any activity in which federal-aid participation is desired until such written approval for each corresponding phase is obtained by State. State shall notify Agency in writing when authorization to proceed has been received from FHWA. All work and records of such work shall be in conformance with FHWA rules and regulations.

FINANCE

5. Federal funds shall be applied toward Project costs at the current federal-aid matching ratio, unless otherwise agreed and allowable by law. Agency shall be responsible for the entire match amount for the federal funds and any portion of the Project, which is not covered by federal funding, unless otherwise agreed to and specified in the intergovernmental Agreement (Project Agreement). Agency must obtain written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement. If federal funds are used, State will specify the Catalog of Federal Domestic Assistance (CFDA) number in the Project Agreement. State will also determine and clearly state in the Project Agreement if recipient is a subrecipient or vendor, using criteria 2 CFR 200.330.

City of Astoria/ODOT
Agreement No. 30928

6. If the estimated cost exceeds the total matched federal funds available, Agency shall deposit its share of the required matching funds, plus 100 percent of all costs in excess of the total matched federal funds. Agency shall pay one hundred (100) percent of the cost of any item in which FHWA will not participate. If Agency has not repaid any non-participating cost, future allocations of federal funds or allocations of State Highway Trust Funds to Agency may be withheld to pay the non-participating costs. If State approves processes, procedures, or contract administration outside the Local Agency Guidelines Manual that result in items being declared non-participating by FHWA, such items deemed non-participating will be negotiated between Agency and State.
7. Agency agrees that costs incurred by State and Agency for services performed in connection with any phase of the Project shall be charged to the Project, unless otherwise mutually agreed upon by the Parties.
8. Agency's estimated share and advance deposit.
 - a) Agency shall, prior to commencement of the preliminary engineering and/or right of way acquisition phases, deposit with State its estimated share of each phase. Exception may be made in the case of projects where Agency has written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.
 - b) Agency's construction phase deposit shall be one hundred ten (110) percent of Agency's share of the engineer's estimate and shall be received prior to award of the construction contract. Any additional balance of the deposit, based on the actual bid must be received within forty-five (45) days of receipt of written notification by State of the final amount due, unless the contract is cancelled. Any balance of a cash deposit in excess of amount needed, based on the actual bid, will be refunded within forty-five (45) days of receipt by State of the Project sponsor's written request.
 - c) Pursuant to Oregon Revised Statutes (ORS) 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option where a deposit is made in the Local Government Investment Pool), and an Irrevocable Limited Power of Attorney is sent to State's Active Transportation Section, Funding and Program Services Unit, or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State, or 3) cash.
9. If Agency makes a written request for the cancellation of a federal-aid project; Agency shall bear one hundred (100) percent of all costs incurred as of the date of cancellation. If State was the sole cause of the cancellation, State shall bear one hundred (100) percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of State or Agency, Agency shall bear all costs, whether incurred by State or Agency, either directly or through contract services, and State shall bear any State administrative costs incurred. After settlement of payments, State shall deliver surveys, maps, field notes, and all other data to Agency.
10. Agency shall follow the requirements stated in the Single Audit Act. Agencies expending \$500,000 or more in Federal funds (from all sources) in its fiscal year beginning prior to December 26, 2014, shall have a single organization-wide audit conducted in accordance with the Single Audit Act of 1984, PL 98-502 as amended by PL 104-156 and subject to the requirements of 49 CFR Parts 18 and 19. Agencies expending \$750,000 or more in federal funds (from all sources) in a fiscal year beginning on or after December 26, 2014 shall have a single organization-wide audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Agencies

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expending less than \$500,000 in Federal funds in a fiscal year beginning prior to December 26, 2014, or less than \$750,000 in a fiscal year beginning on or after that date, is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials based on the records retention period identified in the Project Agreement. The cost of this audit can be partially prorated to the federal program.

11. Agency shall make additional deposits, as needed, upon request from State. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete the Project.
12. Agency shall present invoices for one hundred (100) percent of actual costs incurred by Agency on behalf of the Project directly to State's Liaison for review, approval and reimbursement to Agency. Costs will be reimbursed consistent with federal funding provisions and the Project Agreement. Such invoices shall identify the Project by the name of the Project Agreement, reference the Project Agreement number, and shall itemize and explain all expenses for which reimbursement is claimed. Invoices shall be presented for periods of not less than one-month duration, based on actual expenses to date. All invoices received from Agency must be approved by State's Liaison prior to payment. Agency's actual costs eligible for federal-aid or State participation shall be those allowable under the provisions of the Federal-Aid Policy Guide (FAPG), Title 23 CFR parts 1.11, 140 and 710. Final invoices shall be submitted to State for processing within forty-five (45) days from the end of each funding phase as follows: a) preliminary engineering, which ends at the award date of construction b) last payment for right of way acquisition and c) contract completion for construction. Partial billing (progress payment) shall be submitted to State within forty-five (45) days from date that costs are incurred. Invoices submitted after 45 days may not be eligible for reimbursement by FHWA. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to the Project Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period ending on the later of six (6) years following the date of final voucher to FHWA or after resolution of any disputes under the Project Agreement. Copies of such records and accounts shall be made available upon request. For real property and equipment, the retention period starts from the date of disposition (2 CFR 200.333(c)).
13. Agency shall, upon State's written request for reimbursement in accordance with Title 23, CFR part 630.112(c) 1 and 2, as directed by FHWA, reimburse State for federal-aid funds distributed to Agency if any of the following events occur:
 - a) Right of way acquisition is not undertaken or actual construction is not started by the close of the twentieth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized for right of way acquisition. Agency may submit a written request to State's Liaison for a time extension beyond the twenty (20) year limit with no repayment of federal funds and State will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.
 - b) Right of way acquisition or actual construction of the facility for which preliminary engineering is undertaken is not started by the close of the tenth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized. Agency may submit a written request to State's Liaison for a time extension beyond the ten (10) year limit with no repayment of federal funds and State will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.

14. State shall, on behalf of Agency, maintain all Project documentation in keeping with State and FHWA standards and specifications. This shall include, but is not limited to, daily work records, quantity documentation, material invoices and quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that the Project is completed in conformance with approved plans and specifications.
15. State shall submit all claims for federal-aid participation to FHWA in the normal manner and compile accurate cost accounting records. State shall pay all reimbursable costs of the Project. Agency may request a statement of costs-to-date at any time by submitting a written request. When the actual total cost of the Project has been computed, State shall furnish Agency with an itemized statement of final costs. Agency shall pay an amount which, when added to said advance deposit and federal reimbursement payment, will equal one hundred (100) percent of the final total actual cost. Any portion of deposits made in excess of the final total costs of the Project, minus federal reimbursement, shall be released to Agency. The actual cost of services provided by State will be charged to the Project expenditure account(s) and will be included in the total cost of the Project.

STANDARDS

16. Agency and State agree that minimum design standards on all local agency jurisdictional roadway or street projects on the National Highway System (NHS) and projects on the non-NHS shall be the American Association of State Highway and Transportation Officials (AASHTO) standards and be in accordance with State's Oregon Bicycle & Pedestrian Design Guide (current version). State or the consultant shall use either AASHTO's A Policy on Geometric Design of Highways and Streets (current version) or State's Resurfacing, Restoration and Rehabilitation (3R) design standards for 3R projects. State or the consultant may use AASHTO for vertical clearance requirements on Agency's jurisdictional roadways or streets.
17. Agency agrees that if the Project is on the Oregon State Highway System or State-owned facility, that design standards shall be in compliance with standards specified in the current ODOT Highway Design Manual and related references. Construction plans for such projects shall be in conformance with standard practices of State and all specifications shall be in substantial compliance with the most current Oregon Standard Specifications for Highway Construction and current Contract Plans Development Guide.
18. State and Agency agree that for all projects on the Oregon State Highway System or State-owned facility any design element that does not meet ODOT Highway Design Manual design standards must be justified and documented by means of a design exception. State and Agency further agrees that for all projects on the NHS, regardless of funding source; any design element that does not meet AASHTO standards must be justified and documented by means of a design exception. State shall review any design exceptions on the Oregon State Highway System and retains authority for their approval. FHWA shall review any design exceptions for projects subject to Focused Federal Oversight and retains authority for their approval.
19. Agency agrees all traffic control devices and traffic management plans shall meet the requirements of the current edition of the Manual on Uniform Traffic Control Devices and Oregon Supplement as adopted in Oregon Administrative Rule (OAR) 734-020-0005. State or the consultant shall, on behalf of Agency, obtain the approval of the State Traffic Engineer prior to the design and construction of any traffic signal, or illumination to be installed on a state highway pursuant to OAR 734-020-0430.

20. The standard unit of measurement for all aspects of the Project shall be English Units. All Project documents and products shall be in English. This includes, but is not limited to, right of way, environmental documents, plans and specifications, and utilities.

PRELIMINARY & CONSTRUCTION ENGINEERING

21. Preliminary engineering and construction engineering may be performed by either a) State, b) State-approved consultant, or c) certified agency. Engineering work will be monitored by State or certified agency to ensure conformance with FHWA rules and regulations. Project plans, specifications and cost estimates shall be performed by either a) State, b) State-approved consultant or c) certified agency. State shall review and approve Project plans, specifications and cost estimates. State shall, at project expense, review, process and approve, or submit for approval to the federal regulators, all environmental statements. State shall, offer Agency the opportunity to review and approve the documents prior to advertising for bids.
22. Agency may request State's two-tiered consultant selection process as allowed by OAR 137-048-0260 to perform architectural, engineering, photogrammetry, transportation planning, land surveying and related services (A&E Services) as needed for federal-aid transportation projects. Use of the State's processes is required to ensure federal reimbursement. State will award and execute the contracts. State's personal services contracting process and resulting contract document will follow Title 23 CFR part 172, 2 CFR part 1201, ORS 279A.055, 279C.110, 279C.125, OAR 137-048-0130, OAR 137-048-0220(4) and State Personal Services Contracting Procedures as approved by the FHWA. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or the consultant prior to receiving authorization from State to proceed.
23. The party responsible for performing preliminary engineering for the Project shall, as part of its preliminary engineering costs, obtain all Project related permits necessary for the construction of said Project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction.
24. State or certified agency shall prepare construction contract and bidding documents, advertise for bid proposals, and award all construction contracts.
25. Upon State's or certified agency's award of a construction contract, State or certified agency shall perform quality assurance and independent assurance testing in accordance with the FHWA-approved Quality Assurance Program found in State's Manual of Field Test Procedures, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the Project.
26. State shall, as a Project expense, assign a liaison to provide Project monitoring as needed throughout all phases of Project activities (preliminary engineering, right-of-way acquisition, and construction). State's liaison shall process reimbursement for federal participation costs.

REQUIRED STATEMENT FOR United States Department of Transportation (USDOT) FINANCIAL ASSISTANCE AGREEMENT

27. By signing the Federal-Aid Agreement to which these Federal Standard Provisions are attached, Agency agrees to adopt State's DBE Program Plan, available at http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/pages/sbe/dbe/dbe_program.aspx#plan. Agency shall not discriminate on the basis of race, color, national origin, or sex in the award and

performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. Agency agrees to take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. State's DBE program, as required by 49 CFR part 26 and as approved by USDOT, is incorporated by reference in this Project Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Project Agreement. Upon notification to the recipient of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 United States Code (USC) 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

Disadvantaged Business Enterprises (DBE) Obligations

28. State and Agency agree to incorporate by reference the requirements of 49 CFR part 26 and State's DBE Program Plan, as required by 49 CFR part 26 and as approved by USDOT, into all contracts entered into under this Project Agreement. The following required DBE assurance shall be included in all contracts:

"The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of Title 49 CFR part 26 in the award and administration of federal-aid contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Agency deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b))."

29. State and Agency agree to comply with all applicable civil rights laws, rules and regulations, including Title V and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.
30. The Parties hereto agree and understand that they will comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work including, but not limited to, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270, incorporated herein by reference and made a part hereof; Title 23 CFR parts 1.11, 140, 635, 710, and 771; Title 49 CFR parts 24 and 26; , 2 CFR 1201; Title 23, USC, Federal-Aid Highway Act; Title 41, Chapter 1, USC 51-58, Anti-Kickback Act; Title 42 USC; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, the provisions of the FAPG and FHWA Contract Administration Core Curriculum Participants Manual & Reference Guide. State and Agency agree that FHWA-1273 Required Contract Provisions shall be included in all contracts and subcontracts verbatim and not by reference.

RIGHT OF WAY

31. State and the consultant, if any, agree that right of way activities shall be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FAPG, CFR, and the ODOT Right of Way Manual, Title 23 CFR part 710 and Title 49 CFR part 24. State, at Project expense, shall review all right of way activities engaged in by Agency to ensure compliance with all laws and regulations.
32. State is responsible for proper acquisition of the necessary right of way and easements for construction and maintenance of projects. State or the consultant may perform acquisition of the necessary right of way and easements for construction and maintenance of the Project in

accordance with the *ODOT Right of Way Manual*, and with the prior approval from State's Region Right of Way office.

33. Regardless of who acquires or performs any of the right of way activities, a right of way services agreement shall be created by State's Region Right of Way office setting forth the responsibilities and activities to be accomplished by each Party. If the Project has the potential of needing right of way, to ensure compliance in the event that right of way is unexpectedly needed, a right of way services agreement will be required. State, at Project expense, shall be responsible for requesting the obligation of project funding from FHWA. State, at Project expense, shall be responsible for coordinating certification of the right of way, and providing oversight and monitoring. Funding authorization requests for federal right of way funds must be sent through State's Liaison, who will forward the request to State's Region Right of Way office on all projects. State or the consultant must receive written authorization to proceed from State's Right of Way Section prior to beginning right of way activities. All projects must have right of way certification coordinated through State's Region Right of Way office to declare compliance and project readiness for construction (even for projects where no federal funds were used for right of way, but federal funds were used elsewhere on a project). State's Liaison shall contact State's Region Right of Way office for additional information or clarification on behalf of Agency.
34. Agency agrees that if any real property purchased with federal-aid participation is no longer needed for the originally authorized purpose, the disposition of such property shall be subject to applicable rules and regulations, which are in effect at the time of disposition. Reimbursement to State and FHWA of the required proportionate shares of the fair market value may be required.
35. State or the consultant shall ensure that all project right of way monumentation will be conducted in conformance with ORS 209.155.
36. State and Agency grants each other authority to enter onto the other's right of way for the performance of non-construction activities such as surveying and inspection of the Project.

RAILROADS

37. State or Agency shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through the State's Liaison, who will contact State's Railroad Liaison on behalf of Agency. Only those costs allowable under Title 23 CFR part 140 subpart I, and Title 23 part 646 subpart B shall be included in the total Project costs; all other costs associated with railroad work will be at the sole expense of Agency, or others. Agency may request State, in writing and, at Project expense, to provide railroad coordination and negotiations through the State's Utility & Railroad Liaison on behalf of Agency. However, State is under no obligation to agree to perform said duties.

UTILITIES

38. State, the consultant, or Agency shall follow State established statutes, policies and procedures when impacts occur to privately or publicly-owned utilities. Policy, procedures and forms are available through the State Utility Liaison or State's Liaison. State, the consultant or Agency shall provide copies of all signed utility notifications, agreements and Utility Certification to the State Utility & Railroad Liaison. Only those utility relocations, which are eligible for reimbursement under the FAPG, Title 23 CFR part 645 subparts A and B, shall be included in the total Project costs; all other utility relocations shall be at the sole expense of Agency, or others. Agency may send a written request to State, at Project expense, to arrange for utility relocations/adjustments lying within Agency jurisdiction. This request must be submitted no later than twenty-one (21) weeks

prior to bid let date. Agency shall not perform any utility work on state highway right of way without first receiving written authorization from State.

GRADE CHANGE LIABILITY

39. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the Project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.
40. Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.
41. Agency, if a City, by execution of the Project Agreement, gives its consent as required by ORS 373.030(2) to any and all changes of grade within the City limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, if any there be in connection with or arising out of the Project covered by the Project Agreement.

MAINTENANCE RESPONSIBILITIES

42. Agency shall, at its own expense, maintain operate, and provide power as needed upon Project completion at a minimum level that is consistent with normal depreciation and/or service demand and throughout the useful life of the Project. The useful life of the Project is defined in the Special Provisions. State may conduct periodic inspections during the life of the Project to verify that the Project is properly maintained and continues to serve the purpose for which federal funds were provided. Maintenance and power responsibilities shall survive any termination of the Project Agreement. In the event the Project will include or affect a state highway, this provision does not address maintenance of that state highway.

CONTRIBUTION

43. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
44. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law,

including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.

45. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

ALTERNATIVE DISPUTE RESOLUTION

46. The Parties shall attempt in good faith to resolve any dispute arising out of this Project Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

WORKERS' COMPENSATION COVERAGE

47. All employers, including Agency, that employ subject workers who work under this Project Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability Insurance with coverage limits of not less than five hundred thousand (\$500,000) must be included. State and Agency shall ensure that each of its contractors complies with these requirements.

LOBBYING RESTRICTIONS – pursuant to Form FHWA-1273, Required Contract Provisions

48. Agency certifies by signing the Project Agreement that:
- a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

City of Astoria/ODOT
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- c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed one hundred thousand dollars (\$100,000), and that all such subrecipients shall certify and disclose accordingly.
- d) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31, USC Section 1352.
- e) Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars (\$10,000) and not more than one hundred thousand dollars (\$100,000) for each such failure.



January 8, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: **23rd STREET CLOSURE – LOCAL AGENCY AGREEMENT**

DISCUSSION/ANALYSIS

In an effort to expand parking and improve pedestrian and vehicular mobility between 23rd and 27th Street, Columbia Memorial Hospital (CMH) will be constructing a new parking lot adjacent to 23rd Street and Franklin Ave. In doing so, they plan to make improvements along US30 (Marine Drive) and Franklin Ave. The improvements will include closing the currently vacated access on 23rd Street, providing new sidewalks, new crosswalks, improved drainage, a new turn lane on Marine Drive, and a safer access to Franklin Ave.

The City and CMH worked with ODOT to get \$149,000 in funding for the proposed access management improvements along the State highway. This funding does not require a matching contribution, but will require CMH to pay for any costs that exceed the funded amount.

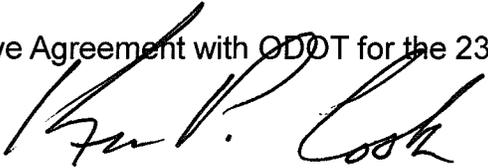
The ODOT Cooperative Agreement with the City and CMH is attached to this memo. The City is included in the agreement to: formally accept closure of the 23rd Street access location; accept the new Franklin Ave. intersection improvements and associated right-of-way dedication; and accept maintenance responsibility for improvements not maintained by adjacent property owners, CMH or ODOT.

The City will need to execute the attached Cooperative Agreement in order for CMH to utilize the available ODOT access management funds. The City Attorney has reviewed the agreement and has approved it as to form. There is no direct financial impact to the City as a result of this agreement.

RECOMMENDATION

It is recommended that Council approve the Cooperative Agreement with ODOT for the 23rd Street Closure Project.

Submitted By: _____


Ken P. Cook, Public Works Director

Prepared By: _____


Nathan Crater, Assistant City Engineer

COOPERATIVE IMPROVEMENT AGREEMENT

US Route 30: 23rd Street Closure – Franklin Avenue Improvement
City of Astoria / Columbia Memorial Hospital

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" CITY OF ASTORIA, acting by and through its designated officials, hereinafter referred to as "City," and COLUMBIA LUTHERAN CHARITIES, Inc., a domestic nonprofit corporation, DBA COLUMBIA MEMORIAL HOSPITAL, acting by and through its Board of Trustees, hereinafter referred to as "CMH;" and all herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. US Route 30 (Lower Columbia River Highway) is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC), and is routed through the corporate limits of the City of Astoria. US Route 30 is known within the limits of this project as Marine Drive. 23rd Street and Franklin Avenue are part of the city street system under the jurisdiction and control of City.
2. By the authority granted in Oregon Revised Statutes (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected maintained, or operated upon any state highway by any authority other than State, except with its written approval. Traffic marking work on this Project will conform to the current State standards and specifications.
4. State, by ORS 366.220, is vested with complete jurisdiction and control over the roadways of other jurisdictions taken for state highway purposes. By the authority granted by ORS 373.020, the jurisdiction extends from curb to curb, or, if there is no regular established curb, then control extends over such portion of the right of way as may be utilized by State for highway purposes. Responsibility for and jurisdiction over all other portions of city street remains with the City.
5. CMH is expanding its facilities to include a cancer center and, as a result, requires more parking area to accommodate increased traffic. City land use and development approvals required for the CMH facilities expansion are conditioned on roadway

improvements to Marine Drive (adjacent to the CMH facilities) to ensure safe traffic flow to and from the CMH property.

6. State will utilize Access Management Funds (AMF) totaling \$149,000 for the closure of 23rd Street, realignment of Franklin Avenue, and the installation of a left-turn lane on Marine Drive to improve traffic safety in the vicinity of CMH.
7. This Agreement addresses CMH's responsibilities for design and construction of the improvements on Marine Drive, State and City approvals required for the Project, and the future maintenance obligations of the State and City.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, State, City and CMH agree that CMH will design and construct improvements to Marine Drive from approximately mile point 97.41 to mile point 97.49, including, but not limited to:
 - a. new curbing to enclose the vacated 23rd Street approach on the south side of Marine Drive, as depicted in the map attached hereto, marked "Exhibit A," and by this reference made a part hereof;
 - b. new sidewalks, curbs, and drainage on the south side of Marine Drive;
 - c. realignment of Franklin Avenue, including a left-turn lane on Marine Drive at Franklin Avenue; and
 - d. striping.

These collective elements shall hereinafter be referred to as "Project". The Project is contingent on the City's approval of a portion of 23rd Street to be closed. The City and State shall assume maintenance of the Project upon completion as more fully set forth below. The location of the Project is approximately as shown on the sketch map attached hereto, marked "Exhibit B," and by this reference made a part hereof.

2. CMH has determined that the estimated cost of the Project is \$165,000, which is subject to change. The Project will be financed in an amount not to exceed \$149,000 in state Access Management funds. CMH shall be responsible for any portion of the Project which is not covered by the Access Management funds. If the Project is completed for under \$149,000, remaining funds shall be retained by the State.
3. The work is to begin upon execution of this Agreement by all Parties, and be completed no later than October 31, 2017. This Agreement will terminate six (6) months after that date unless extended by a fully executed amendment. Maintenance responsibilities shall survive any termination of this Agreement.

CITY OBLIGATIONS

1. City, by execution of Agreement and as depicted in Exhibit A, gives its consent as required by ORS 373.050(1) to closure of 23rd Street which intersects the state highway, in connection with the Project covered by this Agreement.
2. City, upon review and approval of construction plans, gives its consent as required by ORS 373.030(2) and ORS 105.760 to any and all changes of grade within the City limits arising out of the Project covered by this Agreement.
3. City agrees, upon approval of the conveyance documents to be prepared by CMH, to accept the transfer from CMH to any property owned by CMH that shall become part of the new alignment of Franklin Avenue.
4. City shall, upon completion of Project, maintain all sidewalks within the limits of this Project, except for those areas in which owners of real property abutting sidewalks shall be maintained as described and in accordance with City Code 2.000 – *Maintenance Procedures for Sidewalks*.
5. City's Project Manager for this Project is Nathan Crater, PE, Assistant City Engineer, City of Astoria, Public Works Department, 1095 Duane Street, Astoria, Oregon 97103; phone: (503) 338-5173; email: ncrater@astoria.or.us, or assigned designee upon individual's absence. City shall notify the other Parties in writing of any contact information changes during the term of this Agreement.

CMH OBLIGATIONS

1. CMH shall conduct the necessary preliminary engineering and design work required to produce and provide final plans, specifications, and cost estimates for the highway Project; identify and obtain all required permits; perform all construction engineering, including all required materials testing and quality documentation; prepare all bid and contract documents; advertise for construction bid proposals; award all contracts; pay all contractor costs, project management services and other necessary functions for sole administration of the construction contract entered into for this Project.
2. CMH shall keep accurate cost accounting records. CMH shall prepare and submit monthly itemized, progress invoices for construction directly to State's Project Manager for review and approval. Such invoices will be in a form identifying the Project, the Agreement number, the invoice number or the account number or both, and will itemize all expenses for which reimbursement is claimed. Under no conditions shall State's obligations exceed \$149,000, including all expenses. Travel expenses will not be reimbursed.
3. CMH shall obtain written permission of the property owner for all work required to be performed on private property, if any.

4. CMH agrees to transfer to City all of its ownership interest in property required for the new alignment of Franklin Avenue. CMH will prepare, for approval by the City, all documents necessary to affect the transfer of the property to the City.
5. All employers, including CMH, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required workers' compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. CMH shall ensure that each of its subcontractors complies with these requirements.
6. CMH shall perform the service under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.
7. CMH acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of CMH which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years upon completion of the Project. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.
8. CMH shall indemnify, defend, save, and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Oregon Department of Transportation, its officers and employees from any and all claims, suits, and liabilities which may occur in the performance of this Project.
9. Notwithstanding the foregoing defense obligations under the paragraph above, neither CMH nor any attorney engaged by CMH shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that CMH is prohibited from defending the State of Oregon, or that CMH is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue any claims it may have against CMH if the State of Oregon elects to assume its own defense.
10. CMH shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279A, 279B and 279C incorporated herein by

reference and made a part hereof. Without limiting the generality of the foregoing, CMH expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and State civil rights and rehabilitation statutes, rules and regulations.

11. CMH is required to pay, on behalf of State, any applicable fee due because of this Project, pursuant to ORS 279C.825, to the Bureau of Labor and Industries. In the event CMH does not pay such fee, and State is required to do so, CMH shall reimburse State such amount, within three (3) business days, upon its request. In addition, CMH agrees to indemnify, hold harmless and reimburse State and its officers, employees and agents for any liability, cost, expense, fine, fee or penalty payable to a private party or governmental entity, including another agency of the State of Oregon resulting from or arising out of this Project, including but not limited to expenses incurred to comply with, to obtain a determination under, or in any other way related to the Prevailing Wage Rate Laws set forth in ORS 279C.800 to 279C.870.
12. CMH shall construct the Project in accordance with the requirements of ORS 276.071 including the public contracting laws within ORS Chapters 279A, 279B and 279C.
13. If CMH chooses to assign its contracting responsibilities to a contractor, CMH shall inform the contractor of the requirements of ORS 276.071 to ensure that the public contracting laws within ORS 279A, 279B, and 279C are followed.
14. If CMH enters into a construction contract for performance of work on the Project, then CMH will require its contractor to provide the following, and in the event CMH provides construction activities for the Project itself, then CMH is required to provide the following as well:
 - a. Contractor shall indemnify, defend and hold harmless CMH and State against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of Contractor or its officers, employees, sub-contractors, or agents under the resulting contract.
 - b. Contractor shall name State and CMH as third party beneficiaries of the resulting contract.
 - c. Commercial General Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the Contract, Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverages that are satisfactory to State and CMH. This insurance shall include personal and advertising injury liability, products and completed operations. Coverage may be written in combination with

Automobile Liability Insurance (with separate limits). Coverage shall be written on an occurrence basis. If written in conjunction with Automobile Liability the combined single limit per occurrence shall not be less than \$1,000,000 for each job site or location. Each annual aggregate limit shall not be less than \$2,000,000.

- d. Automobile Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). Combined single limit per occurrence shall not be less than \$1,000,000.
 - e. Additional Insured. The liability insurance coverage, except Professional Liability, Errors and Omissions, or Workers' Compensation, if included, required for performance of the Contract shall include State and CMH and its divisions, officers and employees as "Additional Insured" but only with respect to the Contractor's activities to be performed under the resulting contract. Coverage shall be primary and non-contributory with any other insurance and self-insurance.
 - f. Notice of Cancellation or Change. There shall be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from the Contractor or its insurer(s) to State and CMH. Any failure to comply with the reporting provisions of this clause shall constitute a material breach of contract and shall be grounds for immediate termination of the resulting contract and this Agreement.
15. Pursuant to the statutory requirements of ORS 279C.380 CMH shall require their contractor to submit a performance bond to CMH for an amount equal to or greater than the estimated cost of the Project.
16. CMH shall, within ninety (90) calendar days of completion or termination without completion of the Project, provide to State and City permanent mylar "as constructed" plans for work on state highways. If CMH or its consultant redrafts the plans, done in Computer Aided Design and Drafting (CADD) or Microstation, to get the "as constructed" set, and they follow the most current version of the "Contract Plans Development Guide, Volume 1 Chapter 16" <http://egov.oregon.gov/ODOT/HWY/ENGSERVICES/cpdg.shtml>, CMH shall provide to State a Portable Document Format (PDF) file and a paper copy of the plan set.
17. CMH shall, pursuant to OAR Chapter 734, Division 10, ensure that its contractor has been prequalified and registered with the Construction Contractor's Board, to function as the general contractor for the performance of this work. All obligations of the CMH

stated in this Agreement shall remain the responsibility of the CMH regardless of whether or not a contractor performs the work. It is the CMH's responsibility to inform any such contractor of its obligations.

18. This Agreement is conditioned upon CMH obtaining a "Permit to Occupy or Perform Operations upon a State Highway" from State's District 1 office, as well as but not limited to, land use permits, building permits, and engineering design review approval from the State and City. CMH agrees to comply with all provisions of said permits, and shall require its contractors, subcontractors, or consultants performing such work to comply with said permits and provisions.
19. CMH shall, prior to its advertisement for construction bid proposals, provide the Project preliminary and final plans and specifications to State's District 1 Office for review and written concurrence. The plans and specifications must be approved by Office of the State Traffic Engineer.
20. For all work being performed on State facilities, CMH shall cause the Project to be designed and constructed in accordance with State standards.
21. CMH certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of CMH, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind CMH.
22. CMH's Project Manager for this Project is Jarrod Karnofski, DPT Vice President of Ancillary and Support Services, Columbia Memorial Hospital, 2111 Exchange Street, Astoria, Oregon 97103; phone: (503) 338-7505; email: jarrod.karnofski@columbiamemorial.org, or assigned designee upon individual's absence. CMH shall notify the other Parties in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. State grants authority to CMH to enter upon State right of way for the construction of this Project as provided for in miscellaneous permit to be issued by State District 1 Office.
2. State's local District Office and Region Technical Center Engineer shall review and concur in the plans prepared by CMH before the Project is advertised for a construction contract or before construction begins if CMH forces shall perform the work. State's Project Manager shall process all invoices submitted by CMH.
3. In consideration for the services performed, State agrees to pay CMH within forty-five (45) days of receipt by State of the Project invoice a maximum amount of \$149,000. Said maximum amount shall include reimbursement for all expenses. Travel expenses shall not be reimbursed.

4. Upon completion of the Project, State shall maintain improvements made to Marine Drive from curb face to curb face, including signing installed as part of this Agreement.
5. Upon notification from CMH, State shall conduct or assist CMH with final technical inspection of the completed Project.
6. State's Project Manager for this Project is Matthew Caswell, PE, Development Review Coordinator, ODOT, Region 2, 455 Airport Road SE, Building B, Salem, OR 97301; phone: (503) 986-2849; email: matthew.c.caswell@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Parties in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of all Parties.
2. State may terminate this Agreement effective upon delivery of written notice to CMH, or at such later date as may be established by State, under any of the following conditions:
 - a. If CMH fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If CMH fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If CMH fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
4. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or

CMH with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

5. With respect to a Third Party Claim for which State is jointly liable with CMH (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by CMH in such proportion as is appropriate to reflect the relative fault of State on the one hand and of CMH on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of CMH on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
6. With respect to a Third Party Claim for which CMH is jointly liable with State (or would be if joined in the Third Party Claim), CMH shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of CMH on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of CMH on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. CMH's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
7. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

8. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
9. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

SIGNATURE PAGE TO FOLLOW

CITY OF ASTORIA, by and through its
elected officials

By _____
Mayor

Date _____

By _____
City Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
City Legal Counsel

Date _____

COLUMBIA MEMORIAL HOSPITAL, by
and through its Board of Trustees

By _____
Chief Executive Officer

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Columbia Memorial Hospital Legal Counsel

Date _____

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region 2 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Region 2 Planning and Development
Manager

Date _____

By _____
District 1 Manager

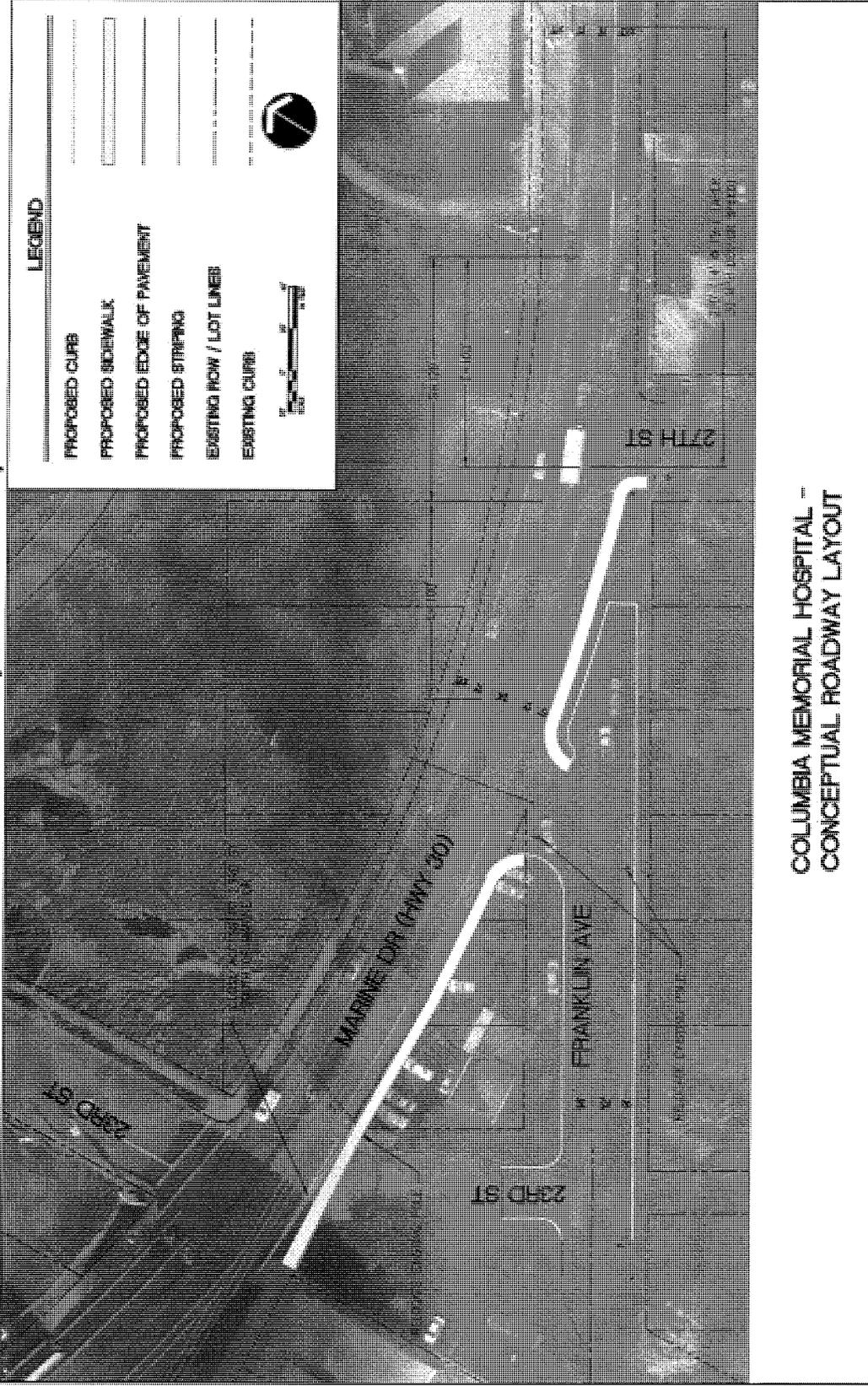
Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date _____

EXHIBIT B – Project Location Map





CITY OF ASTORIA
Founded 1811 • Incorporated 1856

January 9, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA SENIOR CENTER RENOVATION PROJECT
CONSTRUCTION CONTRACT AMENDMENT #4

DISCUSSION/ANALYSIS

In July of 2015 the City Council approved a contract with Skyward Construction, Inc. for the Astoria Senior Center Renovation Project in the amount of \$1,455,157.00. A construction contingency of approximately 10% of the construction contract was set aside outside of the construction contract for any unforeseen circumstances that may arise during the project.

As is with any remodeling project of the building circa 1947 it's anticipated unforeseen items will emerge during the renovation process. Prior to this current contract amendment #4, the previously approved contract amendments #1, #2 and #3 were in the amount of \$31,399.38. Contract amendment #4 is related to the need to (1) perform more extensive preparation to the exterior building perimeter walls on the North and West elevations to provide a sound substrate for application of the final paint coatings at a cost of \$2,842.00; (2) install the Walk-In Freezer purchased by the organization who will operate the kitchen. The cost of \$3,297.71 to install this unit is paid by the kitchen operator and not by the use of grant funds. To date Contract Amendments #1, #2, #3 and #4 would utilize \$34,241.38 of the \$145,515.70 of the contingency.

RECOMMENDATION

It is recommended that the City Council approve the contract amendment #4 in the amount of \$6,139.71 which will amend the construction contract for the Astoria Senior Center Renovation Project with Skyward Construction, Inc., to the total amount of \$1,492,696.09

By: Al Jaques
Al Jaques, Project Manager



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

CONTRACT AMENDMENT #4

DATE: January 9, 2016
PROJECT: Astoria Senior Center Renovation
CONTRACTOR: Skyward Construction Inc.

The purpose of this contract amendment is to account for work not covered in the bid items. This contract amendment amount constitutes total compensation for the change and the cumulative effect on the project.

Item	Description	Cost
	Original Contract Amount	\$1,455,157.00
1	Contract Amendment No. 1	\$9,680.99
2	Contract Amendment No. 2	\$17,250.00
3	Contract Amendment No. 3	\$4,468.39
4	Contract Amendment No. 4	\$6,139.71
	Contract Sum to Date	\$1,492,696.09

This Contract Amendment becomes part of and in conformance with the existing contract.

CONTRACT AMENDMENT APPROVED BY:

Mayor

Date

City Manager

Date



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

January 12, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: LOAN AGREEMENT R17794 AMENDMENT

DISCUSSION/ANALYSIS

Funding was required to solicit design services for the City's Wastewater Treatment Plant (WWTP) upon issuance of a National Pollution Discharge Elimination System (NPDES) Permit in 2007.

Council adopted Resolution No. 11-23 authorizing a DEQ CWSRF loan in the amount of \$90,000 for design of the WWTP Effluent Treatment Upgrades project. Loan Agreement No. R11794 is payable in semi-annual payments of \$10,262 through June 1, 2017.

DEQ contacted staff regarding ability to forgive \$27,000 of principal borrowing for Loan R11794. The remaining balance of the loan balance is \$3,467. The FY2015-16 budget contains sufficient funding to cover the payoff of the balance and interest of \$38 as of January 22, 2016.

RECOMMENDATION

It is recommended that Council provide approval of Loan Agreement No. R11794 Amendment to forgive \$27,000 and to pay the remaining balance including interest owed through January 22, 2016 in the amount of \$3,505.

By: 
Susan Brooks, Director of Finance
and Administrative Services

**CLEAN WATER STATE REVOLVING FUND
LOAN AGREEMENT NO. R11794
AMENDMENT NO.
CITY OF ASTORIA**

This Amendment No. 1 to Loan Agreement No. R11794 (as amended "Loan Agreement") is executed between the STATE OF OREGON ACTING BY AND THROUGH ITS DEPARTMENT OF ENVIRONMENTAL QUALITY ("DEQ") and City of Astoria (the "Borrower"), effective as of the Effective Date of Amendment indicated below. Capitalized terms used in this Amendment which are not defined herein shall have the meanings assigned to them in the Loan Agreement.

The purpose of this amendment is to provide a clause for principal forgiveness.

Date of Original Agreement: November 7, 2011
Effective Date of Amendment No. 1: January 11, 2016

The parties agree as follows:

1. Article 1 is amended to include

(K) **LOAN FORGIVENESS:** If the Borrower completes the Project and provided there is no default of any of the terms hereof, DEQ shall forgive the lesser of thirty percent (30%) of the Loan or \$27,000 (the portion of the Loan that is forgiven being referred to as the "Forgivable Loan").

2. The attached "Appendix A: Repayment Schedule" replaces the current "Appendix A: Repayment Schedule".

Except as expressly amended above, the terms and conditions of the Loan Agreement shall remain in full force and effect.

BORROWER: CITY OF ASTORIA

By: _____

Date: _____

Typed Name: Arline LaMear

Title: Mayor

By: _____

Date: _____

Typed Name: Brett Estes

Title: City Manager

STATE OF OREGON ACTING BY AND THROUGH ITS
DEPARTMENT OF ENVIRONMENTAL QUALITY

By: _____
Lydia Emer, Operations Division Administrator

Date: _____

APPENDIX A: REPAYMENT SCHEDULE

BORROWER: City of Astoria		ANNUAL INTEREST RATE: 1.04%	
SRF LOAN NO.: R11794		PAYMENT AMOUNT: \$ 10,262	
LOAN AMOUNT: \$ 90,000		ANNUAL FEE: 0.0%	

Due Date	Pmt#	PAYMENT				Principal Balance
		Principal	Interest	Fees	Total	
						90,000
12/1/2012	1	0	400	0	400	90,000
6/1/2013	2	9,794	468	0	10,262	80,206
12/1/2013	3	9,845	417	0	10,262	70,361
6/1/2014	4	9,896	366	0	10,262	60,465
12/1/2014	5	9,948	314	0	10,262	50,517
6/1/2015	6	9,999	263	0	10,262	40,518
12/1/2015	7	10,051	211	0	10,262	30,467
1/11/2016	8		36	0	36	3,467
1/22/2016	9	3,467	2	0	3,505	0
TOTALS		63,000	2,477	0	65,513	

Reduction by \$27,000 PF. \$36 is the interest from 12/2 through 1/11. Total payoff is \$3,505.00



January 6, 2016

MEMORANDUM

TO:  MAYOR AND CITY COUNCIL
 FROM:  BRETT ESTES, CITY MANAGER
 SUBJECT: **16TH STREET CSO SEPARATION PROJECT – PAY ADJUSTMENT NO. 5**

DISCUSSION/ANALYSIS

The 16th St. Combined Sewer Overflow (CSO) Separation project mainly consists of installing over 12,000 feet of new stormwater pipe within the existing roadway infrastructure in established City right-of-way. It will include replacing existing water and sewer pipe where construction of the new storm pipe compromises the integrity of the existing infrastructure. Most of the intersections will be rebuilt and many of the intersection ramps will be reconstructed within the project area.

The scope of the project includes construction in the following locations:

- | | |
|---|--|
| 14 th St. from Duane to Lexington | 16 th St. from Marine to Lexington |
| 15 th St. from Commercial to Irving | 17 th St. from Duane to Jerome |
| 15 th St. from Jerome to Madison | 18 th St. from Exchange to Grand |
| Grand from 15 th St. to 16 th St. | Jerome from 14 th St. to 15 th St. |

In May 2015, Council awarded the construction contract to Emery & Sons Construction Group (Emery) for the bid amount of \$5,483,180. Staff recommended and incorporated a standard 10% contingency to the budget for this project. The construction contingency of 10% is \$549,000.

Pay adjustment No. 5 for \$59,301.41 includes a variety of changes that are itemized below:

Item	Description	Quantity	Cost
1	Suspension of 16 th Street work	1	\$52,430.84
2	Archaeological standby time	1	\$2,754.04
3	Fernco coupling substitution	1	(\$1,984.76)
4	ADA ramps modifications	1	\$6,101.29
	TOTAL		\$59,301.41

The largest line item in this change order is for remobilization and other expenses associated with deferring the work on 16th Street until summer 2016 to avoid conflicts with Clatsop Community College (CCC) Patriot Hall Redevelopment Project. An IGA between the City and CCC was approved at the September 21, 2015 Council meeting.

Following is a summary of pay adjustments to date:

Pay Adjustment	Total Amount	City Portion of Pay Adjustment	Contract Amount	Contingency Balance	Contingency Balance Percentage
			\$5,483,180.00	\$549,000.00	100%
1	\$7,535.00	\$7,535.00	\$5,490,715.00	\$541,465.00	99%
2	\$83,063.46	\$83,063.46	\$5,573,778.46	\$458,401.54	83%
3	\$2,757.86	\$0.00	\$5,576,536.32	\$458,401.54	83%
4	\$0.00	\$0.00	\$5,576,536.32	\$458,401.54	83%
5	\$59,301.41	\$10,301.41	\$5,635,837.73	\$448,100.13	82%

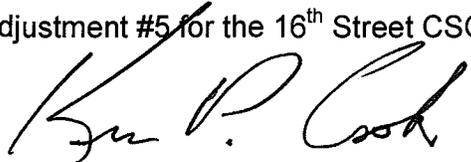
Pay adjustment #3 was paid by CenturyLink. Pay adjustment #4 extended the contract completion date at no additional cost. Pay adjustment #5 includes reimbursement by Clatsop Community College in the amount of \$49,000. The contract amount in the table above reflects the entire amount of each pay adjustment, but the contingency balance was only reduced by the City's portion of the pay adjustments.

Funds are available for this pay adjustment through IFA funding and Clatsop Community College reimbursement.

The construction of the entire project except for the work on 16th Street was substantially complete on November 4, 2015. Emery has a list of minor punch list items for the completed portion of work that will be finished when they return to construct the work on 16th Street, which is scheduled to begin in June.

RECOMMENDATION

It is recommended that the City Council authorize Pay Adjustment #5 for the 16th Street CSO Separation project in the amount of \$59,301.41.

Submitted By: 
 Ken P. Cook, Public Works Director

Prepared By: CINDY D. MOORE 
 Cindy D. Moore, City Support Engineer



Astoria
ENGINEERING
DIVISION

CHANGE ORDER #5

DATE: January 8, 2016
 PROJECT: 16th St CSO Separation
 CONTRACTOR: Emery & Sons Construction Group

The purpose of this change order is to account for work not covered in the bid items. This change order amount constitutes total compensation for the changes indicated below.

Item	Description	Quantity	Unit Cost	Total Cost
1	Archaeological standby time	1 LS	\$2,754.04	\$2,754.04
2	Fernco coupling substitution (credit)	1 LS	(\$1,984.76)	(\$1,984.76)
3	ADA ramps modifications	1 LS	\$537.49	\$537.49
4	Suspension of 16 th Street work	1 LS	\$52,430.84	\$52,430.84
Change Order Total =				\$59,301.41

This Change Order becomes part of and in conformance with the existing contract. The above changes warrant a 0 calendar day time extension.

Substantial Completion of 16th Street work shall be no later than September 2, 2016.

EXPLANATION:

See attached documentation.

CHANGE ORDER ACCEPTED BY:

City Support Engineer Date

Public Works Director Date

City Manager Date

Mayor Date

City of Astoria

Change Order

Page 1 of 2

Contract Change Order No. 05

Contract Name 16th Street CSO Separation Project Orig. Contract Amt. \$ 5,483,180.00 10/30/15
 Contract No. 560811 Prev. Appvd. Changes \$ 93,356.32 Days
 Contractor Emery & Sons Construction Group This Change \$ 59,301.41 Days
 Owner City of Astoria Revised Contract Amt. \$ 5,635,837.73 Days

This Change Order covers changes to the subject contract as described herein. The Contractor shall construct, furnish equipment and materials, and perform all work as necessary or required to complete the Change Order Items for a lump sum price agreed upon between the Contractor and City of Astoria otherwise referred to as Owner. Owner's Name

Description of Changes	Increase in Contract Amount (\$)	(Decrease) in Contract Amount (\$)	Contract Time Extension (days)
1. Standby time for archaeological monitoring in excess of 8 hours	\$2,754.04		
2. Substitution of Fernco Couplings with Shear Bands for Romac 510 or Romac Macro HP Couplings		\$1,984.76	
3. Modifications to design of ADA Ramps to meet field conditions.	\$6,101.29		
4. Suspension of all Work in 16 th Street until June 2016.	\$52,430.84		
Change Order Conditions: <ul style="list-style-type: none"> • Work in 16th Street will begin on June 20, 2016 or as mutually agreed between Contractor and City • Substantial Completion of 16th Street Work shall be no later than September 02, 2016 • All Retainage for the completed 2015 Work shall be released upon Substantial Completion of 2015 Work except for the value of any uncompleted Punch List work. Upon successful completion of Punch List work, the remainder of retainage shall be released. • Contractor's One-Year Correction Periods shall apply separately to the 2015 Work and deferred 16th Street work. • Contractor's Performance and Payment Bonds and Insurance shall remain in effect from the completion of 2015 Work through completion of the deferred 16th Street work. 			
Totals	\$61,286.17	\$1,984.76	

Net change in contract amount increase or (decrease)	\$59,301.41		
---	-------------	--	--

The amount of the contract will be increased (decreased) by the sum of \$ 59,301.41 and the contract time shall be extended by -0- calendar days. The undersigned Contractor approves the foregoing Change Order as to the changes, if any, in the contract price specified for each item including any and all supervision costs and other miscellaneous costs relating to the change in work, and as to the extension of time allowed, if any, for completion of the entire work on account of said Change Order. The Contractor agrees to furnish all labor and materials and perform all other necessary work, inclusive of the directly or indirectly related to the approved time extension, required to complete the Change order items. This document will become a supplement of the contract and all provisions will apply hereto. It is understood that the Change Order shall be effective when approved by the Owner.

Recommended: *Bob Joseph* /Construction Manager Date: 01/06/16
 (Signature)

Accepted: *Vince Matheson* /Contractor Date: 1-6-16
 (Signature)

Approved: _____ /Owner Date: _____
 (Signature)

City of Astoria

Change Order Technical Justification

Contract Change Order No. 05

Date 04 January, 2016

Contract Name 16th CSO Separation Project Contract No. 560811

Contractor Emery & Sons Construction Group Owner City of Astoria

Change Order No. 05.1

- A. Description of Change: Standby time for archaeological monitoring in excess of 8 hours.
- B. Reason for Change: Some standby time was anticipated and the first 8 hours were Contractor responsibility at no additional cost. Actual standby time was 2.5 hours in excess of 8 hours.
- C. Alternatives Considered: None – Contract condition.
- D. Impact of Non-incorporation: Claim from Contractor.

Change Order No. 05.2

- A. Description of Change: Substitution of Fernco Couplings with Shear Bands for Romac 510 or Romac Macro HP Couplings.
- B. Reason for Change: Contractor proposed and City accepted the type of pipe couplings to connect new pipe to existing pipe in some situations. Results in Contract Price credit.
- C. Alternatives Considered: Leave couplings as specified.
- D. Impact of Non-incorporation: No Contract Price credit for an otherwise valid Contractor proposal.

Change Order No. 05.3

- A. Description of Change: Modifications to design of ADA Ramps to meet field conditions.
- B. Reason for Change: At some locations, the ODOT standard ADA Ramp options as shown on the Drawings were not totally acceptable to meet field conditions and ADA Ramp compliance requirements.
- C. Alternatives Considered: None.
- D. Impact of Non-incorporation: Unacceptable ADA Ramp construction details and compliance requirements.

Change Order No. 05.4

- A. Description of Change: Suspension of all Work in 16th Street until June 2016.
- B. Reason for Change: Potential conflicting construction areas in 2015 with Clatsop Community College (CCC) project in 16th Street, particularly south of Jerome Avenue.
- C. Alternatives Considered: Suspension of Work in 16th Street south of Jerome Avenue only. This alternative was not accepted because demob/remob costs would have been essentially the same and a larger portion of work for the Contractor to complete in 2016 is more feasible.
- D. Impact of Non-incorporation: Potential contractor interferences and potential delay costs to either City project or CCC project, or both.

Signed

Bob Joash - Const. Mgr.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

January 8, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ORDINANCE READOPTING CERTAIN STATE STATUTES TO REFLECT
CHANGES MADE BY THE 2015 LEGISLATURE

DISCUSSION/ANALYSIS

The first reading of this ordinance was held at the January 4, 2016 City Council meeting. The 2015 legislation passed by the Oregon Legislature, for the most part, became effective on January 1, 2016. Many of our City ordinances refer to or incorporate state statutes. Every year, the City routinely re-adopts all referenced ORS sections to pick up any changes made by the legislature. This is done by a "global re-adoption", which was the technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt Oregon legislative changes, i.e., we cannot adopt a state statute "as it now exists and is from time to time amended." The proposed ordinance has been reviewed and approved by the City Attorney.

RECOMMENDATION

It is recommended that Council conduct the second reading and adopt the proposed ordinance.

ORDINANCE NO. 16-_____

AN ORDINANCE READOPTING CERTAIN STATE STATUTES

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Code Section 1.047 is amended to read as follows:

“Readoption of Oregon Revised Statutes. Oregon Revised Statutes adopted either referentially or directly in the Astoria Code, including but not limited to Astoria Code Sections 1.010, 1.015, 1.085, 1.211, 1.230, 1.555, 1.602, 1.608, 1.620, 1.632, 1.638, 1.640, 1.900, 1.960, 1.961, 1.962, 1.963, 1.964; 1.965, 1.967, 1.970, 1.971, 2.220, 2.360, 2.700, 2.705; 2.710, 3.010, 3.015, 3.118, 5.000, 5.010, 5.100, 5.110, 5.255, 5.260, 5.300, 5.335, 5.385, 5.425, 5.726, 5.740, 5.925, 5.931, 5.933, 6.005, 6.010, 6.025, 6.030, 6.060, 6.135, 6.220, 6.250, 6.255, 6.305, 6.400, 6.500, 6.510, 6.520, 6.530, 6.550, 7.000, 7.005, 8.045.15, 8.045.17, 8.045.18, 8.104, 8.138, 9.005, 9.025, 9.030, 9.090, and 9.160, are hereby readopted to include all amendments, repeals, and additions made by legislative action of the State of Oregon, up to and including those of the 2015 legislative session.”

Section 2. This ordinance will be effective thirty (30) days after its passage.

ADOPTED BY THE COMMON COUNCIL THIS _____ DAY OF _____, 2016.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2016.

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION	YEA	NAY	ABSENT
Councilor Nemlowill			
Herzig			
Price			
Warr			
Mayor LaMear			



January 5, 2016

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: APPEAL (AP15-01) BY RON ZILLI OF NEW CONSTRUCTION PERMIT (NC15-03)
AT 1580 SHIVELY PARK ROAD
APPEAL (AP15-02) BY RON ZILLI OF VARIANCE PERMIT (V15-03) AT 1580 SHIVELY
PARK ROAD
APPEAL (AP15-02) BY RON ZILLI OF WIRELESS COMMUNICATIONS FACILITY
PERMIT (WCF15-03) AT 1580 SHIVELY PARK ROAD

BACKGROUND

On August 3, 2015, Verizon Wireless LLC applied for a New Construction permit (NC15-03) to the Historic Landmarks Commission (HLC) to construct a new wireless communication facility at 1580 Shively Park Road within Shively Park. On September 15, 2015, the HLC held a public hearing and approved the request with conditions. A Notice of Appeal on the HLC decision was submitted by Ron Zilli on September 30, 2015.

On August 3, 2015, Verizon Wireless LLC applied for a Variance permit (V15-03) to the Astoria Planning Commission (APC) to construct a new wireless communication facility at 1580 Shively Park Road within Shively Park with a height of 150' which exceeds the 45' maximum height. On September 16, 2015, the APC held a public hearing and approved the request with conditions. A Notice of Appeal on the HLC decision was submitted by Ron Zilli on September 30, 2015.

On August 3, 2015, Verizon Wireless LLC applied for a Wireless Communications Facility permit (WCF15-03) to the Astoria Planning Commission (APC) to construct a new wireless communication facility at 1580 Shively Park Road within Shively Park. On September 16, 2015, the APC held a public hearing and approved the request with conditions. A Notice of Appeal on the HLC decision was submitted by Ron Zilli on September 30, 2015.

The Notice of Appeal which details the appellant's concerns can be found on Page 1 of the attached Record on each of the permits. A complete record of each of the requests has been compiled and is attached for your information. A public hearing on the Appeal was advertised and scheduled for the November 16, 2015 City Council meeting. At the November 16, 2015 meeting, the Council continued the public hearing to December 7, 2015 at the request of Verizon. At its December 7, 2015 meeting, the Council continued the public hearing to the January 4, 2016 meeting due to the holidays to allow for greater public participation in the hearing. At its December 17, 2015 meeting, the City Council continued the public hearing to the January 19, 2016 meeting at the request of Verizon.

The appellant asserts that the NC15-01, V15-02, and WCF15-03 permits for the proposed 150' tall, metal wireless communications facility tower should be denied. The specific issues for denial

on each of the permits appealed by Mr. Zilli are summarized on an attachment to this memo. Staff and the attorney for the applicant, Verizon Communications, have submitted additional Findings of Fact to address the issues raised by the appellant. Verizon has also submitted revised photo simulations and documents addressing the concerns raised in the appeals. It is recommended that Council do site visits in addition to reviewing the photo simulations. If a site visit is performed, you should declare an ex parte contact and describe what you saw. If the Council supports the HLC and APC decisions with the conditions, the Council should adopt the Findings of Fact as approved by the HLC and APC, and attached supplemental Findings of Fact. Should the Council determine that the WCF tower does not meet the criteria for approval, staff will have supplemental Findings of Fact prepared for Council consideration and adoption at a future meeting.

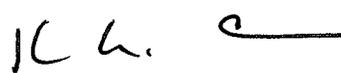
Due to the fact that the three appeals are related to the same facility and site, it is recommended that Council hold a combined public hearing on the three appeals. However, the Council decision on each appeal will need to be done with separate motions. Suggested Forms of Motion will be available for Council consideration at the Council meeting on January 19.

RECOMMENDATION

It is recommended that the City Council hold the public hearing on the appeals and consider whether to uphold or reverse the Historic Landmarks Commission decision and the Planning Commission decisions to approve the Requests with conditions. If the Council upholds the decisions, the Council needs to adopt the HLC and/or APC Findings of Fact and Supplemental Findings of Fact. If the Council reverses the decision, staff will prepare revised Findings of Fact for consideration at the February 1, 2016 meeting.

By: 

Rosemary Johnson, Special Projects Planner

Through: 

Kevin Cronin, Community Development Director

Attachments:

Staff summary of Appellant's reasons for permit denial as noted in the appeals
Index and Documents submitted by Applicant for appeal hearing
Staff Report for Appeal (AP15-01) on New Construction Permit (NC15-01)
Staff Report for Appeal (AP15-02) on Variance Permit (V15-02)
Staff Report for Appeal (AP15-03) on Wireless Communication Facility Permit (WCF15-03)
Record on New Construction Permit (NC15-01)
Record on Variance Permit (V15-02)
Record on Wireless Communication Facility Permit (WCF15-03)

New Construction Permit NC15-01

The Notice of Appeal on the HLC decision submitted by Ron Zilli on September 30, 2015 states that the request should be denied based on the following issues (summarized by staff):

- Introduction 1. Applicant's project details and staff report and findings fail to demonstrate that the WCF conform to the applicable Development Code sections.
- Introduction 2. City's recommendation for approval is biased due to City involvement in overall project.
- 1.a. The appropriate scale to assess the criteria of the Development Code is the entire site of the park, which is designated as historic.
- 1.b. Review of the WCF at Shively Park should not be linked with the WCF for the Reservoir site.
- 1.c & 1.h. The metal WCF tower is not compatible with the design of the adjacent low profile, wooden structures in scale, style, height, architectural detail, and materials. The tower would need a variance from the height.
- 1.d. The orientation of the 150' tall vertical tower at the end of the clearing on a ridge is not compatible with the scale and height of the existing structures at this historical site.
- 1.e. The WCF would have a significant adverse impact to the scenic, natural, and historic resources.
- 1.f. The photo simulations do not clearly show the visual impact.
- 1.f. Trees would need to be removed during construction that would change the visual impact.
- 1.g. The visual impact of additional equipment due to co-location was not addressed and could be an additional adverse impact.
- 2.a. The location of the 150' tall tower in a natural setting is not consistent with the orientation of adjacent structures within the historic park.
- 2.b. The 150' tall tower would be out of character with the scenic, natural, and historic area with low profile, wooden buildings.
- 2.c. The only utility poles in the area are short ones at the community hall and the proposed 150' tower would be incompatible with the typical location and orientation of existing structures and similar siting consideration.

Variance Permit V15-02

The Notice of Appeal on the APC decision on the Variance permit submitted by Ron Zilli on September 30, 2015 states that the request should be denied based on the following issues (summarized by staff):

- 1.a and 1.b. The photo simulations do not clearly show the visual impact.
- 1.c. Camouflage and concealment technology proposed are inadequate.
- 1.d, 1.e, and 1.h. The WCF would have a significant adverse impact to the area.
- 1.f. City's recommendation for approval is biased due to City involvement in overall project.
- 1.g. The visual impact of additional equipment due to co-location was not shown or considered.

Wireless Communication Facility Permit WCF15-03

The Notice of Appeal on the APC decision on the WCF submitted by Ron Zilli on September 30, 2015 states that the request should be denied based on the following issues (summarized by staff):

Introduction Review of the WCF at Shively Park should not be linked with the WCF for the Reservoir site or the existing Column site.

- 1.a, 1.b, 1.e, and 1.f. The photo simulations do not clearly show the visual impact.
- 1.c, 1.g, and 2.a. WCF will have an adverse impact to the area.
- 1.d, 2.b, 2.c, 2.d, and 2.e. Camouflage and concealment technology proposed are inadequate.
Trees would need to be removed during construction that would change the visual impact.

INDEX

**NOTICE OF APPEAL NO. AP15-01, NEW CONSTRUCTION PERMIT NC15-03
NOTICE OF APPEAL NO. AP15-02, VARIANCE V15-03
NOTICE OF APPEAL NO. AP15-03, WIRELESS COMMUNICATIONS FACILITY WCF15-03**

**BY
RON ZILLI**

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**CITY OF ASTORIA
COMMUNITY DEVELOPMENT
DEPARTMENT**

January 11, 2016

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM: ROSEMARY JOHNSON, SPECIAL PROJECTS PLANNER

SUBJECT: SUPPLEMENTAL FINDINGS OF FACT FOR APPEAL (AP15-01) ON NEW CONSTRUCTION PERMIT (NC15-03)

I. BACKGROUND SUMMARY

- A. Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230

Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370
- B. Appellant: Ron Zilli
1444 16th Street
Astoria OR 97103
- C. Owner: City of Astoria
1095 Duane Street
Astoria OR 97103
- D. Location: 1580 Shively Park Road; Map T8N R9W Section 17, Tax Lot 1200 and Section 17CA, Tax Lot 600; Lots 1 to 8, Block 18, Central Astoria, and vacated portion of Nile Street

II. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all parties to the record pursuant to Section 9.020 on October 23, 2015. A notice of public hearing was published in the Daily Astorian on November 9, 2015. Any comments received will be made available at the City Council meeting.

At the November 16, 2015 meeting, the Council continued the public hearing to December 7, 2015 at the request of Verizon. At its December 7, 2015 meeting, the Council continued the public hearing to the January 4, 2016 meeting due to the

holidays to allow for greater public participation in the hearing. At its December 17, 2015 meeting, the City Council continued the public hearing to the January 19, 2016 meeting at the request of Verizon.

III. APPLICABLE CRITERIA

The Findings of Fact dated August 23, 2015 as adopted by the Historic Landmarks Commission at their September 15, 2015 meeting, are hereby incorporated by reference as part of these Findings of Fact. Only the issues raised in the Appeal are addressed in these supplemental Findings of Fact.

- A. Item 1.b of the Appeal - Review of the WCF at Shively Park should not be linked with the WCF for the Reservoir site.

Finding: The permit applications were each a separate application and were considered separately at the Historic Landmarks Commission and Planning Commission hearings. At the HLC meeting, it was noted that City staff had worked with Verizon concerning relocation of the City's emergency communication facilities from the Astoria Column location. The City facilities are to be installed on the Reservoir site tower not at Shively Park. Discussion about the two separate projects, and the removal of the tower from the Astoria Column site, were included as background information only. No City facilities are proposed for the Shively Park site facility as a part of that application. Approval of each permit was independent of the other permits.

At its August 3, 2015 meeting, the City Council approved signing the Verizon applications as the property owner. At that same meeting, the Council authorized signing the leases for both the Reservoir and Shively Park sites with the conditions noted in the leases that the applicant would need to obtain the necessary land use and other permits necessary to construct and operate at these sites. Without those permit approvals, the leases would not be valid.

- B. Item 1.d of the Appeal - The WCF would have a significant adverse impact to the scenic, natural, and historic resources.

Development Code Section 6.070.B, New Construction, Historic Landmarks Commission Historic Design Review Criteria, states *that* "A request to construct a new structure shall be reviewed by the Historic Landmarks Commission following receipt of the request. In reviewing the request, the Historic Landmarks Commission **shall consider and weigh** the following criteria"

- "1. The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials."

Finding: The adjacent historic site is Shively Park with community hall. The Park is a mostly forested area with trails and paved road/path and

picnic area. The community hall is approximately 550' away and the tower would not be visible from the community hall. The tower would be approximately 175' from the picnic area and would not be in the direct line of sight of the landscaped area but would be visible. Centerline Solutions was hired by Verizon to produce new photo simulations. In a letter dated December 23, 2015, Camp+Associates, has indicated that Verizon was unable to provide close up photo simulations due to the close proximity and the height of the trees.

Looking Southwest From picnic area



TOWER EXPOSURE = +/-130' AGL

Proposed

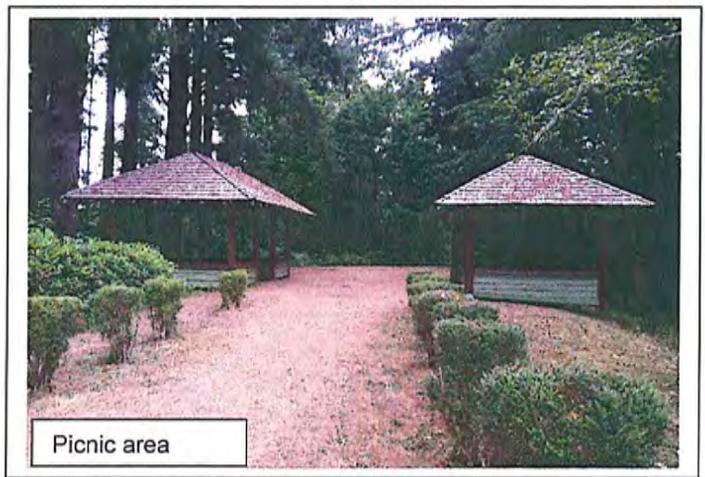
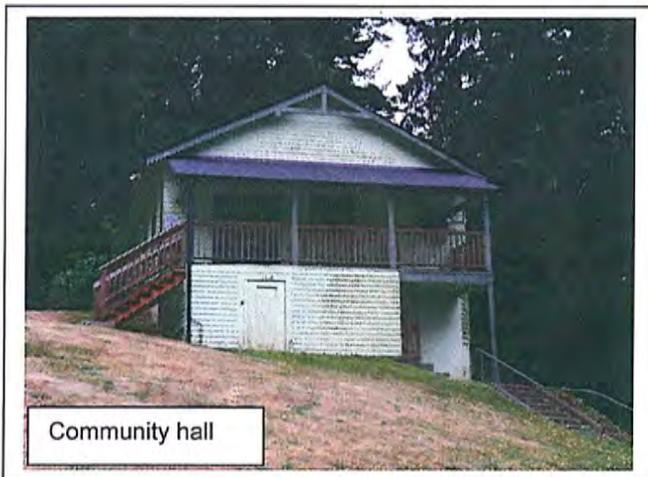
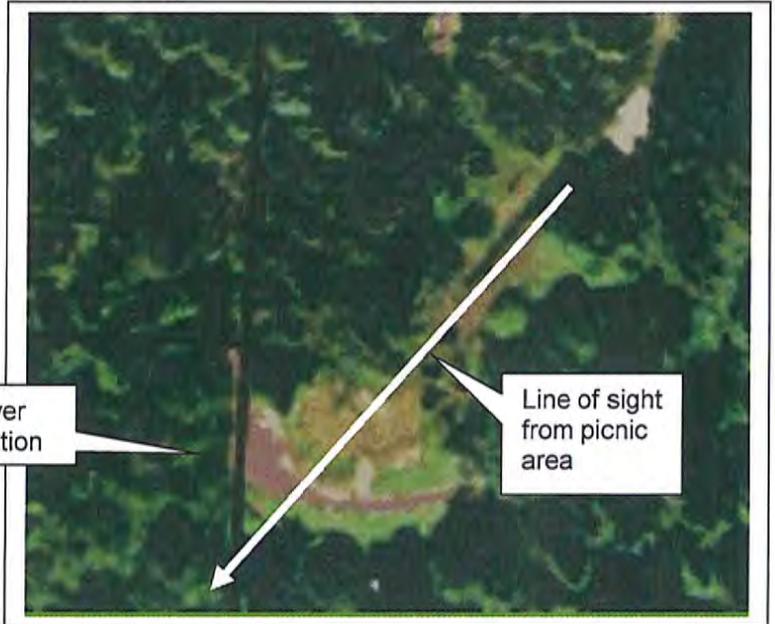
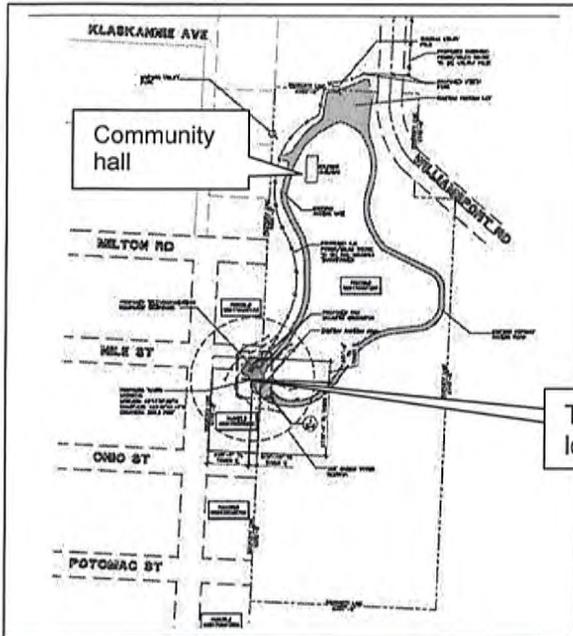
Looking Northwest From Shively Rd



Proposed

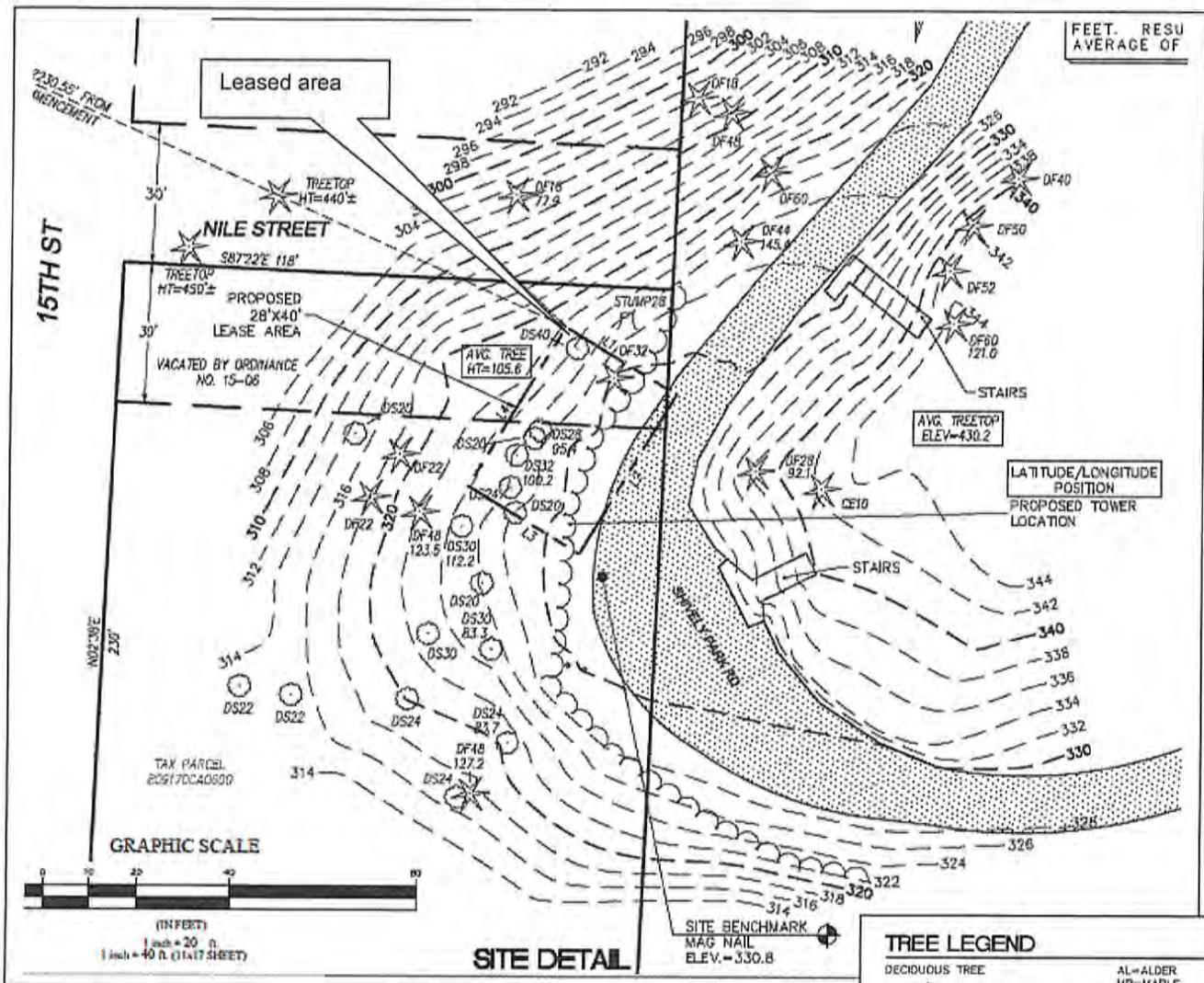


Photo of balloon test looking northwest from Shively Park Road below picnic area. Balloon indicates approximate tower height



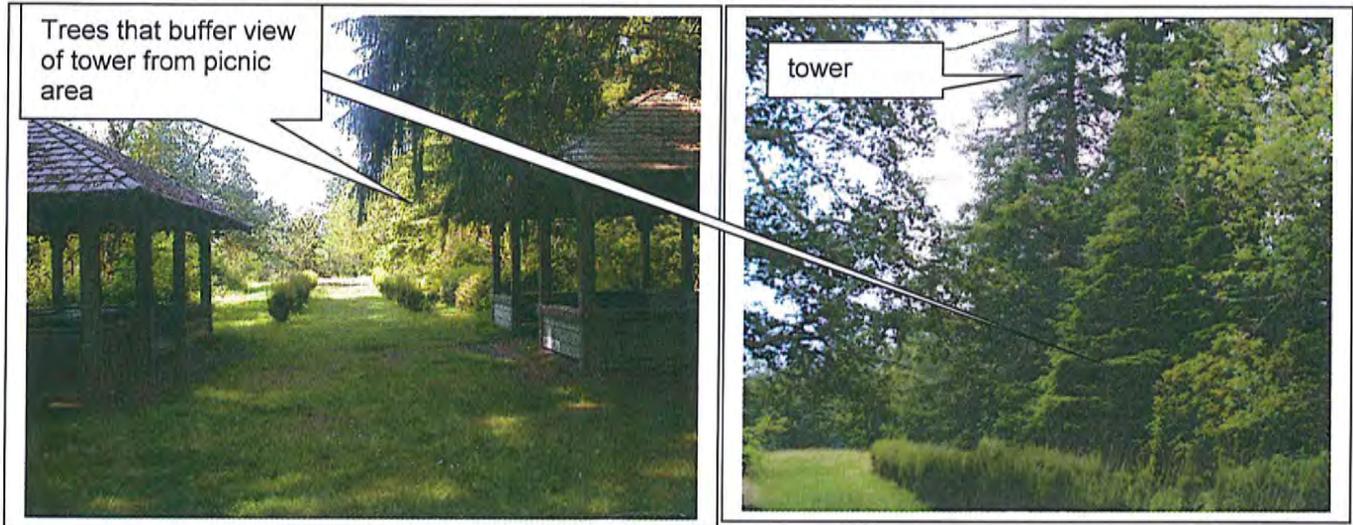
The facility would be located within the existing forested area with 20' to 120' tall deciduous trees and approximately 18' to 145" tall fir trees. The height of the trees was surveyed by the applicant as noted in the diagram submitted by the applicant. They were resurveyed to verify the height as noted in the letter from Duncanson Company Inc. dated December 28, 2015. The revised survey is dated December 10, 2015.

In order to provide service to the South Slope area of Astoria, the WCF antenna must have an unobstructed line of sight. Therefore, the tower equipment must be above the tree canopy. The applicant has indicated which trees would be used in calculating a needed clearance. The tower shall not be taller than 150'.

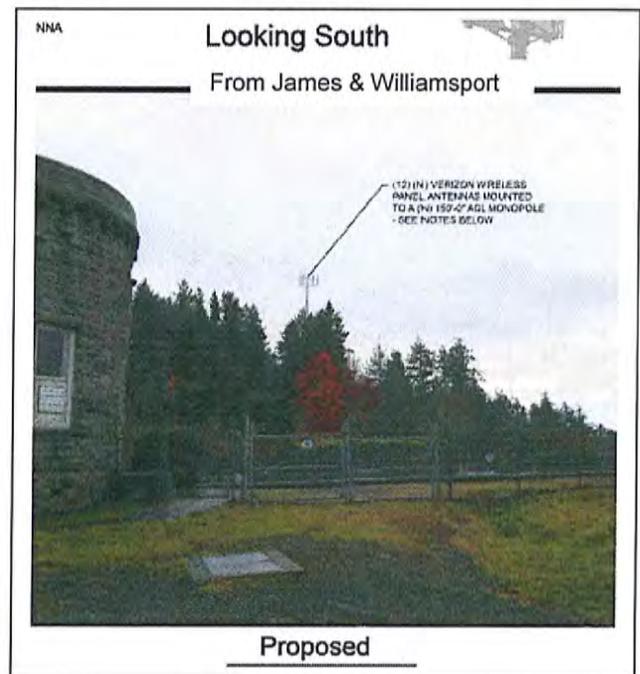
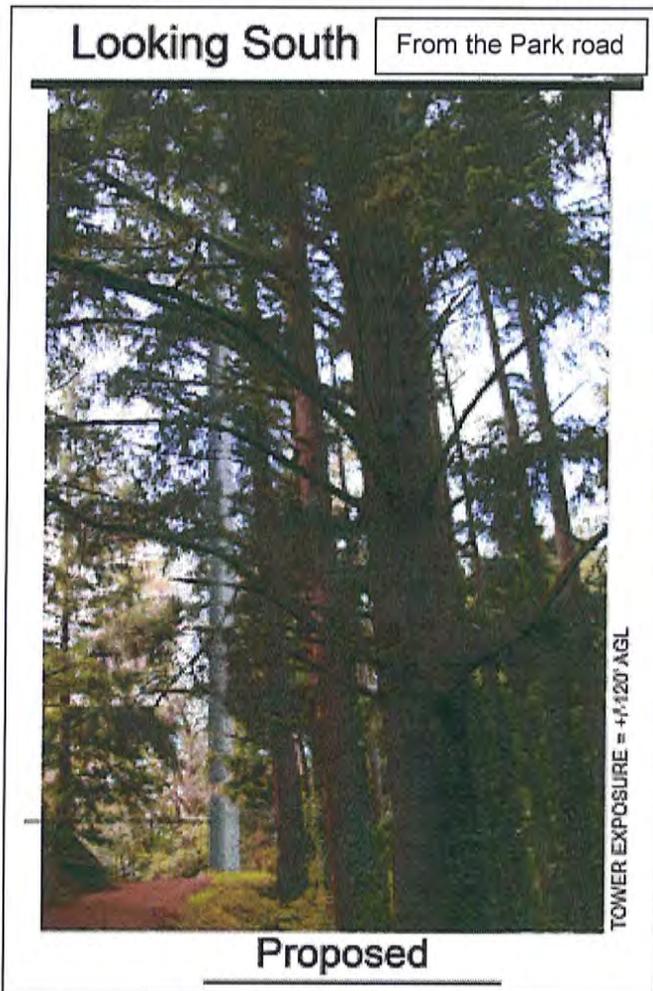


Since the forested area is a key element to the compatibility of the tower at this location, and the historic nature of the park resource, the applicant would be required to replant trees should they be destroyed by any means during the life of the facility (Condition 3).

In addition, the trees in the area of the picnic shelters provide some visual buffer of the tower as viewed from this area. Therefore, these trees should be maintained to continue this buffering. Verizon should be responsible for maintaining the trees in the picnic area that help block the tower from full view (Condition 5).

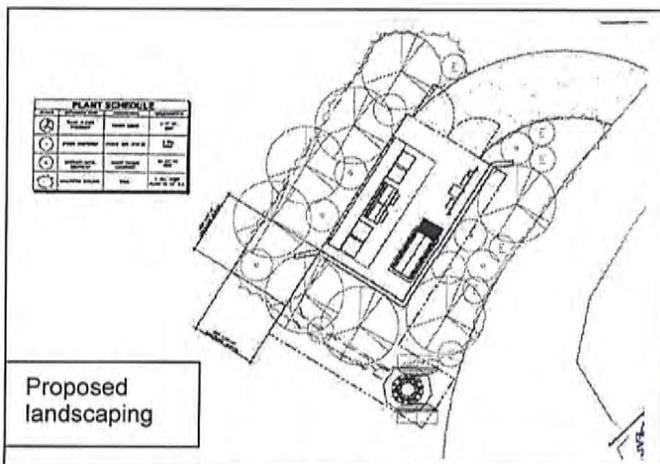


There was an error in the photo simulations originally submitted by Verizon. Verizon hired a new firm to produce new photo simulations. City staff identified various locations for these simulations which are attached showing how much of the tower would be visible from various sites in Astoria. Visibility of the tower from these other locations is more relevant to the Variance and Wireless Communication Facility permits than to the New Construction permit. However, the simulations of the views within and at the general area bordering around the Park would be part of the historic review.

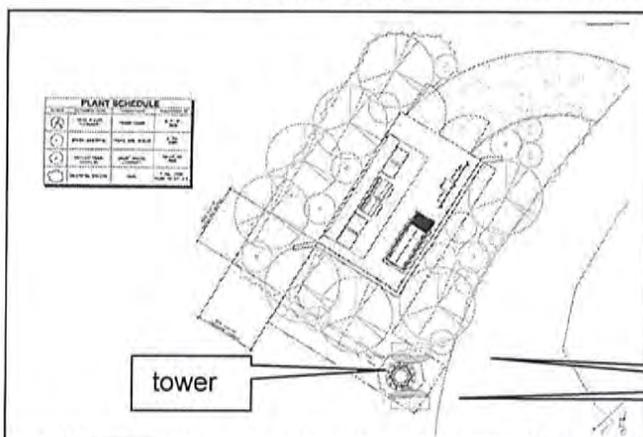


The proposed facility would be a 150' tall metal monopole, powder coated with colors to blend with the sky and forested surroundings. Due to the visibility of the lower portion of the monopole against the tree background, it is recommended that the lower portion of the tower be powder coated in a natural dark brown color to blend in with the tree trunks and that the upper portion be grey to blend with the sky (Condition 2). For comparison, the applicant has provided photo simulations of a tower in grey, dark green, and dark brown.

There would be an equipment enclosure located slightly below grade of the road with a 6' high slatted, chain link fence also proposed to be powder coated dark brown or forest green. Due to the forested back drop, the fence should be dark green (Condition 4). There would be additional new landscaping around the facility.



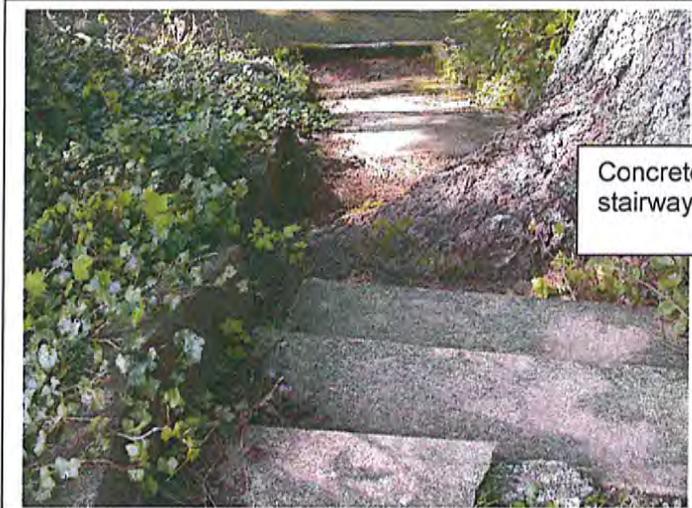
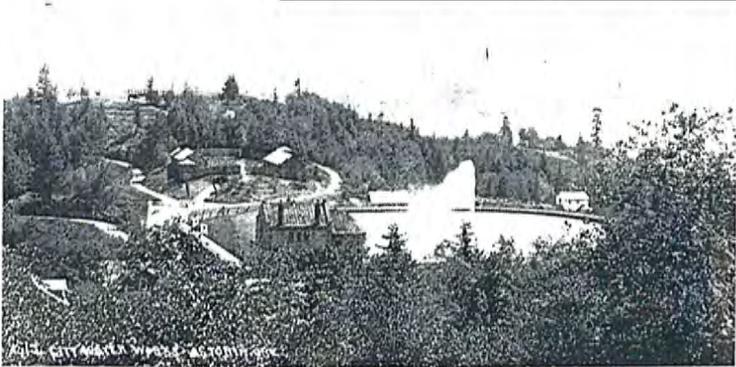
With the size and location of the tower in this area, additional landscaping should be installed at pedestrian height to help buffer the visual impact of the pole at ground level. The lower portion of the tower is proposed to be a dark brown color and the additional landscaping would provide some additional buffering. Selection of the plants should be plants that would grow to at least 4' to 5' tall that would blend in with the other natural vegetation and proposed landscaping. Final landscape plan shall be reviewed and approved by the Special Projects Planner and Parks and Recreation staff (Condition 7).



7

The Park was designated as a Local Landmark in 1983 noting under *"details which contribute to the unique or interesting history"* that it was constructed for the 1911 Centennial celebration. The nature of the Park has changed many times over the years. Currently, the historic Park is a natural setting with tall trees, but the history of the Park has included several structures over the years. At several times, the trees were cleared. In 1911, a replica of Fort Astoria and a grand stand area and arena were constructed along with a 220' tall flag pole. There were botanical gardens, stairways, and a zoo. These structures and many of the features no longer exist. The concrete stairways are still there but in various degrees of condition. After the downtown fire of 1923, the stone entryway to the Winehard Hotel was installed in the Park near the community hall.

1911 Centennial with cleared trees, structures, and utility poles.

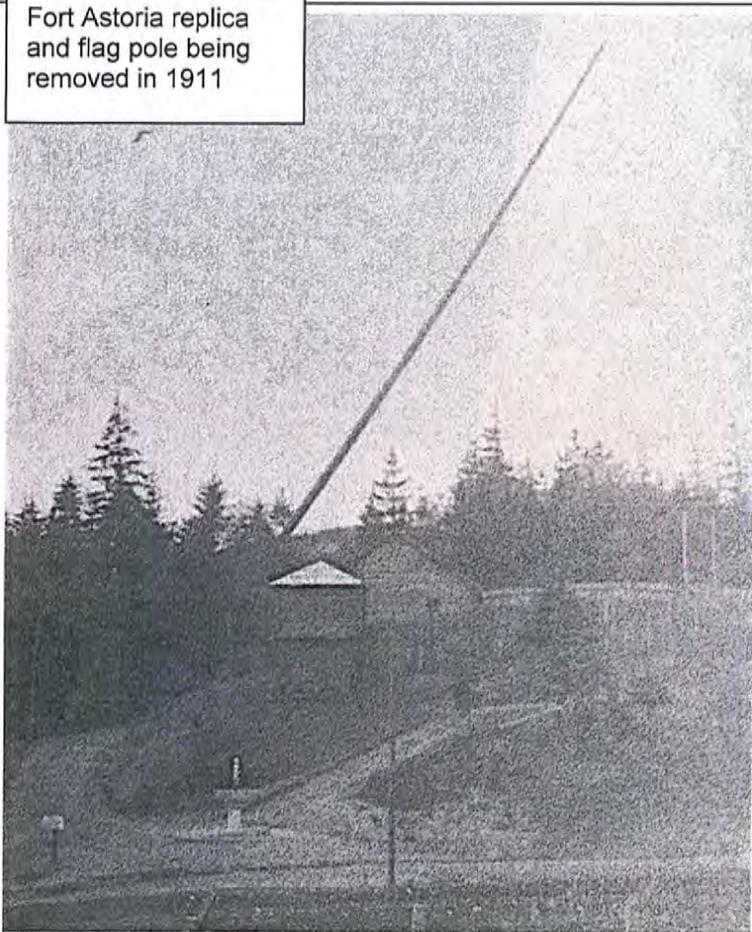


Concrete stairways



While a wireless communication facility tower is metal, the height is similar to the trees in the general area and the monopole design is compatible with the scale and style of the tree trunks. The secluded location makes it visible from only a few places within the Park.

Fort Astoria replica and flag pole being removed in 1911



Weinhard Hotel entry archway after 1923 fire and today within Shively Park

The tower is approximately 550' from the historic Shively community hall and would not be visible from the hall portion of the Park. Therefore, the tower is not being compared to the community hall structure. The picnic shelters are approximately 175' from the tower but are not designated as historic as they are newer structures constructed after the designation and therefore are not subject to review.

With the conditions noted, the proposed structure is compatible in scale, style, height and architectural detail with the existing historic site.

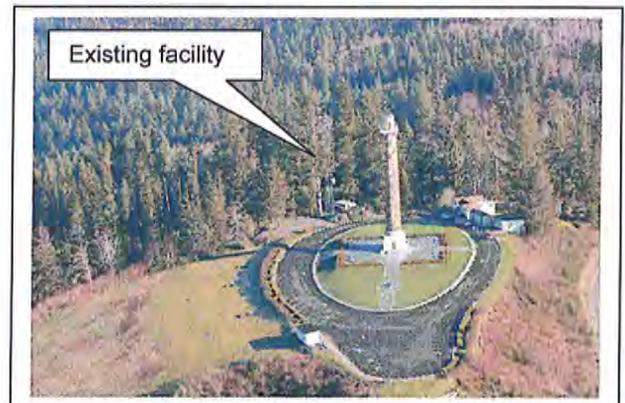
- “2. *The location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations.*”

Finding: The proposed facility is to be situated on the rear, southwest boundary of the Park. Utility poles are generally located within the right-of-way and highly visible; however, a WCF is required to be screened so as to minimize the visual impact. The applicant has submitted a WCF permit application which was approved by the Planning Commission at

their September 16, 2015 meeting. That permit has been appealed (AP15-03) and is pending. The structures at the Park have large setbacks from the Park boundaries. The proposed facility will be approximately 100' from the north and west property lines. Since it is not a building with entrances, the orientation of the structure is not applicable. The only access to the site is from the paved, gated roadway/path within the Park.

Relocation of the facility from its current location near the Column on Coxcomb Hill is necessitated by several factors. The existing tower at the Column is at or over capacity. A new tower on Coxcomb Hill would be highly visible from the Astoria Column and several of the larger trees that currently buffer some of the visual impact would need to be removed. The City determined that it was beneficial to find an alternative location and therefore worked with the Friends of the Column to encourage Verizon to locate elsewhere. The City has negotiated leases with Verizon for the two City sites selected for the towers. The lease for the Shively Park location was approved by Council at their August 3, 2015 meeting; however the applicant would still need to obtain all necessary land use and other permits. If these permits are not obtained, then the lease would be invalid. The second separate lease is for the Reservoir site east of the Column and is not tied to the Shively Park lease.

While relocation from the Column site is not justification for the location in Shively Park, the intense visual impact at the high visitation Column area versus the minimal visual impact and lower visitation passive, natural site at the rear portion of Shively Park was a consideration.



Other sites were tested and were not viable for several reasons including potential cellular coverage area, engineering, and/or high visibility of the tower. Other sites suggested by the City and considered by Verizon included: Fred Lindstrom Park at 614 Niagara; LDS Church at 350 Niagara; City Reservoir 2 at 1597 James Street; Astoria Middle School at 1100 Klaskanine; south side of 1400 Block Niagara. The applicant has evaluated various sites against their criteria for a site that would provide the needed coverage to the south side of Astoria. This evaluation can be found in Section III of their application narrative on pages 2 to 6 and in the Verizon letter dated December 30, 2015.

Due to the distance between the monopole and the historic structure, and the secluded location, in balance and as applicable, the location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations as applicable.

Finding: The Development Code does not require that there be no adverse impact for New Construction. The Code identifies criteria that the HLC needs to review and “weigh” as to whether it is “significant” when making a decision. The HLC “considered and weighed” the Development Code criteria for New Construction and concluded that there would not be a “significant” adverse impact to the resources. However, while the height of the tower has not changed, the photo simulations viewed by the HLC were incorrect due to an error on the part of the independent company hired to do the photo simulations. The applicant has supplied revised photo simulations that show a greater visual impact than the one approved by the HLC.

C. Section 15.065.A.2, Environmental and Historic Resource Protection, states that *“All Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:*

a. *The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;”*

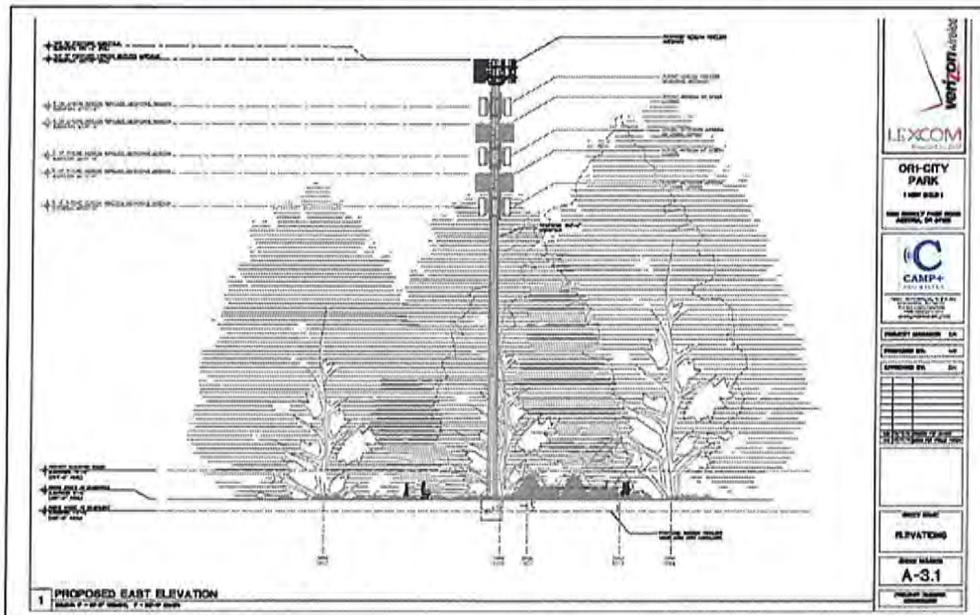
Finding: This project requires compliance with Federal regulations under CFR Section 106 for National Environmental Protection Act (NEPA). That review was completed and in a letter from the State Historic Preservation Office (SHPO), dated February 24, 2015, SHPO states *“We also concur with the finding of no adverse effect for the proposed project.”* Due to the change in photo simulations, the applicant should submit the revised simulations to SHPO for review (Condition 6).

Compliance with the “Astoria Historic Properties regulations” is addressed in Section B above of these Findings. Section 15.065.A.2 states that the *“ . . . facilities shall be sited so as to minimize the effect on environmental and historic resources. . . ”* It does not require “no impact”. The applicant has sited the tower within the existing trees to minimize the visual impact of the tower. As indicated in the photo simulations provided by the applicant, the tower will not be highly visible from various locations around the City but will be visible from some. Shively Park is approximately 12 acres and includes a meeting hall, playground equipment, picnic area, and trails. The proposed tower location

would only be visible from a small portion of the Park and would not impact most of the Park facilities. With the secluded location, the effect on the overall Park is minimal.

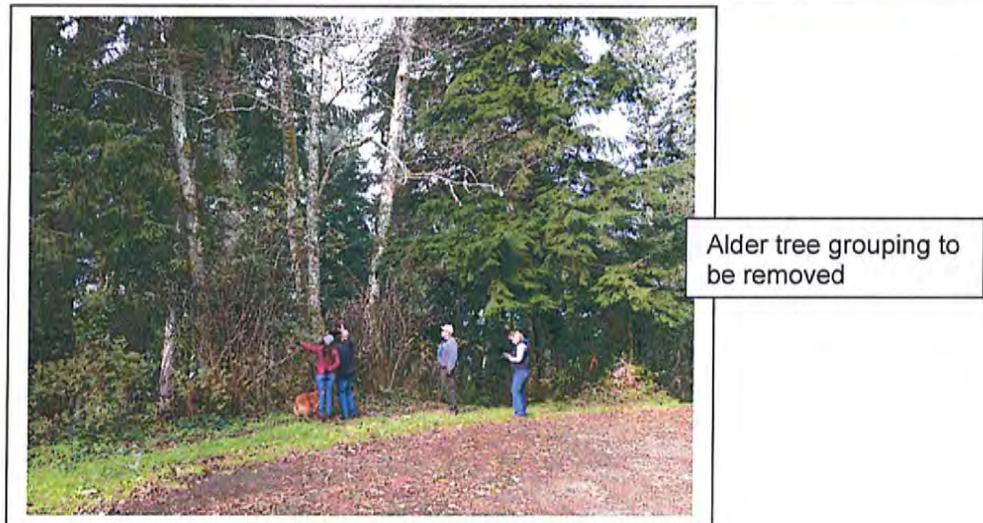
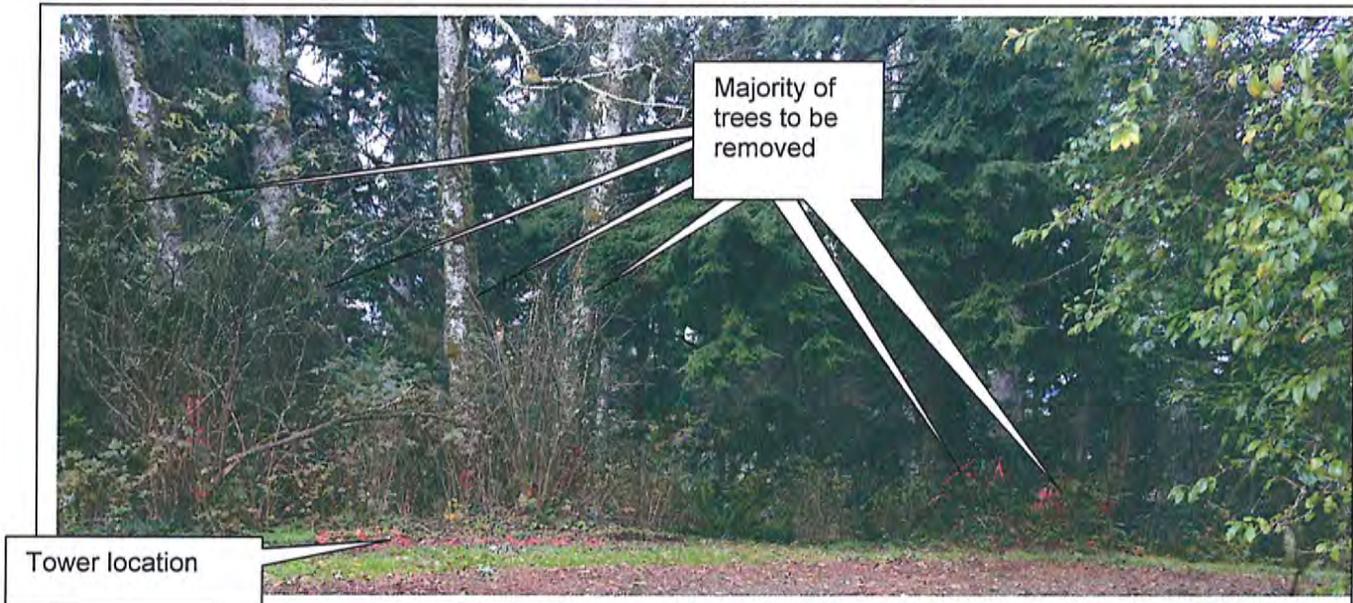
- D. Item 1.f of the Appeal - The photo simulations do not clearly show the visual impact.

Finding: It was noted at the HLC meeting that the proposed facility would be visible but would not be in direct line with the picnic area pathway. The photo simulations from other areas indicated that the facility would not be highly visible from other than the area near the picnic site within Shively Park. The HLC based their decisions on the photo simulations presented by the applicant at that time. On Page 3, Item 3 Clutter, Section III Site Selection and Design, the applicant states that *the "... antennas must clear the clutter in the area. . . . Therefore, antennas must be installed above or close to the clutter in order to provide high quality communications services. . . ."* With the revised tree survey dated December 10, 2015, the applicant has indicated that there are trees up to 145' tall that would impact the service and therefore the tower height is required to be 150' maximum (Condition 1). The applicant has verified the height indicated in the photo simulations dated January 27, 2015 and November 3, 2015, and has submitted revised simulations dated December 23, 2015 and elevation drawings dated October 12, 2015 that show the tower above top of trees. The applicant has submitted photo simulations as viewed from other areas around the City. The tower still would not be highly visible from most other areas but would be visible from some viewpoints.

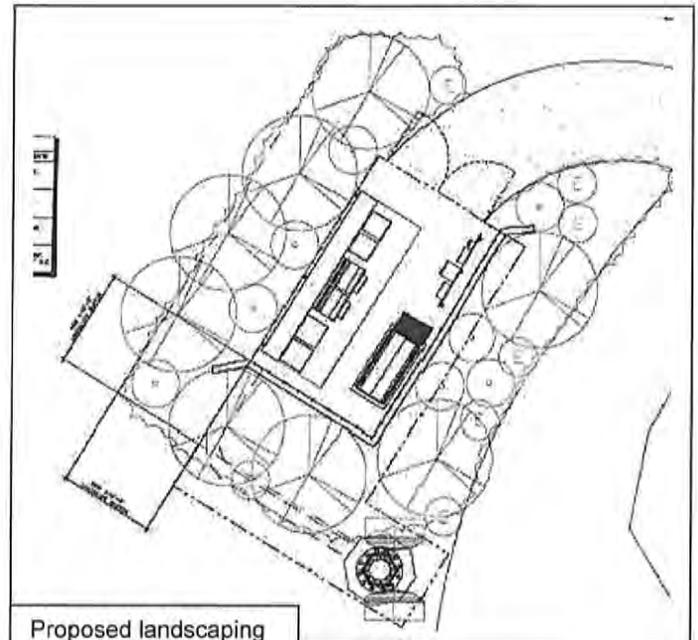


- E. Item 1.f of the Appeal - Trees would need to be removed during construction that would change the visual impact.

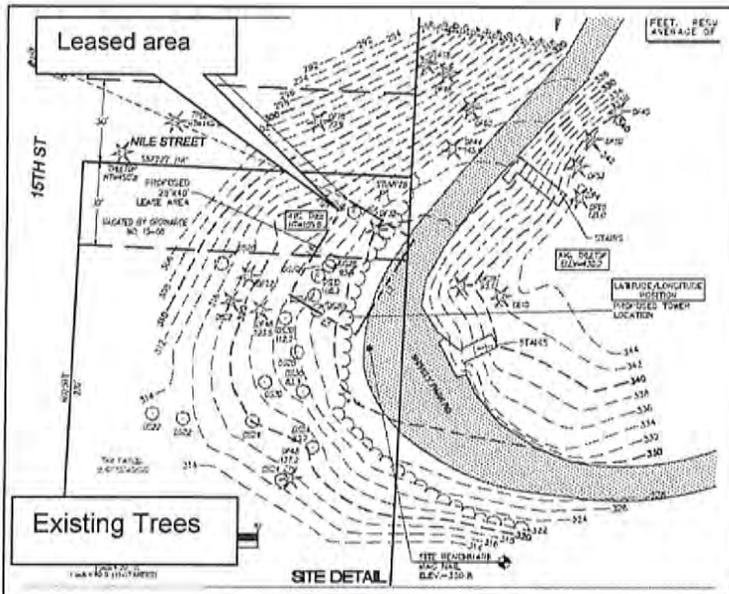
Finding: Verizon Wireless engineers have worked with Parks and Recreation staff to identify the trees that would need to be removed for installation of the proposed facility. The identified trees are primarily smaller deciduous trees and only a minimal number of trees are proposed to be removed. The site would require the removal of seven deciduous trees and one Douglas Fir. Those trees would then be replaced by eight cedar trees, eight myrtle, and eight deciduous bushes commonly known as a burning bush.



PLANT SCHEDULE			
SYMBOL	BOTANICAL NAME	COMMON NAME	RECOMMENDATIONS
	THUJA PLICATA 'FASTIGATA'	HOGAN CEDAR	6-7' HT. B&B
	MYRICA CALIFORNICA	PACIFIC WAX MYRTLE	5' DIA. CONT.
	EUCYMIUS ALATA 'COMPACTA'	DWARF WINGED EUCYMIUS	18-25" HT. B&B
	GAULTHERIA SHALLON	SALAL	1 GAL. CONT. PLANT AT 24" D.C.

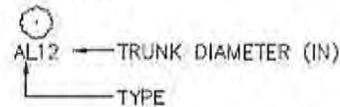


Proposed landscaping



TREE LEGEND

DECIDUOUS TREE



AL=ALDER
MP=MAPLE
DS=DECIDUOUS
MA=MADRONA
OK=OAK
CH=CHERRY

EVERGREEN TREE



CE=CEDAR
DF=DOUGLAS FIR
HE=HEMLOCK
PI=PINE
EVG=EVERGREEN

NOTE:
TREE DRIP LINES ARE NOT TO SCALE. TREE SYMBOLS REFERENCE TRUNK LOCATION ONLY. TRUNK DIAMETERS WERE APPROXIMATED AT 3.5' TO 4' ABOVE GROUND LEVEL. TREES SHOWN ARE FOR REFERENCE ONLY AND OTHER TREES AND VEGETATION MAY EXIST.

The plans submitted by the applicant identify the existing trees by species and note the trunk diameter. Additional landscaping is proposed to further buffer the facility from view. The facility could not be completely screened when viewed from a location in close proximity to the tower. The location within a forested area provides the most screening possible for this type of facility.

- F. Item 1.g of the Appeal - The visual impact of additional equipment due to co-location was not addressed and could be an additional adverse impact.

Development Code Section 15.020.A, Applicability, states that "All Wireless Communication Service Facilities located within the City of Astoria, whether

upon private, public, or City-owned lands, shall comply with the requirements of Article 15.”

Development Code Section 15.045.A, Collocation and Use of Alternative Antenna Support Structures for Wireless Communication Service Facilities, Collocation Design Required, states that *“All antenna support structures shall be designed and constructed so as to not preclude collocation.”*

Development Code Section 15.045.B, Collocation and Use of Alternative Antenna Support Structures for Wireless Communication Service Facilities, Collocation Required, states that *“Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission.”*

Finding: Co-location is a requirement of the Wireless Communication Facility Ordinance of the Development Code. Any additional equipment installed on the tower would be required to apply for a WCF permit for the Shively Park location. It would also be required to go through HLC review for compatibility with the historic code as an Amendment to the Existing New Construction Permit. No additional equipment can be installed without these permit reviews. No additional equipment is being proposed at this time and therefore this issue is not relative to the current application.

- F. Introduction of the Appeal - City’s recommendation for approval is biased due to City involvement in overall project.

Finding: The comments by staff at the HLC meeting were informational background on the relocation of the tower from the Astoria Column location. While the City Council did determine that the tower should be removed from the Column site as indicated at their meetings on July 7, 2014 and December 1, 2014, all permits for the new locations require compliance with the criteria for the Historic Landmarks Commission and Planning Commission to approve the permits. The City authorized submittal of the application as the property owner at their August 3, 2015 meeting, however, the applicant is Verizon Wireless. The applications have been processed in a fair, unbiased, and equitable manner consistent with administrative procedures outlined in the Development Code. The Planner/project manager for the application was involved with the zoning review aspect of the overall siting process but was not involved in the actual decision on the siting and lease discussions that eventually led to the applications.

As managers of the Astor Park area, Friends of Astoria Column contracted with Converge Communications to negotiate with Verizon Wireless to find an alternative location for the existing facility at the Column site. Through that process, Verizon did identify alternative locations which included the Shively Park site. Development Code Section 15.065.A.8, Standards and Review

Criteria, General and Operating Requirements, Technical Expert Support, states that *“The Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required.”* With the impending potential relocation, at their June 1, 2015, the City Council approved a contract with Converge Communications as a professional consultant to assist the City in the negotiations, development of leases, and technical review of the facility.

The following is a list of City Council meetings with involvement in the Verizon communication facilities issues. Staff has been working with Verizon for approximately ten years concerning Verizon’s antennae at the Column site. Since the existing facility at the Column includes the City’s emergency communication facilities, any discussions concerning Verizon’s facility must include the City. The City’s need for emergency communications is imperative but the City Council also considered the overall benefit to the entire City on all aspects of the negotiations. While there was City Council involvement throughout the process, the Council expressed the desire for the relocation from the Column site, but also expressed concern about the potential new sites. In balancing all of the needs of the community, the Council agreed to sign the land use applications as property owner, and enter into a lease (pending land use approvals), to pursue the next level of review for the relocation sites.

2010	Staff presentation to Council that Column location was not ideal for emergency communications and an alternative site should be found
April 1, 2013	Presentation by Deputy Chief Johnston on emergency communication needs and Verizon’s tower at Column with discussion on the possibility of a new site
April 1, 2013	Friends of Column noted that a picnic site could replace tower
July 7, 2014	Friends of Column discuss their contract with Converge Communication on possible relocation of the tower
December 1, 2014	Public hearing on Amendment (A14-04) to allow lattice tower in Land Reserve for Verizon to relocate emergency services from Column to Reservoir 3 site
December 15, 2014	Adoption of ordinance for Amendment (A14-04) to allow lattice tower in Land Reserve for Verizon to relocate emergency services from Column to Reservoir 3 site
April 20, 2015	Presentation by Friends of Column including discussion on negotiations with Verizon to move tower from Column site
May 18, 2015	Friends of Column request that City reimburse them for the expenses related to the Converge contract. Decision continued to next meeting
May 18, 2015	Discussion on possible City contract with Converge on tower relocation from Column and emergency

	communication services. Decision continued to next meeting
June 1, 2015	Council approved reimbursement to Friends of Column for Converge contract
June 1, 2015	Council approved contract with Converge to continue negotiations with Verizon on relocation
June 15, 2015	Adoption of Supplemental Budget for FY2014-2015 to cover the Converge contracts
July 6, 2015	Resolution to schedule public hearing for vacation of Nile Street to potentially accommodate a Verizon cell tower to provide coverage to South Slope area lost with the removal of the Column tower. Some concern expressed with proposed Shively Park location
August 3, 2015	Presentation by Converge on tower relocation. Some concern expressed with proposed Shively Park location
August 3, 2015	Approval of lease agreement with Verizon for proposed Reservoir and Shively Park sites for towers. Approval by Council as property owner for land use applications by Verizon to proceed. It was noted that Verizon would need both HLC and APC approvals for the new sites. Some comment about Shively Park location.
August 3, 2015	Public hearing and first reading of Ordinance to vacate portion of Nile Street right-of-way for potential Verizon tower in Shively Park. It was noted in the report that the City as the adjacent property owner would retain ownership of the vacated portion and therefore were not relinquishing the land.
August 17, 2015	Second reading and adoption of Ordinance to vacate portion of Nile Street for potential Verizon tower in Shively Park.

CONCLUSION

It is recommended that, if the City Council upholds the HLC decision to approve the request, that the following conditions be added to the permit.

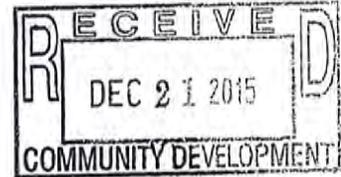
Conditions:

1. The tower height shall be at a maximum of 150' if approved with a Variance permit.
2. The lower portion of the tower shall be a dark brown color to blend in with the tree trunks and the upper portion shall be grey to blend with the sky
3. The applicant shall replant trees buffering view of the facility should they be destroyed by any means during the life of the facility under the applicant's lease.
4. The equipment fencing shall be a dark green color to blend in with the tree vegetation.

5. The applicant shall be responsible for maintenance and/or replacement of the trees in the picnic area that help block the tower from full view during the life of the facility under the applicant's lease.
6. The applicant shall submit the revised photo simulations to SHPO for review under the Section 106 historic review and provide the Planner with a copy of the SHPO review with findings stating there will be no adverse effect prior to issuance of a building permit.
7. Additional landscaping shall be installed at pedestrian height to help buffer the visual impact of the pole at ground level. Selection of the plants shall be plants that would grow to at least 4' to 5' tall and would blend in with the other natural vegetation and proposed landscaping. Final landscape plan shall be reviewed and approved by the Special Projects Planner and Parks and Recreation staff. All landscaping shall be installed prior to final inspection for the building permit.



Community Development Department
 1095 Duane Street
 Astoria OR 97103
 503-338-5183



WAIVER OR EXTENSION OF 120 DAY RULE AT APPLICANT'S REQUEST

Applicant: Verizon Wireless

Application Request No.: NC15-03

Date of Original Request: 8-4-15

Pursuant to ORS 227.178*, the Applicant:

 Waives its rights to a decision on the above application within 120 days of the date the application is deemed complete.

X Extends the 120 day time period for a reasonable period of time of 97 days [ORS 227.178(4)] to March 8, 2016. Total period may not exceed 245 days.

Sharon Gretch

Applicant signature

December 21, 2015
Date

Name: Sharon Gretch, Lexcom Development

Address: 31649 Sexton Road

Philomath OR 97370

Phone: 541-515-8263 email: sharon.gretch@lexcomcorp.com

*** 227.178 Final action on certain applications required within 120 days; procedure; exceptions; refund of fees.** (1) Except as provided in subsections (3) and (4) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(4) The 120-day period set in subsection (1) of this section may be extended for a reasonable period of time at the request of the applicant.

(9) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (7) of this section or ORS 227.179 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.



**CITY OF ASTORIA
COMMUNITY DEVELOPMENT
DEPARTMENT**

January 8, 2016

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM: ROSEMARY JOHNSON, SPECIAL PROJECTS PLANNER

SUBJECT: SUPPLEMENTAL FINDINGS OF FACT FOR APPEAL (AP15-02) ON VARIANCE PERMIT (V15-03)

I. BACKGROUND SUMMARY

- A. Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230

Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370
- B. Appellant: Ron Zilli
1444 16th Street
Astoria OR 97103
- C. Owner: City of Astoria
1095 Duane Street
Astoria OR 97103
- D. Location: 1580 Shively Park Road; Map T8N R9W Section 17, Tax Lot 1200
and Section 17CA, Tax Lot 600; Lots 1 to 8, Block 18, Central
Astoria, and vacated portion of Nile Street

II. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all parties to the record pursuant to Section 9.020 on October 23, 2015. A notice of public hearing was published in the Daily Astorian on November 9, 2015. Any comments received will be made available at the City Council meeting.

At the November 16, 2015 meeting, the Council continued the public hearing to December 7, 2015 at the request of Verizon. At its December 7, 2015 meeting, the Council continued the public hearing to the January 4, 2016 meeting due to the

holidays to allow for greater public participation in the hearing. At its December 17, 2015 meeting, the City Council continued the public hearing to the January 19, 2016 meeting at the request of Verizon.

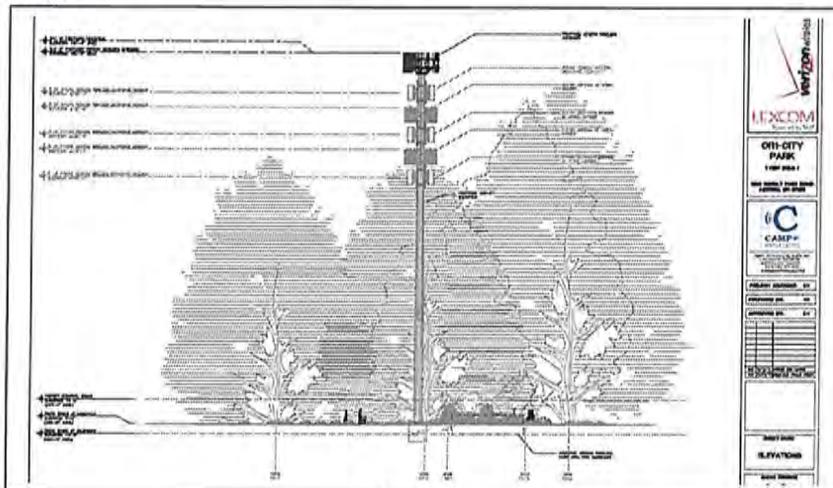
III. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

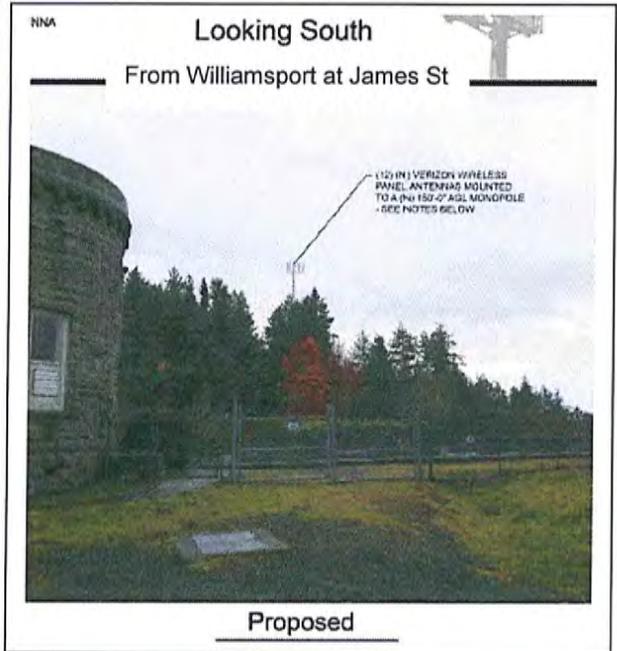
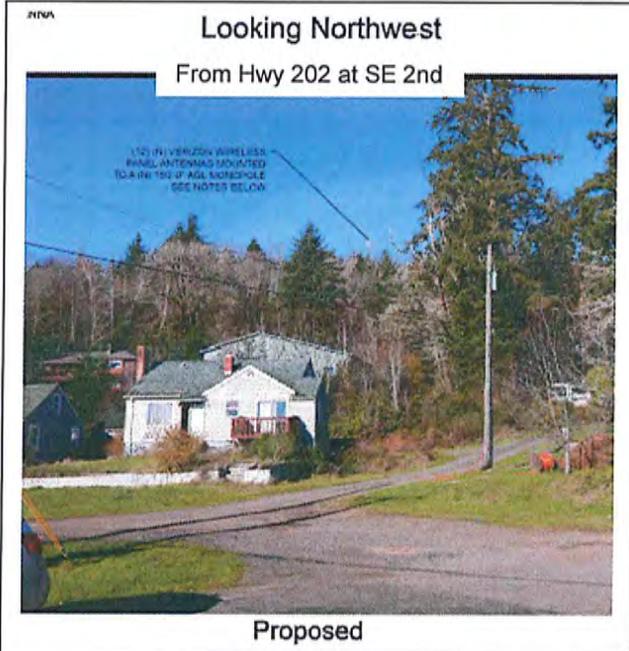
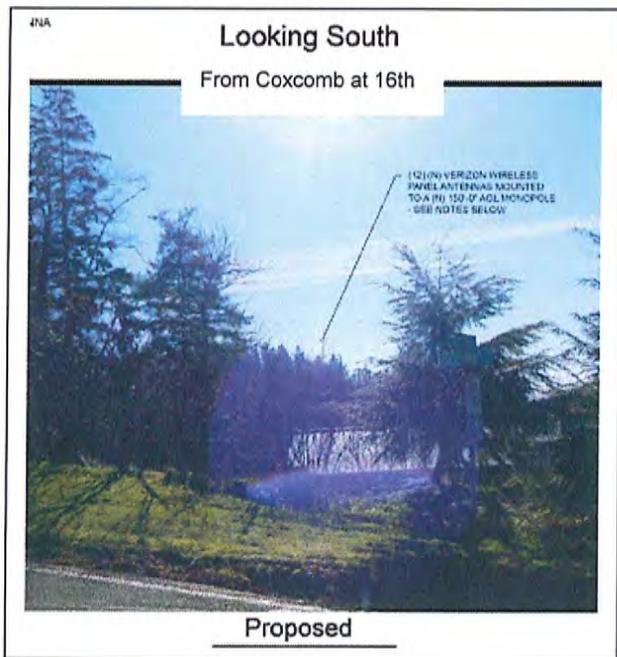
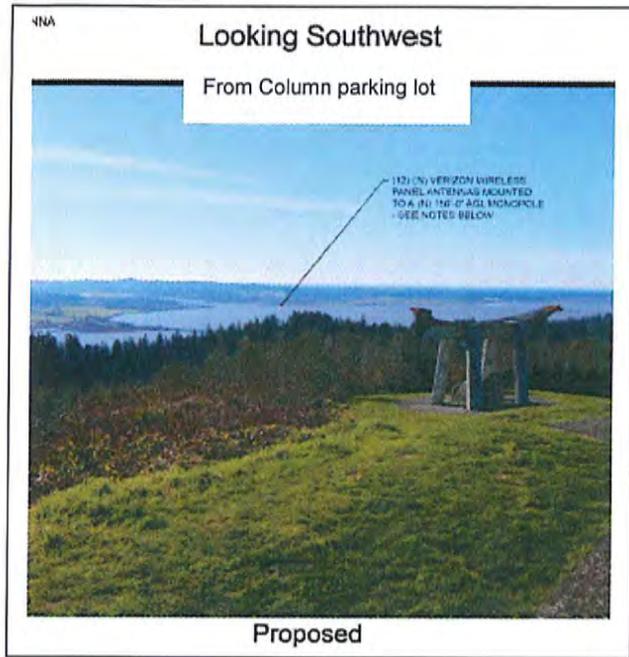
The Findings of Fact dated August 23, 2015 as adopted by the Astoria Planning Commission (APC) at their September 16, 2015 meeting are hereby incorporated by reference as part of these Findings of Fact. Only the issues raised in the Appeal are addressed in these supplemental Findings of Fact.

- A. Items 1.a and 1.b of the Appeal - The photo simulations do not clearly show the visual impact.

Finding: It was noted at the APC meeting that the proposed facility would be visible but would not be in direct line with the picnic area pathway. The photo simulations from other areas indicate that the facility would not be highly visible from other than the area near the picnic site within Shively Park.

The APC based their decisions on the photo simulations presented by the applicant as being accurate. On Page 3, Item 3 Clutter, Section III Site Selection and Design, the applicant states that *the . . . antennas must clear the clutter in the area. . . Therefore, antennas must be installed above or close to the clutter in order to provide high quality communications services. . .* With the revised tree survey dated December 10, 2015, the applicant has indicated that there are trees up to 145' tall that would impact the service and therefore the tower height is required to be 150' maximum (Condition 1). The applicant has verified the height indicated in the photo simulations dated January 27, 2015 and November 3, 2015 and has submitted revised simulations dated December 23, 2015 and elevation drawings dated October 12, 2015 that shows the tower above the top of trees. The applicant has submitted photo simulations as viewed from other areas around the City. The tower still would not be highly visible from most other areas but will be visible from some viewpoints.





- B. Item 1.c of the Appeal – Camouflage and concealment technology proposed are inadequate.

Development Code Section 15.025, Definitions, states *“CAMOUFLAGE: A way of painting and mounting an antenna and antenna support structure, resulting in the antenna and antenna support structure being reasonably difficult for the naked eye to detect or observe.”*

Section 15.065.B.3, Standards and Review Criteria; Location, Siting and Design Requirements; Use of Concealment Technology, states that *“All Wireless*

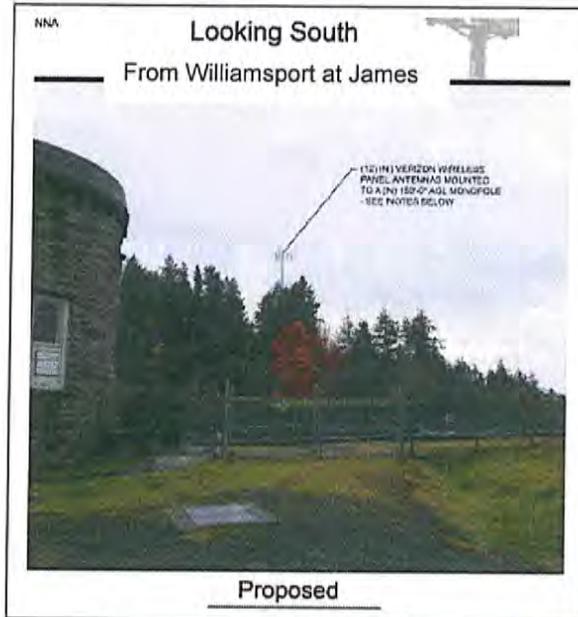
Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.”

Finding: The WCF is proposed to be located within the forested area of Shively Park as a way to camouflage the tower from view from the majority of the surrounding area. Multiple sites and designs were considered which would have been highly visible for greater distances. In order to provide service to the south area of Astoria, a WCF is needed on the high ground near the Niagara Avenue area as noted in the original Findings of Fact. Other sites were tested and were not viable for several reasons including potential cellular coverage area, engineering, and/or high visibility of the tower. Other sites suggested by the City and considered by Verizon included: Fred Lindstrom Park at 614 Niagara; LDS Church at 350 Niagara; City Reservoir 2 at 1597 James Street; Astoria Middle School at 1100 Klaskanine; south side of 1400 Block Niagara. The applicant has evaluated various sites against their criteria for a site that would provide the needed coverage to the south side of Astoria. This evaluation can be found in Section III of their application narrative on pages 2 to 6 and in the Verizon letter dated December 30, 2015.

The Code states that *“the WCF shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.”* The proposed site utilizes the natural vegetation, topographic screening on the hillside, and color of the facility to blend in with the *“surrounding natural and human-made environment”* and is *“reasonably difficult for the naked eye to detect”* except from the viewpoint in the immediate vicinity of the tower and a few other viewpoints. The applicant has provided new photo simulations that show the visibility of the tower including the difference in appearance with three colors: grey, green, brown.

The proposed facility would be a 150' tall metal monopole powder coated to a color selected by the City. Due to the visibility of the lower portion of the monopole against the tree background, it is recommended that the lower portion of the tower be powder coated in a natural dark brown color to blend in with the tree trunks and that the upper portion be grey to blend with the sky (Condition 2). For comparison, the applicant has provided photo simulations of grey, green, and dark brown.

Except for the area within the Park close to the tower, one of the most visible viewpoints appears to be from Williamsport at James Street. This is the area where the appellant lives.



The trees in the area of the picnic shelters provide some visual buffer of the tower as viewed from this area. Therefore, these trees should be maintained to continue this buffering. Verizon should be responsible for maintaining the trees in the picnic area that help block the tower from full view (Condition 4).

- C. Items 1.d, 1.e, and 1.h of the Appeal - The WCF would have a significant adverse impact to the area.

Development Code Section 12.030.A.2 states that *“development consistent with the request will not be substantially injurious to the neighborhood in which the property is located.”*

Development Code Section 12.030.B.2 states that *“Relevant factors to be considered in determining whether development consistent with the request is substantially injurious to the neighborhood include:*

- a. *The physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards;*
- b. *The incremental impacts occurring as a result of the proposed variance.”*

Development Code Section 12.030.B.3 states that *“A determination of whether the standards set forth in Section 12.030(A) are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in Section 12.030(B) (1) & (2) are not standards and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.”*

Section 15.065.B.6, Standards and Review Criteria; Location, Siting and Design Requirements; Height, states that *“In addition to the maximum structure height*

requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:

- a. WCF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- b. If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.*
- c. In reviewing Variance requests to the above described height limits, the following shall be considered:*
 - 1) The proposed structure and facility uses concealment technology; and*
 - 2) It is demonstrated that a greater height is required to provide the necessary service."*

Finding: The south side of Astoria is deficient in its 3G and 4G LTE coverage and Verizon has proposed an upgrade to those services. The existing facility at Coxcomb Hill is not structurally able to accommodate the needed new equipment and therefore a new tower is required (TRK Engineering Ltd., Structural Analysis Report of existing Column tower, dated January 22, 2009, incorporated by reference). The site on Coxcomb Hill is highly visible adjacent to the Astoria Column which has high visitation. The Friends of the Column and the City have determined that a different location would provide better concealment and wireless coverage.

The proposed location within Shively Park would be within the heavily forested area and only visible from a few places within the Park. The natural forest landscaping provides some concealment. Since the forested area is a key element to the concealment of the tower at this location, and the historic nature of the park resource, the applicant would be required to replant trees should they be destroyed by any means during the life of the facility under the applicant's lease (Condition 3). The tower would also be visible from some viewpoints in the City as noted in the revised photo simulations.

The facility must be located in an area where the radio frequency broadcast will provide adequate coverage within the area with gap in coverage. Radio frequencies travel in a straight line and diminish as they travel further away from antennas. Therefore, the facility is best located near the center of the desired coverage area. In selecting a site, the natural high terrain provides better coverage but the facility must be tall enough to provide that coverage to the targeted area. The applicant has submitted the technical data to support the location and height requirement with revised coverage maps and letter dated December 30, 2015. An independent consultant, Converge Communications, was hired to provide technical expertise in reviewing documents related to the Verizon siting proposals.

With the natural forest camouflage and the data on coverage of services, it appears that the 150' height is required to provide the needed services to Astoria.

Exhibit 2 – ORI City Park without Coverage
(Inclusive of removal of Astoria HD site near the Column)

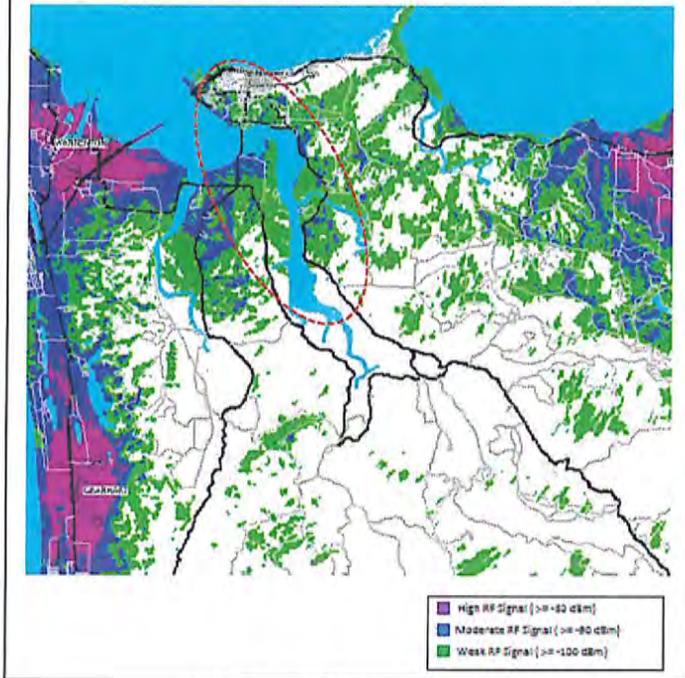
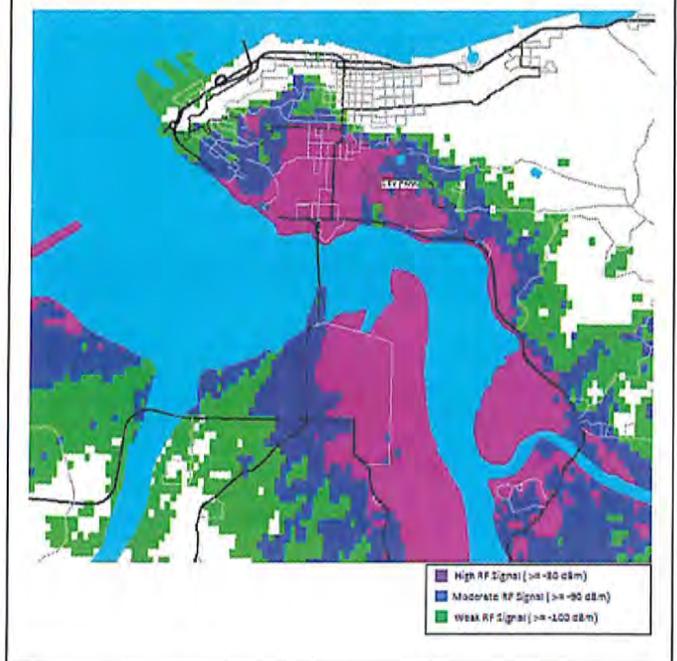


Exhibit 4 – ORI City Park Coverage Only
(close up view)



The Development Code does provide for the ability for an applicant to obtain a variance from the tower height but does not require that there be no adverse impact. The Code identifies criteria that the APC needs to review when making a decision as to whether it is “substantially injurious to the neighborhood”. The Code also states that the decision “*involves the balancing of competing and conflicting interests*” and the considerations “*are not standards*”. The APC considered and weighed the Development Code standard criteria for a Variance and WCF variance criteria from height of a WCF. It concluded that there would not be a “substantial injury” to the neighborhood and that the tower would be generally concealed from view from most of the area. However, while the height of the tower has not changed, the photo simulations viewed by the APC were incorrect due to an error on the part of the independent company hired to do the photo simulations. The applicant has supplied revised photo simulations that show a greater visual impact than the one approved by the APC.

The APC also concluded that providing cellular coverage to the south portion of Astoria was a factor requiring the additional height. The tower would not be highly visible from the neighborhood and surrounding areas and would only be visible from the immediate area within Shively Park and a few other locations around the City. The applicant has provided new calculations of the adjacent tree heights and new photo simulations that show the various visual impacts.

The impacts related to the historic designated site were reviewed separately by the Historic Landmarks Commission. The HLC approved the request on

September 15, 2015. That permit was also appealed (AP15-01) and is pending decision by the City Council.

- D. Item 1.f of the Appeal – City’s recommendation for approval is biased due to City involvement in overall project.

Finding: The comments by staff at the APC meeting were informational background on the relocation of the tower from the Astoria Column location. While the City Council did determine that the tower should be removed from the Column site as indicated at their meetings on July 7, 2014 and December 1, 2014, all permits for the new locations require compliance with the criteria for the Historic Landmarks Commission and Planning Commission to approve the permits. The City authorized submittal of the application as the property owner at their August 3, 2015 meeting; however, the applicant is Verizon Wireless. The applications have been processed in a fair, unbiased, and equitable manner consistent with administrative procedures outlined in the Development Code. The Planner/project manager for the application was involved with the zoning review aspect of the overall siting process but was not involved in the actual decision on the siting and lease discussions that eventually led to the applications.

As managers of the Astor Park area, Friends of Astoria Column contracted with Converge Communications to negotiate with Verizon Wireless to find an alternative location for the existing facility at the Column site. Through that process, Verizon did identify alternative locations which included the Shively Park site. Development Code Section 15.065.A.8, Standards and Review Criteria, General and Operating Requirements, Technical Expert Support, states that *“The Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required.”* With the impending potential relocation, at their June 1, 2015 meeting, the City Council approved a contract with Converge Communications as a professional consultant to assist the City in the negotiations, development of leases, and technical review of the proposed facility.

The following is a list of City Council meetings with involvement in the Verizon communication facilities issues. Staff has been working with Verizon for approximately ten years concerning Verizon’s antennae at the Column site. Since the existing facility at the Column includes the City’s emergency communication facilities, any discussions concerning Verizon’s facility must include the City. The City’s need for emergency communications is imperative but the City Council also considered the overall benefit to the entire City on all aspects of the negotiations. While there was City Council involvement throughout the process, the Council expressed the desire for the relocation from the Column site, but also expressed concern about the potential new sites. In

balancing all of the needs of the community, the Council agreed to sign the land use applications as property owner, and enter into a lease (pending land use approvals), to pursue the next level of review for the relocation sites.

2010	Staff presentation to Council that Column location was not ideal for emergency communications and an alternative site should be found
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April 1, 2013	Friends of Column noted that a picnic site could replace tower
July 7, 2014	Friends of Column discuss their contract with Converge Communication on possible relocation of the tower
December 1, 2014	Public hearing on Amendment (A14-04) to allow lattice tower in Land Reserve for Verizon to relocate emergency services from Column to Reservoir 3 site
December 15, 2014	Adoption of ordinance for Amendment (A14-04) to allow lattice tower in Land Reserve for Verizon to relocate emergency services from Column to Reservoir 3 site
April 20, 2015	Presentation by Friends of Column including discussion on negotiations with Verizon to move tower from Column site
May 18, 2015	Friends of Column request that City reimburse them for the expenses related to the Converge contract. Decision continued to next meeting
May 18, 2015	Discussion on possible City contract with Converge on tower relocation from Column and emergency communication services. Decision continued to next meeting
June 1, 2015	Council approved reimbursement to Friends of Column for Converge contract
June 1, 2015	Council approved contract with Converge to continue negotiations with Verizon on relocation
June 15, 2015	Adoption of Supplemental Budget for FY2014-2015 to cover the Converge contracts
July 6, 2015	Resolution to schedule public hearing for vacation of Nile Street to potentially accommodate a Verizon cell tower to provide coverage to South Slope area lost with the removal of the Column tower. Some concern expressed with proposed Shively Park location
August 3, 2015	Presentation by Converge on tower relocation. Some concern expressed with proposed Shively Park location
August 3, 2015	Approval of lease agreement with Verizon for proposed Reservoir and Shively Park sites for towers. Approval by Council as property owner for land use applications by Verizon to proceed. It was noted that Verizon would need

- both HLC and APC approvals for the new sites. Some comment about Shively Park location.
- August 3, 2015 Public hearing and first reading of Ordinance to vacate portion of Nile Street right-of-way for potential Verizon tower in Shively Park. It was noted in the report that the City as the adjacent property owner would retain ownership of the vacated portion and therefore were not relinquishing the land.
- August 17, 2015 Second reading and adoption of Ordinance to vacate portion of Nile Street for potential Verizon tower in Shively Park.

- E. Item 1.g of the Appeal - The visual impact of additional equipment due to co-location was not shown or considered.

Development Code Section 15.020.A, Applicability, states that *“All Wireless Communication Service Facilities located within the City of Astoria, whether upon private, public, or City-owned lands, shall comply with the requirements of Article 15.”*

Development Code Section 15.045.A, Collocation and Use of Alternative Antenna Support Structures for Wireless Communication Service Facilities, Collocation Design Required, states that *“All antenna support structures shall be designed and constructed so as to not preclude collocation.”*

Development Code Section 15.045.B, Collocation and Use of Alternative Antenna Support Structures for Wireless Communication Service Facilities, Collocation Required, states that *“Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission.”*

Finding: Co-location is a requirement of the Wireless Communication Facility Ordinance of the Development Code. Any additional equipment installed on the tower would be required to apply for a WCF permit for the Shively Park location. It would also be required to go through HLC review for compatibility with the historic code as an Amendment to the Existing New Construction Permit. Any changes to the approved height would be required to go through APC review for a new Variance. No additional equipment is being proposed at this time and therefore this issue is not relative to the current application because it is projecting a potential issue that does not exist.

CONCLUSION

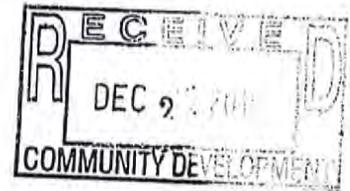
It is recommended that, if the City Council upholds the APC decision to approve the request, that the following conditions be added to the permit.

Conditions:

1. The tower height is approved at a maximum of 150'.
2. The lower portion of the tower shall be a natural dark brown color to blend in with the tree trunks and the upper portion shall be grey to blend with the sky
3. The applicant shall replant trees buffering view of the facility should they be destroyed by any means during the life of the facility under the applicant's lease.
4. The applicant shall be responsible for maintaining the trees in the picnic area that help block the tower from full view during the life of the facility under the applicant's lease.



Community Development Department
 1095 Duane Street
 Astoria OR 97103
 503-338-5183



WAIVER OR EXTENSION OF 120 DAY RULE AT APPLICANT'S REQUEST

Applicant: Verizon Wireless

Application Request No.: V15-03

Date of Original Request: 8-4-15

Pursuant to ORS 227.178*, the Applicant:

Waives its rights to a decision on the above application within 120 days of the date the application is deemed complete.

Extends the 120 day time period for a reasonable period of time of 97 days [ORS 227.178(4)] to March 8, 2016. Total period may not exceed 245 days.

Sharon Gretch
 Applicant signature

December 21, 2015
 Date

Name: Sharon Gretch, Lexcom Development

Address: 31649 Sexton Road
Philomath OR 97370

Phone: 541-515-8263 email: sharon.gretch@lexcomcorp.com

*** 227.178 Final action on certain applications required within 120 days; procedure; exceptions; refund of fees.** (1) Except as provided in subsections (3) and (4) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(4) The 120-day period set in subsection (1) of this section may be extended for a reasonable period of time at the request of the applicant.

(9) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (7) of this section or ORS 227.179 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.



**CITY OF ASTORIA
COMMUNITY DEVELOPMENT
DEPARTMENT**

January 11, 2016

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM: ROSEMARY JOHNSON, SPECIAL PROJECTS PLANNER

SUBJECT: SUPPLEMENTAL FINDINGS OF FACT FOR APPEAL (AP15-03) ON
WIRELESS COMMUNICATION FACILITY PERMIT (WCF15-03)

I. BACKGROUND SUMMARY

- A. Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230

Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370
- B. Appellant: Ron Zilli
1444 16th Street
Astoria OR 97103
- C. Owner: City of Astoria
1095 Duane Street
Astoria OR 97103
- D. Location: 1580 Shively Park Road; Map T8N R9W Section 17, Tax Lot 1200
and Section 17CA, Tax Lot 600; Lots 1 to 8, Block 18, Central
Astoria, and vacated portion of Nile Street

II. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all parties to the record pursuant to Section 9.020 on October 23, 2015. A notice of public hearing was published in the Daily Astorian on November 9, 2015. Any comments received will be made available at the City Council meeting.

At the November 16, 2015 meeting, the Council continued the public hearing to December 7, 2015 at the request of Verizon. At its December 7, 2015 meeting, the Council continued the public hearing to the January 4, 2016 meeting due to the

holidays to allow for greater public participation in the hearing. At its December 17, 2015 meeting, the City Council continued the public hearing to the January 19, 2016 meeting at the request of Verizon.

III. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

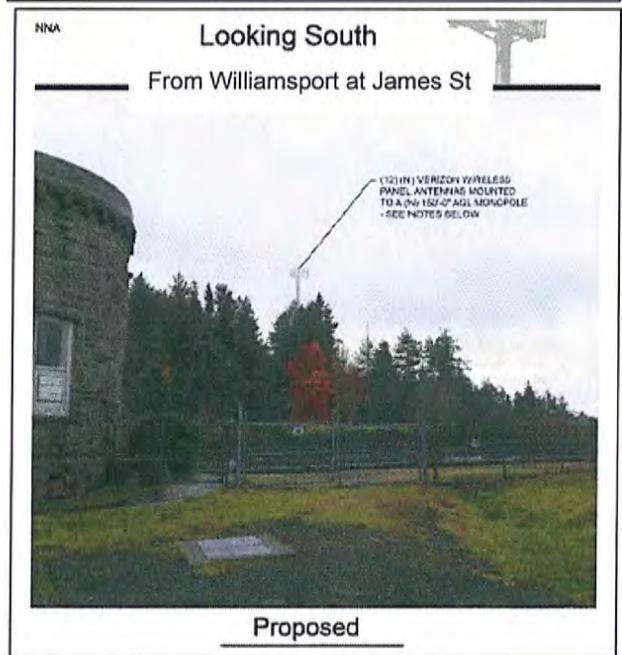
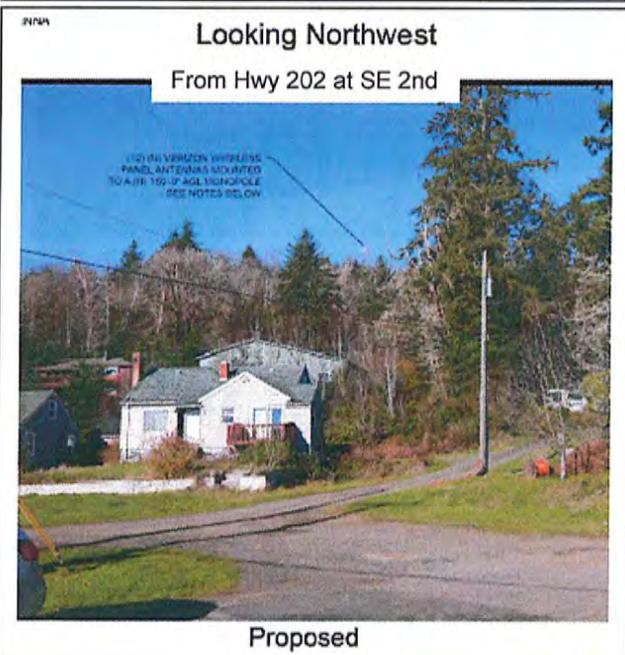
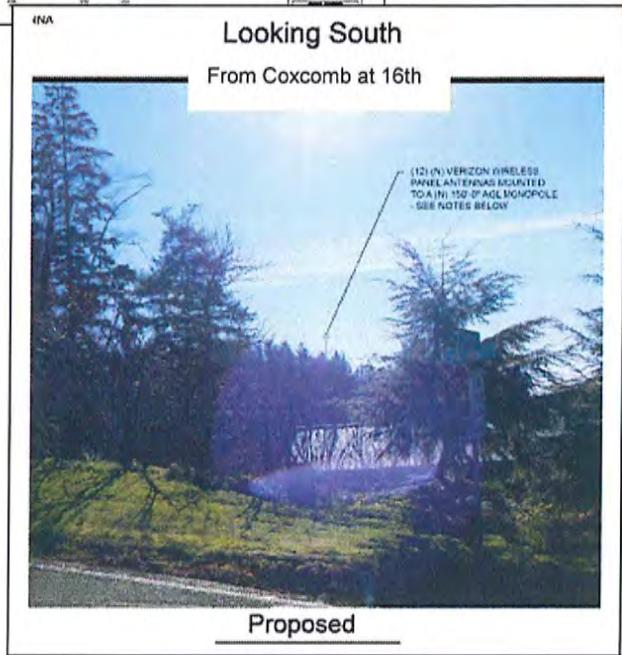
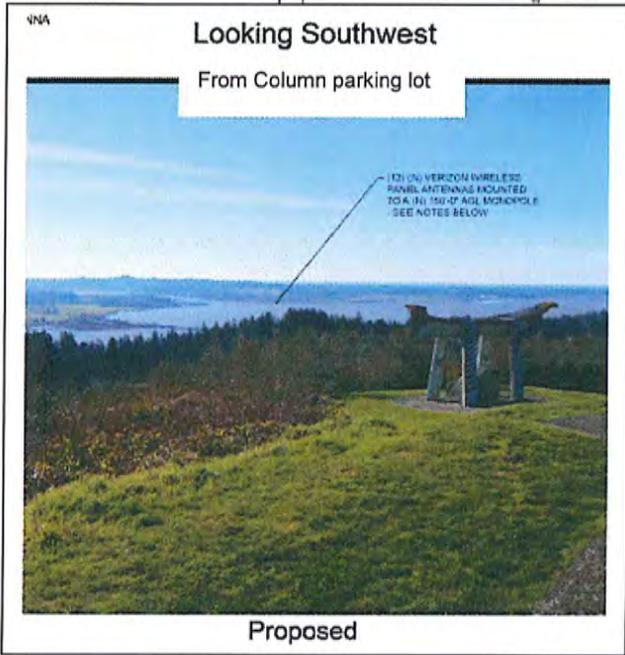
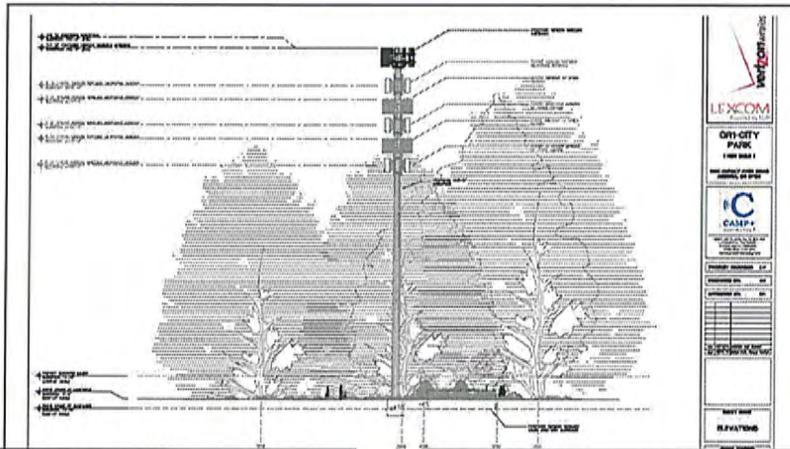
Most of the issues raised in the Appeal are addressed in the Findings of Fact dated August 23, 2015 as adopted by the Astoria Planning Commission (APC) at their September 16, 2015 meeting, which are hereby incorporated by reference as part of these Findings of Fact. The following issues raised in the Appeal are addressed in these supplemental Findings of Fact.

- A. Items 1.a, 1.b, 1.e, and 1.f of the Appeal - The photo simulations do not clearly show the visual impact.

Finding: It was noted at the APC meeting that the proposed facility would be visible but would not be in direct line with the picnic area pathway. The photo simulations from other areas indicated that the facility would not be highly visible from other than the area near the picnic site within Shively Park. The APC based their decisions on the photo simulations presented by the applicant at that time. However, while the height of the tower has not changed, the photo simulations viewed by the APC were incorrect due to an error on the part of the independent company hired to do the photo simulations. The applicant has supplied revised photo simulations that show a greater visual impact than the one approved by the APC.

On Page 3, Item 3 Clutter, Section III Site Selection and Design, the application states that *the “. . . antennas must clear the clutter in the area. . . Therefore, antennas must be installed above or close to the clutter in order to provide high quality communications services. . .”* However, to assure that there is no misunderstanding, the permit should be conditioned that the tower height shall be a maximum of 150' (Condition 1).

The applicant has verified the height indicated in the photo simulations dated January 27, 2015 and November 3, 2015 and has submitted revised simulations dated December 23, 2015 and elevation drawings dated October 12, 2015 that shows the tower above the top of trees. The applicant has submitted photo simulations as viewed from other areas around the City. The tower still would not be highly visible from most other areas but will be visible from some viewpoints.



- B. Item 1.c, 1.g, and 2.a of the Appeal – WCF will have an adverse impact to the area.

Section 15.065.B.6, Standards and Review Criteria; Location, Siting and Design Requirements; Height, states that *“In addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:*

- a. *WCF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- b. *If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45’.*
- c. *In reviewing Variance requests to the above described height limits, the following shall be considered:*
 - 1) *The proposed structure and facility uses concealment technology; and*
 - 2) *It is demonstrated that a greater height is required to provide the necessary service.”*

Finding: The south side of Astoria is deficient in its 3G and 4G LTE coverage and Verizon has proposed an upgrade to those services. The existing facility at Coxcomb Hill is at or over capacity and unable to accommodate the needed new equipment and therefore a new tower is required (TRK Engineering Ltd., Structural Analysis Report of existing Column tower, dated January 22, 2009, incorporated by reference). The site on Coxcomb Hill is highly visible adjacent to the Astoria Column which has high visitation. The Friends of the Column and the City have determined that a different location would provide better concealment and wireless coverage.

The proposed location within Shively Park would be within the heavily forested area and only visible from a few places within the Park. The natural forest landscaping provides some concealment. Since the forested area is a key element to the concealment of the tower at this location, and the historic nature of the park resource, the applicant would be required to replant trees should they be destroyed by any means during the life of the facility under the applicant’s lease (Condition 3). The tower would also be visible from some viewpoints in the City as noted in the revised photo simulations.

The applicant is proposing to install additional landscaping around the equipment fenced enclosure to buffer the view. Within the Park, the most visible view of the tower is from Shively Park Road which is closed to vehicular traffic and is used as a trail. With the size and location of the tower in this area, additional landscaping should be installed at pedestrian height to help buffer the visual impact of the pole at ground level. The lower portion of the tower is proposed to be a dark brown color and the additional landscaping would provide some additional buffering. Selection of the plants should be plants that would grow to at least 4’ to 5’ tall and would blend in with the other natural vegetation and proposed landscaping. Final landscape plan shall be reviewed

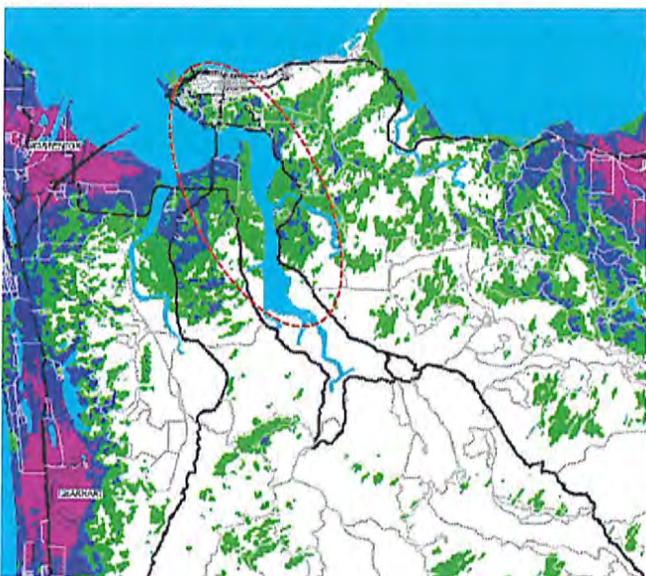
and approved by the Special Projects Planner and Parks and Recreation staff (Condition 6).



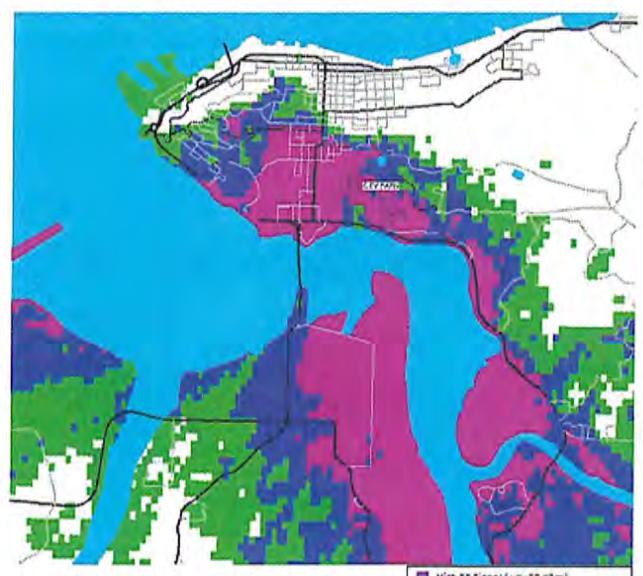
The facility must be located in an area where the radio frequency broadcast will provide adequate coverage within the area with a gap in coverage. Radio frequencies travel in a straight line and diminish as they travel further away from antennas. Therefore, the facility is best located near the center of the desired coverage area. In selecting a site, the natural high terrain provides better coverage but the facility must be tall enough to provide that coverage to the targeted area. The applicant has submitted the technical data to support the location and height requirement with revised coverage maps and letter dated December 30, 2015. An independent consultant, Converge Communications, was hired to provide technical expertise in reviewing documents related to the Verizon siting proposals.

With the natural forest camouflage and the data on coverage of services, it appears that the 150' height is required to provide the needed services to Astoria and the impact is not significant.

*Exhibit 2 – OR1 City Park without Coverage
(Inclusive of removal of Astoria HD site near the Column)*



*Exhibit 4 – OR1 City Park Coverage Only
(close up view)*



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The Development Code does not require that there be no adverse impact. The Code identifies criteria that the APC needs to review when making a decision as to whether it is "substantially injurious to the neighborhood". The APC considered and weighed the Development Code standard criteria for a Variance and WCF variance criteria from height of a WCF. It concluded that there would not be a "substantial injury" to the neighborhood and that the tower would be generally concealed from view from most of the area. However, while the height of the tower has not changed, the photo simulations viewed by the APC were incorrect due to an error on the part of the independent company hired to do the photo simulations. The applicant has supplied revised photo simulations that show a greater visual impact than the one approved by the APC. The APC also concluded that providing cellular coverage to the south portion of Astoria was a factor requiring the additional height. The tower would not be highly visible from the neighborhood and surrounding areas and would only be visible from the immediate area within Shively Park and a few other locations around the City. Except for the area within the Park close to the tower, one of the most visible viewpoints appears to be from Williamsport at James Street. This is the area where the appellant lives. The applicant has provided new calculations of the adjacent tree heights and new photo simulations that show the various visual impacts.

The WCF permit (WCF15-03) Findings of Fact noted that the proposed facility did not meet the height limitation and was approved with the condition that "*The applicant shall obtain Variance approval for the height and setback of the facility.*" Issues related to the height of the proposed facility were reviewed separately as a Variance (V15-03) by the APC and approved on September 16, 2015. The Variance was appealed and is pending consideration by the City Council.

The impacts related to New Construction (NC15-03) adjacent to the historic designated site were reviewed separately by the Historic Landmarks Commission. The HLC approved the request on September 15, 2015.

- C. Item 1.d, 2.b, 2.c, 2.d, and 2.e of the Appeal – Camouflage and concealment technology proposed are inadequate. Trees would need to be removed during construction that would change the visual impact.

Development Code Section 15.025, Definitions, states "CAMOUFLAGE: *A way of painting and mounting an antenna and antenna support structure, resulting in the antenna and antenna support structure being reasonably difficult for the naked eye to detect or observe.*"

Section 15.065.B.3, Standards and Review Criteria; Location, Siting and Design Requirements; Use of Concealment Technology, states that "*All Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or*

observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.”

Finding: The WCF is proposed to be located within the forested area of Shively Park as a way to camouflage the tower from view from the majority of the surrounding area. Multiple sites and designs were considered which would have been highly visible for greater distances. In order to provide service to the south area of Astoria, a WCF is needed on the high ground near the Niagara Avenue area as noted in the original Findings of Fact. Other sites were tested and were not viable for several reasons including potential cellular coverage area, engineering, and/or high visibility of the tower. Other sites suggested by the City and considered by Verizon included: Fred Lindstrom Park at 614 Niagara; LDS Church at 350 Niagara; City Reservoir 2 at 1597 James Street; Astoria Middle School at 1100 Klaskanine; south side of 1400 Block Niagara. The applicant has evaluated various sites against their criteria for a site that would provide the needed coverage to the south side of Astoria. This evaluation can be found in Section III of their application narrative on pages 2 to 6 and in the Verizon letter dated December 30, 2015.

The Code states that *“the WCF shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.”* The proposed site utilizes the natural vegetation, topographic screening of the hillside, and color of the facility to blend in with the *“surrounding natural and human-made environment”* and is *“reasonably difficult for the naked eye to detect”* except from the viewpoint in the immediate vicinity of the tower and a few other viewpoints. The applicant has provided new photo simulations that show the visibility of the tower including the difference in appearance with three colors: grey, green, brown.

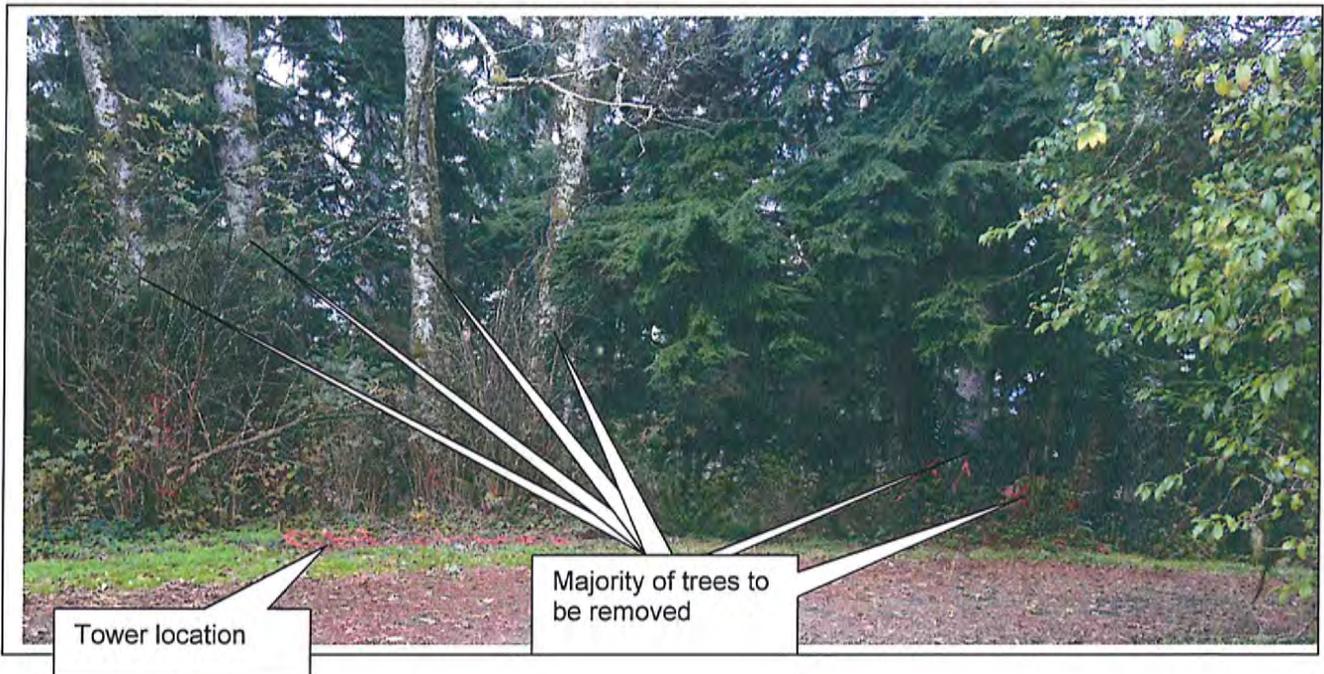
The proposed facility would be a 150' tall metal monopole powder coated to a color selected by the City. Due to the visibility of the lower portion of the monopole against the tree background, it is recommended that the lower portion of the tower be powder coated in a natural dark brown color to blend in with the tree trunks and that the upper portion be grey to blend with the sky (Condition 2). For comparison, the applicant has provided photo simulations of grey, green, and dark brown.

The trees in the area of the picnic shelters provide some visual buffer of the tower as viewed from this area. Therefore, these trees should be maintained to continue this buffering. Verizon should be responsible for maintaining the trees in the picnic area that help block the tower from full view (Condition 4).



Verizon Wireless engineers have worked with Parks and Recreation staff to identify the trees that would need to be removed for installation of the proposed facility. The identified trees are primarily smaller deciduous trees and only a minimal number of trees are proposed to be removed. The site would require the removal of seven deciduous trees and one Douglas Fir. Those trees would then be replaced by eight cedar trees, eight myrtle, and eight deciduous bushes commonly known as a burning bush.

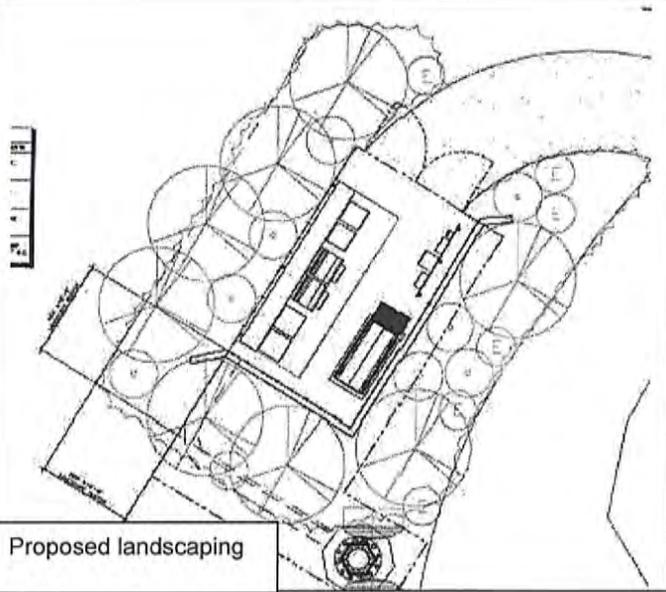
Verizon has tagged the trees to be removed on the site and the location of the driveway to be installed.



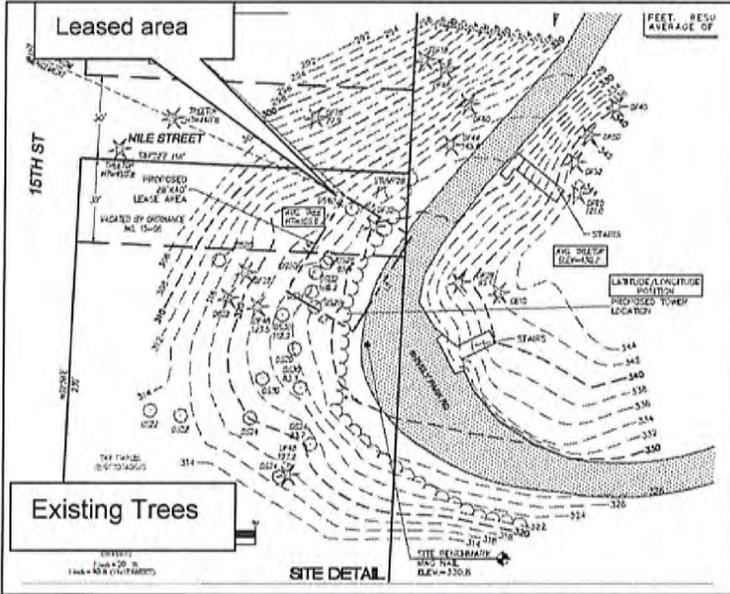


Existing Site

PLANT SCHEDULE			
SYMBOL	BOTANICAL NAME	COMMON NAME	RECOMMENDATIONS
	THUJA PLICATA 'FASTIGATA'	HOGAN CEDAR	6-7' HT. D&S
	MYRICA CALIFORNICA	PACIFIC WAX MYRTLE	5' OAL. CONT.
	EUCYMIUS ALATA 'COMPACTA'	DWARF WINGED EUCYMIUS	18-24" HT. D&S
	CALLITERRA SIMONSON	SALAL	1' OAL. CONT. PLANT AT 24" O.C.



Proposed landscaping



Existing Trees

TREE LEGEND

- DECIDUOUS TREE
- AL=ALDER
 - MP=MAPLE
 - DS=DECIDUOUS
 - MA=MADRONA
 - OK=OAK
 - CH=CHERRY
- EVERGREEN TREE
- CE=CEDAR
 - DF=DOUGLAS FIR
 - HE=HEMLOCK
 - PI=PINE
 - EVG=EVERGREEN
- AL12 ← TRUNK DIAMETER (IN)
- TYPE
- DF18 195.2 ← HEIGHT AGL IF MEASURED

NOTE: TREE DRIP LINES ARE NOT TO SCALE. TREE SYMBOLS REFERENCE TRUNK LOCATION ONLY. TRUNK DIAMETERS WERE APPROXIMATED AT 3.5' TO 4' ABOVE GROUND LEVEL. TREES SHOWN ARE FOR REFERENCE ONLY AND OTHER TREES AND VEGETATION MAY EXIST.

The plans submitted by the applicant identify the existing trees by species and note the trunk diameter. Additional landscaping is proposed to further buffer the

facility from view. The facility could not be completely screened when viewed from a location in close proximity to the tower. However, as noted above, with the size and location of the tower in this area, additional landscaping should be installed at pedestrian height to help buffer the visual impact of the pole at ground level. The lower portion of the tower is proposed to be a dark brown color and the additional landscaping would provide some additional buffering. Selection of the plants should be plants that would grow to least 4' to 5' tall and would blend in with the other natural vegetation and proposed landscaping. Final landscape plan shall be reviewed and approved by the Special Projects Planner and Parks and Recreation staff (Condition 6). The location within a forested area provides the most screening possible for this type of facility.

- D. Introduction of the Appeal - Review of the WCF at Shively Park should not be linked with the WCF for the Reservoir site or the existing Column site.

Finding The permit applications were each a separate application and were considered separately at the Historic Landmarks Commission and Planning Commission hearings. At the HLC meeting, it was noted that City staff had worked with Verizon concerning relocation of the City's emergency communication facilities from the Astoria Column location. The City facilities are to be installed on the Reservoir site tower not at Shively Park. Discussion about the two separate projects, and the removal of the tower from the Astoria Column site, were included as background information only. No City facilities are proposed for the Shively Park site facility as a part of this application. Approval of each permit was independent of the other permits.

At its August 3, 2015 meeting, the City Council approved signing the Verizon applications as the property owner. At that same meeting, the Council authorized signing the leases for both the Reservoir and Shively Park sites with the conditions noted in the leases that the applicant would need to obtain the necessary land use and other permits necessary to construct and operate at these sites. Without those permit approvals, the leases would not be valid.

- E. Section 15.065.B.1, Preferred Location, Siting, and Designs in Priority Order, states "*See Section 15.035.B of the Wireless Communication Facility Code.*"

Section 15.035.B.1, Preferred Location, Siting, and Designs in Priority Order, Administrative Review states that

"a. *Existing Structures*

- 1) *Location on Existing Support Structure or Existing Alternative Support Structure; and*
- 2) *Camouflaged/Concealed Design"*

Section 15.035.B.2, Preferred Location, Siting, and Designs in Priority Order, Conditional Use Review states that

- a. *Location on New Antenna Support Structure*
- b. *Location within AVOIDANCE AREAS*

Finding: The proposal is to construct a new tower. The only existing support structure available is the one at the Astoria Column which would need to be replaced and therefore would be considered as a “new antenna support structure”. Other sites along this hill top that were suggested by the City and considered by Verizon include: Fred Lindstrom Park at 614 Niagara; LDS Church at 350 Niagara; City Reservoir 2 at 1597 James Street; Astoria Middle School at 1100 Klaskanine; south side of 1400 Block Niagara. The applicant has evaluated various sites against their criteria for a site that would provide the needed coverage to the south side of Astoria. The applicant has evaluated various sites against their criteria for a site that would provide the needed coverage to the south side of Astoria. This evaluation can be found in Section III of their application narrative on pages 2 to 6 and in the Verizon letter dated December 30, 2015.

The location within the IN Zone is not listed as an “avoidance area” in Development Code Section 15.035.A.2. The proposal shall be reviewed as a WCF conditional use before the Planning Commission. The applicant submitted a WCF application which was approved by the Planning Commission at their September 16, 2015 meeting. That permit has been appealed (AP15-03) and is pending.

F. Section 15.065.A.2, Environmental and Historic Resource Protection, states that *“All Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:*

- a. *The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;”*

Finding: This project requires compliance with Federal regulations under CFR Section 106 for National Environmental Protection Act (NEPA). That review was completed and in a letter from the State Historic Preservation Office (SHPO), dated February 24, 2015, SHPO states *“We also concur with the finding of no adverse effect for the proposed project.”* Due to the change in photo simulations, the applicant should submit the revised simulations to SHPO for review (Condition 5).

CONCLUSION

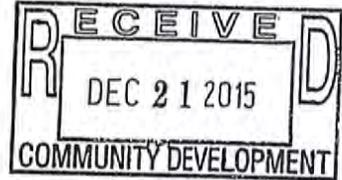
It is recommended that, if the City Council upholds the APC decision to approve the request, that the following conditions be added to the permit.

Conditions:

1. The tower height shall be a maximum of 150', subject to approval of variance criteria in V15-02.
2. The lower portion of the tower shall be a natural dark brown color to blend in with the tree trunks and the upper portion shall be grey to blend with the sky.
3. The applicant shall replant trees buffering view of the facility should they be destroyed by any means during the life of the facility under the applicant's lease.
4. The applicant shall be responsible for maintenance and/or replacement of the trees in the picnic area that help block the tower from full view during the life of the facility under the applicant's lease.
5. The applicant shall submit the revised photo simulations to SHPO for review under the Section 106 historic review and provide the Planner with a copy of the SHPO review with findings stating no adverse effect prior to issuance of a building permit.
6. Additional landscaping shall be installed at pedestrian height to help buffer the visual impact of the pole at ground level. Selection of the plants shall be plants that would grow to at least 4' to 5' tall and would blend in with the other natural vegetation and proposed landscaping. Final landscape plan shall be reviewed and approved by the Special Projects Planner and Parks and Recreation staff. All landscaping shall be installed prior to final inspection for the building permit.



Community Development Department
 1095 Duane Street
 Astoria OR 97103
 503-338-5183



WAIVER OR EXTENSION OF 120 DAY RULE AT APPLICANT'S REQUEST

Applicant: Verizon Wireless

Application Request No.: WCF15-03

Date of Original Request: 8-4-15

Pursuant to ORS 227.178*, the Applicant:

 Waives its rights to a decision on the above application within 120 days of the date the application is deemed complete.

X Extends the 120 day time period for a reasonable period of time of 97 days [ORS 227.178(4)] to March 8, 2016. Total period may not exceed 245 days.

Sharon Gretch
 Applicant signature

December 21, 2015
 Date

Name: Sharon Gretch, Lexcom Development

Address: 31649 Sexton Road
Philomath OR 97370

Phone: 541-515-8263 email: sharon.gretch@lexcomcorp.com

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(4) The 120-day period set in subsection (1) of this section may be extended for a reasonable period of time at the request of the applicant.

(9) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (7) of this section or ORS 227.179 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.



Hathaway Koback
Connors LLP



A15-01

520 SW Yamhill St.
Suite 235
Portland, OR 97204

E. Michael Connors
503-205-8400 main
503-205-8401 direct

mikeconnors@hkcllp.com

December 30, 2015

VIA EMAIL

City Council
City of Astoria
c/o Rosemary Johnson, Planner
1095 Duane St
Astoria, Oregon 97103

Re: Verizon Wireless – Shively Park (WCF 15-03, V 15-03 & NC 15-03)
Additional Information Requested by City Staff

Dear Mayor and Councilors:

As you know, this office represents the applicant Verizon Wireless (“Verizon”) with respect to the above-referenced wireless communication facility, variance and new construction request applications for a new wireless communication facility proposed at the Shively Park located at 1580 Shively Road , Astoria, Oregon (the “Applications”). We previously provided you a letter responding to the appeal filed by the Appellant Ron Zilli (the “Appellant”), dated November 9, 2015.

Subsequent to our submission of the November 9 response to the appeal, the City staff requested that Verizon provide additional information in response to certain issues raised by the Appellant. The City staff requested that Verizon: (1) conduct another tree survey to confirm the height of the trees in the original survey and include the height of additional trees, in particular the lower trees adjacent to the proposed monopole; (2) provide new photo simulations that more accurately show the visual impact of the proposed monopole and provide additional photo simulations from different vantage points; (3) consider different colors for the monopole to blend in better with the surrounding landscape; and (4) provide additional information regarding the need for the proposed site, alternative sites considered and the reasons for selecting the proposed Shively Park site. This letter and the attachments include the additional information requested by the City staff.

Additional Information Requested

A. Updated survey.

Verizon’s surveyor, Jonathan Becker at Duncanson Company, Inc., revisited the site to confirm the height of the trees in the original survey and include the height of additional trees, in

particular the lower trees adjacent to the proposed monopole. Mr. Becker provided the attached letter, dated December 28, 2015, and an updated survey with the additional tree measurements.

As Mr. Becker explains in his December 28 letter, the trees were re-measured and it was confirmed that the height of the trees noted in the original survey were accurate. Mr. Becker explained the methodology used to measure the height of the trees and the basis for his conclusion regarding the accuracy of the original survey.

Additionally, Mr. Becker provided an updated survey with the additional information requested by the City staff. The updated tree survey includes the height for five additional trees in close proximity to the proposed site (11 trees in total), six new treetop elevations (19 treetop elevations in total) and a table that includes the average tree heights and treetop elevations for the trees in close proximity to the proposed site. The updated survey confirms that the proposed height of the monopole is the minimum height necessary in order to provide the required clearance over the tree canopy.

B. New photo simulations.

In response to questions about the accuracy of the original photo simulations, Verizon inquired with the consultant that performed the original photo simulations, Paul Nixon at Camp + Associates, LLC. Mr. Nixon acknowledged that some of the photo simulations, in particular, those photo simulations from closer vantage points, were challenging due to site constraints and limitations with the technology used to create the photo simulations for this site. As Mr. Nixon explains in his attached letter, dated December 23, 2015, this site made it particularly challenging to provide accurate photo simulations from closer vantage points, due to the dense tree canopy, steep slopes and limited sight lines.

In order to ensure the accuracy of all of the photo simulations, Verizon retained a new consultant, Centerline Solutions, to perform new photo simulations using more sophisticated technology. Centerline Solutions performed a balloon test, which consists of flying a balloon at the height of the proposed monopole to provide an accurate point of reference for purposes of the photos. The photo simulations were performed using a three-dimensional model, which is created to scale using as-built drawings, survey data, Google Earth, and information gathered during the field visit and through aerial images. The balloon test and use of three-dimensional modeling are the most sophisticated and reliable technology available for these types of photo simulations.

We attached a letter from Centerline Solutions and the new photo simulations. The new photo simulations include photos from eighteen different vantage points, including all of the additional vantage points requested by City staff. For those photos where the proposed monopole is visible, Centerline Solutions included photo simulations depicting the monopole in a variety of different colors.

C. Monopole color.

The City staff requested that Verizon consider different colors for the proposed monopole to blend in better with the surrounding landscape. Verizon is willing to paint the proposed

monopole any color the City requests, including the use of different colors for the top and bottom portions of the monopole. The new photo simulations show the monopole using a variety of colors, including brown, green and gray, so the City is better informed on which color blends in best with the surrounding landscape and will mitigate visual impacts.

D. Alternative sites analysis.

Arden Yundt, a representative of Verizon's Pacific Northwest Region Network Department – System Design, provided a letter dated December 30, 2015 and attachments with additional information regarding the need for the proposed site, alternative sites considered and the reasons for selecting the proposed Shively Park site. As Mr. Yundt explains, the need for the proposed site is being driven by the impending decommissioning of the OR1 Astoria HD located on Coxcomb Hill. While Verizon is proposing other sites to replace the loss of the OR1 Astoria site (namely OR1 Reservoir and OR1 Astor), these sites cannot provide adequate coverage and capacity for the certain areas to the south, including and surrounding the Nehalem Highway, Warrenton-Astoria Highway, Highway 101 over Youngs Bay, the Clatsop County Fairgrounds, and the Cooperage Slough, due to the topography. In order to provide adequate coverage and capacity for this area of the City, another site is required on the southern end of the ridge, high up, with a good angle to broadcast signal along southwestern Astoria and to the south-by-southeast down Cooperage Slough. The search area Verizon Wireless considered for this site is shown on Figure 3 in Mr. Yundt's letter.

Mr. Yundt's letter provides a list of the alternative sites considered for this facility. As you can see from his letter, Verizon considered both utilizing existing structures and new sites. As part of the site selection process, Verizon worked with the City and the Friends of the Column, as well as Converge Communications, an outside telecommunications consultant the City contracted with to assist with the site selection process. Mr. Yundt's letter details the options considered for this site and the reasons why other options were ruled out.

As Mr. Yundt explains, the proposed Shively Park site satisfies all of the design requirements for this site. Such a design allows high-quality voice and data coverage for the aforementioned areas currently covered by the OR1 Astoria HD site, and the ability to hand off reliably to surrounding sites. Mr. Yundt's letter also addresses the need for a 150-foot monopole facility, explaining why a height below 150 feet would be infeasible.

Response to Appeal

A. Response to the Appellant's substantive grounds for the appeal.

Pursuant to the Development Code Section 9.040(D)(3) and (E)(4), the appeal is limited to the substantive grounds listed in the appeal filed by the Appellant. The Appellant appealed the Historic Landmarks Commission's decision on the grounds that the Commission erred in determining compliance with Section 6.070(B)(1) and (B)(2). The Appellant appealed the Planning Commission's decision on the grounds that the Commission erred in determining compliance with Sections 2.885, 15.065(B)(2) and 15.065(B)(3).

The November 9 response to the appeal provided detailed responses to the Appellant's argument under all of these criteria and Verizon continues to rely on these responses as its substantive response to the appeal issues. As explained in the November 9 letter, the Historic Landmarks Commission and Planning Commission correctly determined that Verizon demonstrated compliance with these criteria.

The additional information provided as part of this submission further supports Verizon's position that the Historic Landmarks Commission and Planning Commission correctly determined that the Applications comply with these approval criteria. The updated survey confirms the height of the trees surrounding the site and demonstrates that the proposed height of the monopole is the minimum height necessary in order to provide the required clearance over the tree canopy. The new photo simulations demonstrate that the proposed monopole will have minimal visual impacts on the surrounding area and will be far less visually intrusive than the existing lattice tower located on Coxcomb Hill Drive within the Astor Park/Astoria Column area. As previously indicated, Verizon is willing to paint the proposed monopole any color the City determines will minimize the visual impact of the facility.

The alternative sites analysis demonstrates that the proposed site is the best available site for the facility. Verizon worked extensively with the City and the Friends of the Column to identify a number of potential locations to accommodate Verizon's facility and the City's emergency services communications. Due to the need for a high elevation location with limited obstructions, and the City's desire for minimal visual impact of the tower, all parties agreed that Shively Park was the only viable location for this facility. Verizon worked closely with the City and Parks Department staff to identify the best location within Shively Park to minimize the visual impact to the surrounding area and any impacts within the park. There was a consensus that the proposed location is the best location within Shively Park for the facility because it will minimize the visual impact to the surrounding area and minimize any impact on the flora/fauna within the park. The proposed site is located in an existing forested area with numerous deciduous trees ranging in height from 20 to 145 feet. Other locations within in the park were considered, but the proposed site offered significantly more screening of the tower with the least impact, and requires minimal tree removal and site grading. The other locations considered within the park would have required additional tree removal and significant tree trimming.

B. Response to the Appellant's procedural arguments.

The Appellant's December 21, 2015 letter and statements at the December 21 City Council meeting raised a number of procedural arguments challenging the adequacy of the public process, the impartiality of the City staff, potential conflicts of interest and alleged *ex parte* communications. Based on these claims, the Appellant argues that the City Council cannot objectively decide the appeal. Verizon disagrees with these procedural claims and provides the following responses.

Contrary to the Appellant's claim, the City process has been transparent, adhered to all of the applicable procedural requirements and enabled the Appellant to fully participate in the public process. The City Parks Board and City Council considered the lease for this site in open public meetings, a step that was necessary before Verizon could even file the Applications since the

property owner's authorization is required. It is our understanding that the Appellant attended the August 3, 2015 City Council meeting in which the City Council approved the lease for this site and therefore was aware of this proposal well before the public hearings commenced. The City provided the Appellant the required notice for the Historic Landmarks Commission and Planning Commission hearings and the Appellant participated in those hearings. After the appeal was filed, the City staff met with the Appellant and agreed to request additional information and/or clarification from Verizon for purposes of the appeal hearing. The Appellant will be given a full opportunity to make his case at the appeal hearing. It is difficult to understand what additional process or transparency the Appellant believes is necessary.

The Appellant's claim that the City staff has acted as an applicant or agent for the applicant is unsubstantiated. Throughout the process, the City staff required Verizon to justify the Applications and bear the burden of demonstrating compliance with the approval criteria. The mere fact that the City staff determined that the Applications satisfy the approval criteria and therefore recommended approval is not an indication of bias or improper advocacy for approval of the project. The City staff was simply doing its job by evaluating the Applications' compliance with the approval criteria and providing a recommendation to the decision maker. The City staff's willingness to meet with the Appellant and require Verizon to provide clarification and additional information in response to issues raised by the Appellant demonstrates the City staff's impartiality. The Appellant's reference to the involvement of Converge Communications is hardly evidence of bias. Many local jurisdictions retain their own telecommunication consultant to evaluate the applicant's work and ensure that the public interests are adequately reflected in the site selection process. The fact that the City contracted with its own telecommunications expert to represent the City's interests in the site selection process is an indication that the City was looking out for the public interest, not that it was biased.

The Appellant's assertion that the entire City Council has a conflict of interest because the City's emergency services communications equipment is proposed to be relocated to the Reservoir site has several flaws. The Reservoir site proposal is not before the City Council, so any alleged conflict of interest related to that proposal is not relevant to this appeal. The appeal is limited to the Shively Park proposal, which has been and continues to be reviewed on its own independent merits. Moreover, the City's desire to relocate its emergency services communications equipment to the Reservoir site does not create a "conflict of interest" requiring recusal. A "conflict of interest" arises when the decision will result in a direct financial benefit to an individual on a decision-making body. ORS 244.020(1); ORS 224.120. Relocating the City's emergency services communications equipment so it can provide adequate emergency communication services to the community may provide a public safety benefit, but it does not equate to an individual financial benefit that creates a conflict of interest under ORS 224.120 requiring the entire City Council to recuse itself.

The Appellant's claim that the City Council must recuse itself due to alleged *ex parte* communications reflects a misunderstanding of the applicable law. The mere fact that there might have been *ex parte* communications with individual Councilors does not disqualify the entire City Council. ORS 227.180(3). Indeed, it is not unusual for elected officials to have some type of *ex parte* communications prior to public hearings. That is why standard procedures for

public hearings include the disclosure of any *ex parte* communications. So long as any *ex parte* communications are disclosed on the record, there is nothing improper with the City Council deciding the appeal. ORS 227.180(3).

Conclusion

The City Council should deny the appeal and affirm the Historic Landmarks Commission and Planning Commission's decisions approving the Applications. The City staff, Historic Landmarks Commission and Planning Commission all reviewed the Applications and concluded that they satisfy the applicable criteria. There is a strong consensus that the proposed site is the best available site for the facility and the Appellant has failed to identify a viable alternative. Approving the Applications will facilitate the removal of the existing lattice tower located near the Column of Astoria. The existing lattice tower is a nonconforming facility that is far more visible and creates far more impacts on an historical property than the proposed facility.

We appreciate your consideration of this response to the appeal and look forward to discussing these issues further at the January 19, 2016 public hearing.

Very truly yours,

HATHAWAY KOBACK CONNORS LLP



E. Michael Connors

EMC/pl
Enclosures
cc: Verizon Wireless



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November 9, 2015

VIA EMAIL

City Council
City of Astoria
c/o Rosemary Johnson, Planner
1095 Duane St
Astoria, Oregon 97103

Re: Verizon Wireless – Shively Park (WCF 15-03, V 15-03 & NC 15-03)
Response to Appeal

Dear Mayor and Councilors:

This office represents the applicant Verizon Wireless (“Verizon”) with respect to the above-referenced wireless communication facility, variance and new construction request applications for a new wireless communication facility proposed at the Shively Park located at 1580 Shively Road, Astoria, Oregon (the “Applications”). The Applications propose a 150-foot tall monopole with up to a total of twelve panel antennas (eight initial, four future) and future microwave antennas, and ancillary ground equipment located within a landscaped, 40’ x 28’ lease area.

The City staff evaluated and recommended approval of the Applications subject to various conditions of approval. The Historic Landmarks Commission and Planning Commission held public hearings, considered public testimony and approved the Applications. The Appellant Ron Zilli (the “Appellant”) appealed both decisions. This letter is Verizon’s response to the appeal. For the reasons provided below, Verizon requests that the City Council deny the appeal and affirm the Historic Landmarks Commission and Planning Commission’s decisions approving the Applications.

Background

Verizon currently operates a wireless communication facility on an existing lattice tower located on the north side of Coxcomb Hill Drive within the Astor Park/Astoria Column area owned by the City. This facility is a nonconforming lattice tower which was approved before the City’s adoption of the Wireless Communications Facility Ordinance. The facility includes a lattice tower, wood pole, and utility building. The City shares use of the facility for its emergency services communications.

Currently, the central portion of Astoria has "poor to non-existent" wireless communication coverage. Verizon is proposing the wireless communication facility to improve significant coverage and capacity deficiencies for customers living in the City of Astoria along and south of Lexington Avenue area, as well as a large rural area southeast of the City. The facility is designed to improve voice, data and 911 services for customers living in this area. The facility will be one of three facilities designed to replace the existing lattice tower located near the Column of Astoria.

Verizon and the City initially evaluated the existing lattice tower to determine if it could structurally and technically accommodate the increase in wireless communication services and the needed upgrade of the City's emergency communication service. It was determined that the existing tower cannot meet structural requirements and a new tower would need to be constructed. Given the close proximity of the existing tower to the Column of Astoria, it was determined that the facility should be relocated to another site to accommodate the facility and improve the aesthetics of the Astoria Column Park.

The City, the Friends of the Column and Verizon identified a number of potential locations to accommodate Verizon's facility and the City's emergency services communications. Due to the need for a high elevation location with limited obstructions, and the City's desire for minimal visual impact of the tower, two sites on City-owned properties were selected. One site is located in the Land Reserve urban forest near Reservoir 3 (east of the Column) would include both private and public facilities. The other site is the subject site within a forested area of Shively Park.

Verizon worked closely with the City and Parks Department staff to identify a viable location within Shively Park that would minimize the visual impact to the surrounding area and minimize any impact on the flora/fauna within the park. The proposed site is located in an existing forested area with numerous deciduous trees ranging in height from 20 to 120 feet and Douglas Fir trees ranging in height from 18 to 150 feet. Other locations within in the park were considered, but the proposed site offered significantly more screening of the tower with the least impact, and requires minimal tree removal and site grading. The other locations considered within the park would have required additional tree removal and significant tree trimming.

In January of 2015, the Parks Board reviewed the proposal and recommended that the City Council approve the lease for the proposed site. On August 3, 2015, the City Council approved the lease for this proposed site and instructed the City manager to sign the land use applications and begin the public review process.

Response to Appeal

A. Historic Landmarks Commission Appeal.

The Appellant appealed the Historic Landmarks Commission's decision on three grounds. First, the Appellant argues that the Historic Landmarks Commission's decision was biased for a variety of reasons. Second, the Appellant argues that the Historic Landmarks Commission erred in determining compliance with Development Code Section 6.070(B)(1). Third, the Appellant

argues that the Historic Landmarks Commission erred in determining compliance with Development Code Section 6.070(B)(2).

1. The Historic Landmarks Commission's decision was not biased.

The Appellant argues that the Historic Landmarks Commission's decision was biased because it considered the benefits of removing the existing lattice tower in the Astoria Column Park and the other proposed facility located at the Reservoir site. The Appellant also claims that the City staff improperly advocated for approval of the project. The City Council should reject the Appellant's assertion that the Historic Landmarks Commission's decision was biased for several reasons.

The Historic Landmarks Commission did not base its decision on these other factors. The Historic Landmarks Commission evaluated the Applications based on the relevant approval criteria and concluded that the proposed facility complies with the approval criteria based on the findings and conclusions in the staff report. There is nothing in the record to support the Appellant's assertion that the Historic Landmarks Commission was biased and did not base its decision on the relevant approval criteria.

It was not improper for the Historic Landmarks Commission to consider the removal of the existing lattice tower in the Astoria Column Park and the other proposed facility located at the Reservoir site. To the contrary, it was necessary background for the Applications. As previously explained, Verizon and the City initially evaluated the existing lattice tower to determine if it could accommodate the increase in wireless communication services and the needed upgrade of the City's emergency communication service before proposing a new tower. Since the existing lattice tower cannot accommodate these needed upgrades and it creates significant visual impacts near the Column of Astoria, it was necessary to provide this information to the Commission to explain why Verizon is proposing to remove the existing lattice tower and replace it with new facilities, including the proposed facility in this case. It was not improper or inconsistent with the Development Code to provide the Historic Landmarks Commission with this relevant background information. Nor was it improper for the Historic Landmarks Commission to at least consider the benefit of removing the existing lattice tower and replacing it in part with the proposed facility so long as Verizon demonstrates that the proposed facility complies with the applicable approval criteria. As previously noted, the Historic Landmarks Commission did in fact base its decision on the applicable approval criteria and therefore its decision is appropriate.

The City staff did not improperly advocate for approval of the Applications. As is the case in all land use application proceedings, the staff reviewed the Applications for compliance with the applicable approval criteria and made a recommendation. In this case, the staff concluded that Verizon demonstrated compliance with the applicable approval criteria and recommended approval of the Applications. The staff report details why the staff concluded that the Applications satisfy the applicable approval criteria. The mere fact that the staff determined that the Applications satisfy the approval criteria and therefore recommended approval is not an indication that the staff was biased or improperly advocating for approval of the project. The staff was simply doing its job by evaluating the Applications' compliance with the approval criteria and providing a recommendation to the decision maker.

2. Compliance with Development Code Section 6.070(B)(1).

Section 6.070(B)(1) requires the Historic Landmarks Commission to consider if the “design of the proposed structure is compatible with the design of the adjacent historic structures considering scale, style, height, architectural details and material.” The Historic Landmarks Commission concluded that the proposed facility complies with this criterion because it will be largely screened from view from the community hall and picnic area, as well as the surrounding area, by trees of a similar height, scale and size.

The Appellant argues that the proposed facility does not satisfy this criterion primarily because it exceeds the 45-foot maximum height of the IN zone and will be taller than the existing low profile structures located in Shively Park. There are several problems with the Appellant’s argument.

As the Appellant acknowledged, the height limit in the IN zone is outside the scope of the Historic Landmarks Commission’s consideration and Section 6.070. Verizon is proposing a 150-foot monopole tower because it is the minimum height necessary in order to satisfy the coverage and capacity objectives for this facility and avoid interference from the surrounding trees. Verizon applied for a variance to allow for a facility taller than the maximum zoning height, as specifically allowed in Section 15.065(B)(6), and demonstrated compliance with the variance approval criteria. The Planning Commission approved the variance request. Therefore, this issue is not relevant to Section 6.070.

Section 6.070(B)(1) does not limit the height of the proposed structure to the height of the existing structures. Rather, it merely requires that the proposed structure be “compatible” with adjacent structures. It is not clear that the community hall and picnic area are adjacent structures since the proposed facility will be approximately 550 feet from the community hall and approximately 175 feet from the picnic area. Even if these structures were deemed adjacent structures, the proposed facility is compatible because it will be barely visible to these structures due to its distance and the surrounding trees which will screen the facility. The proposed facility will not be visible from the community hall and will be somewhat visible from the picnic area, but not highly visible. The Historic Landmarks Commission correctly determined that the proposed facility will be compatible with the existing structures given its distance and the fact that it will not be very visible from these structures.

The Appellant’s claim that the proposed facility will adversely impact the natural setting of the immediate area where it will be sited is not relevant under Section 6.070(B)(1). Section 6.070(B)(1) requires a determination of compatibility with “adjacent historic structures,” not natural features. If Section 6.070(B)(1) prohibited impacts on all natural settings within the park, it would be virtually impossible for any structure to satisfy such a standard. Moreover, the similarly sized trees surrounding the facility will provide significant visual mitigation even to the surrounding natural settings.

Verizon disagrees with the Appellant’s claim that the photo simulations from the picnic area are not an accurate representation of the visual impacts, but nonetheless provided the City staff new photo simulations to address this particular appeal issue. These new photo simulations demonstrate that the visual impacts on the picnic area will be minimal.

While it is accurate that the City's lease agreement requires Verizon to allow other providers to collocate on the proposed facility, neither Section 6.070(1) nor any other section of the Development Code require the Historic Landmarks Commission to consider the full occupancy of the facility. Verizon is accommodating future collocation on the proposed facility consistent with Development Code section 15.065(A)(1) because it will reduce the need for new towers in the future. However, there is no collocation proposal before the City. If there is a future proposal from another provider to collocate on this facility, the City will evaluate that collocation proposal at that time under the relevant approval criteria.

3. Compliance with Development Code Section 6.070(B)(2).

Section 6.070(B)(2) requires the Historic Landmarks Commission to consider if the "location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations." The Historic Landmarks Commission concluded that the proposed facility complies with this criterion because it will be setback a significant distance from the park boundaries (approximately 100 feet from the north and west property boundaries) and the existing structures, and will largely be screened by the surrounding trees.

The Appellant largely repeats its arguments under Section 6.070(B)(1), which are not relevant under Section 6.070(B)(2). The mere fact that the proposed facility will be taller than the existing structures is not relevant under Section 6.070(B)(2). Section 6.070(B)(2) focuses on the location and orientation of the facility, not its height. The location for the proposed facility was selected due to the screening that would be provided by the similar height and size of the surrounding trees.

The Appellant's claim that the proposed facility does not comply because it will be located in a forested area that has low-intensity recreation use is not consistent with Section 6.070(B)(2). Section 6.070(B)(2) does not prohibit the location of structures in low-intensity recreational areas. Rather, it focuses on being consistent with the location and orientation of "adjacent structures."

The Appellant's claim that the staff report incorrectly stated that there are utility poles in the vicinity of the proposed facility appears to be a misunderstanding of the staff report. The staff report did not claim that there are utility poles in the vicinity of the proposed facility. Rather, the staff report merely noted that other utility uses such as utility poles are typically located within the right-of-way and highly visible, but that wireless communication facilities are different because they are required to be screened in order to minimize the visual impacts. That statement is accurate.

B. Planning Commission Appeal.

The Appellant appealed the Planning Commission's decision on three grounds. First, the Appellant argues that the proposed facility does not comply with Section 2.885 because it exceeds the maximum 45-foot height allowed in the IN zone. Second, the Appellant argues that the proposed facility does not comply with Section 15.065(B)(2) because it will create

substantial adverse impacts. Third, the Appellant argues that the proposed facility does not comply with Section 15.065(B)(3) because it will be visible to the naked eye.

1. Compliance with Development Code Section 2.855.

Although Section 2.885 provides that the maximum height of a structure in the IN zone is 45-feet, the Development Code specifically allows a wireless communication facility to exceed that base zone height limitation pursuant to a variance. Section 15.065(B)(6) provides that a wireless communication facility “shall comply with the height limit of the underlying zone, *unless a variance to the height limit of the underlying zone is approved.*” (Emphasis added). Verizon applied for a variance on the grounds that a 150-foot monopole tower is the minimum height necessary to satisfy the coverage and capacity objectives for this facility and avoid interference from the surrounding trees. The Planning Commission approved the variance request. The Appellant does not dispute the fact that a 45-foot facility is insufficient to satisfy the coverage and capacity objectives or that Verizon is entitled to request a variance.

The Appellant’s specific arguments under the remainder of this section appear to be directed at the other specific criteria under Section 15.065. Therefore, Verizon will respond to those arguments below.

2. Compliance with Development Code Section 15.065(B)(2).

Section 15.065(B)(2) provides that the facility “shall not create a substantial adverse impact on the view from any public park, natural scenic vista, historic property (locally designated or on National Register), major scenic and view corridor, or residential area.” The Planning Commission concluded that the proposed facility complies with this criterion because it will be largely screened from view by the surrounding trees and the installation of new landscaping and fences, and therefore will not create substantial adverse visual impacts.

The Appellant fails to explain why the proposed facility will create substantial adverse visual impacts. Rather, the Appellant appears to suggest that the proposed facility cannot satisfy this criterion because it will be located in a natural setting of the park. However, there is nothing in Section 15.065(B)(2) or any other section of the Development Code that prohibits the location of the facility in a natural area. Indeed, the existing trees located in this section of the park provide the ideal screening to ensure that the proposed facility does not create substantial adverse visual impacts.

Additionally, the Appellant appears to misunderstand the applicable standard. The mere fact that the facility will be visible does not mean that it does not comply with Section 15.065(B)(2). Section 15.065(B)(2) requires the applicant to demonstrate that the facility will not create a “substantial adverse impact,” which is a far different standard than merely being visible.

3. Compliance with Development Code Section 15.065(B)(3).

Section 15.065(B)(3) provides that the facility “shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature

enclosing it” and “shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.” The Planning Commission concluded that the proposed facility complies with this criterion because it will be largely screened from view by the surrounding trees and the installation of new landscaping and fences, and therefore utilizes the existing forest area to conceal the facility.

The Appellant argues that the proposed facility does not satisfy this standard simply because it will be visible to the naked eye, especially if a person is standing immediately adjacent to the facility. The Appellant appears to misunderstand this standard. Section 15.065(B)(3) does not require a wireless communication facility to be completely invisible from every conceivable angle or distance. Indeed, it is virtually impossible to make these types of facilities invisible to the naked eye at every angle and distance.

Rather, Section 15.065(B)(3) requires the applicant to use concealment technology to blend in the facility with the surrounding environment so that it is either “reasonably difficult for the naked eye to detect or observe” or “made part of the feature enclosing it.” The proposed facility will be reasonably difficult to detect from most angles and distances, and will blend in with the surrounding trees which will enclose it.

Although the Appellant notes that the gray coating will make it more visible, the Planning Commission specifically considered the color of the monopole and disagreed with the Appellant’s position. The Planning Commission concluded that the gray color will make it better blend in with the surrounding sky. If the City Council disagrees, however, it can change the color of the proposed facility.

As previously noted, Verizon disagrees with the Appellant’s claim that the photo simulations are not an accurate representation of the visual impacts, but nonetheless provided the City staff new photo simulations to address this particular appeal issue. These new photo simulations demonstrate that the visual impacts on the picnic area will be minimal. Although Verizon will be required to remove seven deciduous trees and one Douglas Fir tree, these trees will be replaced with eight cedar trees, eight myrtle, and eight deciduous bushes commonly known as a burning bush.

Conclusion

The City Council should deny the appeal and affirm the Historic Landmarks Commission and Planning Commission’s decisions approving the Applications for four primary reasons. First and foremost, the proposed facility satisfies the applicable approval criteria. The City staff, Historic Landmarks Commission and Planning Commission all reviewed the Applications and concluded that they satisfy the applicable criteria. As demonstrated above, the Appellant failed to explain why they erred in reaching these conclusions.

Second, there is a strong consensus that the proposed site is the best available site for the facility. Verizon worked extensively with the City staff and the Friends of the Column to identify a number of potential locations to accommodate Verizon’s facility and the City’s emergency services communications. All parties agreed that Shively Park was the best location. Verizon

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November 9, 2015

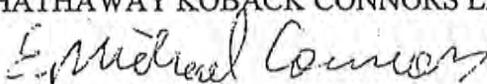
then worked closely with the City and Parks Department staff to identify the best location within Shively Park to minimize the visual impact to the surrounding area and minimize any impact within the park. All parties agreed that the proposed location is the best location within Shively Park.

Third, it will facilitate the removal of the existing lattice tower located near the Column of Astoria. The existing lattice tower is a nonconforming facility that is far more visible and creates far more impacts on an historical property than the proposed facility.

We appreciate your consideration of this response to the appeal and look forward to discussing these issues further at the November 16, 2015 public hearing.

Very truly yours,

HATHAWAY KOBACK CONNORS LLP



E. Michael Connors

E. Michael Connors

EMC/pl

cc: Verizon Wireless



December 28, 2015

DCI 99544.985

Mr. Paul Nixon
Camp & Associates, Inc.
19401 40th Ave W, Suite 304
Lynnwood, WA 98036

Subject: **OR1 City Park – Tree Locate Methodology / Accuracy**

Dear Mr. Nixon:

Due to questions regarding the accuracy of our survey and your photo-sims, we were tasked to re-visit the site to obtain more tree heights. We added five more tree heights to previously located tree heights (11 heights total), as well as six new treetop elevations (19 treetop elevations total). To add clarification to the drawing, a table for the average tree height of the trees where the base was measured and the average tree top elevation were included centrally on the drawing.

As to the accuracy question, during our re-visit we re-measured a previously located treetop and determined the height to be within 1.5 feet from previously measured. Taking into account the time between visits (about a year and a half) we feel the measurements are accurate.

The method we use to measure tree tops requires a line of sight to the top of the tree from our ground control and we measure a point at the top, then we use the measured ground elevation at the tree base, if located, to determine the height. Otherwise we just note the approx. treetop elevation. When a site is in a heavily treed area, it is almost impossible to get all of the tree tops or even a majority of them. The treetop elevations or tree heights shown on our survey represent trees that the tops could be determined at the time of our survey. Also, the branch structure at the top of deciduous trees makes it difficult to get a point at the top.

Sincerely,

Duncanson Company, Inc.

Jonathan M. Becker, PLS
Project Manager



verizonwireless
5430 NE 122nd Avenue
Portland, OR 97230

December 30, 2015

Rosemary Johnson
City of Astoria
Community Development Department
1095 Duane Street
Astoria, OR 97103

RE: Verizon Proposed Site OR1 City Park
Shively Park, 1530 Shively Park Road, Astoria

Dear Mrs. Johnson,

Per the City's request, this letter provides additional information regarding the need for the proposed Verizon Wireless site called *OR1 City Park* to be located at 1530 Shively Park Road, alternative sites considered and the reasons for selecting the *OR1 City Park* site. The proposed location was chosen by Verizon Wireless to improve the voice and data capacity, for its customers in the southern and southwestern parts of Astoria as well as the Cooperage Slough Valley and much of the nearby residential area. This site, in conjunction with four other facilities, is designed to replace the existing facility at Coxcomb Hill located adjacent to the Astoria Column.

Design Criteria

With the impending decommissioning of site OR1 Astoria HD located on Coxcomb Hill, Verizon Wireless and the City of Astoria are faced with the requirement of maintaining cellular and essential radio services, respectively. The City achieves this requirement through the use of proposed site, OR1 Reservoir. For Cellular LTE and 1xEV-DO services, while OR1 Reservoir can provide coverage to the areas east of the City such as Navy Heights and Highway 30 heading

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east toward Svensen, the site cannot replicate the coverage provided by OR1 Astoria HD with its prominent location upon Coxcomb Hill as shown on Figure 1 below.



Figure 1: RSRP in dBm from ORI Reservoir

Additionally, OR1 Reservoir cannot provide sufficient LTE service in urban Astoria to the northwest (and will be providing 1xEV-DO service to that area) due to the high-data demands of that technology which make it impossible to do with high quality, as providing service for such a substantial portion of the City on a single sector would severely limit capacity and data throughput speeds for that area. In order to provide downtown Astoria and the surrounding urban area with high-quality data services proposed site OR1 Astor is required; whose central location and four-sector design evenly loads the sectors of the site and ensures high capacity and data throughput speeds for customers north and west of Coxcomb Hill as shown on Figure 2 below.



Figure 2: RSRP in dBm from OR1 Astor.

However, the OR1 Reservoir and OR1 Astor sites cannot provide adequate coverage and capacity for the certain areas to the south, including and surrounding the Nehalem Highway, Warrenton-Astoria Highway, Highway 101 over Youngs Bay, the Clatsop County Fairgrounds, and the Cooperage Slough. Due to the ridge running along the City's southeastern edge (of which Coxcomb Hill is a part), OR1 Astor's signal propagation is cut off to the south, making it unable to replace OR1 Astoria HD's coverage footprint there. OR1 Reservoir is also unable to achieve this due to its angle.

In order to provide adequate coverage and capacity for this area of the City, another site is required. This site would need to be located on the southern end of the ridge, be high up, and have a good angle to broadcast signal along southwestern Astoria and to the south-by-southeast down Cooperage Slough. The search area Verizon Wireless considered for this site is shown on Figure 3.



Figure 3: Area Search Rings

Alternative Sites

When designing an existing or new area, Verizon Wireless will first attempt to utilize an existing tower or structure for collocation at the desired antenna height. If an existing tower or structure is not available or not attainable because of space constraints or unreliable structural design, Verizon Wireless will propose a new tower. In this instance, our real estate group with the help of outside consultants did several searches and concluded there is no existing structure nearby or on site that provides the required elevation for collocation, to meet the *ORI City Park* objectives, therefore a new facility was proposed.

The following sites listed below represent the Verizon priority siting and alternate candidates reviewed within the search area shown above. The analysis of site viability is included under, 'Summary'.

Verizon Priority Siting	Description	Summary
Existing Structures	<i>Collocation on existing WCF towers</i>	<p>There are no existing WCF towers within this desired search area on which to collocate.</p> <p>The nearest WCF facility on which to locate is at Coxcomb Hill / Astoria Column and Verizon already occupies this facility.</p>
	<i>Upgrade to existing WCF towers</i>	<p>The WCF facility located at Coxcomb Hill is the closest existing WCF. The site could be structurally improved and the height increased to accommodate Verizon's coverage needs. Alternately, a second site could be located adjacent to the existing site to provide the required upgrades for the area.</p> <p>Due to concerns raised from residents, Friends of the Column and the property owner, the above proposals have been rejected.</p>
	<i>Existing alternative tall structures (i.e., water tanks, Stadium Lighting, etc.)</i>	None: No alternate structures of sufficient height were identified within the search ring.
	<i>Rooftop Installation Opportunities</i>	<p>No tall buildings are located within the search ring.</p> <p>The concrete building identified as Reservoir 2 was reviewed, but deemed too low to meet coverage needs. In order to gain effective coverage at this location, the facility would need to be over 220 feet tall as the hill to the south blocks RF propagation; shadowing southern Astoria and significantly decreasing the signal strength to the Cooperage Sough Valley. From a technical standpoint, this location was rejected.</p>

<p>Utility Structures (i.e., power poles, high tension power lines, etc.)</p>	<p><i>Existing utility poles</i></p>	<p>Existing poles in the area are 20-35 feet. These poles are structurally insufficient to support the required antenna installation and are unable to achieve the required height to reach coverage/capacity objectives.</p>
<p>New Facility</p>	<p><i>Two Opportunities</i></p>	<p>(1) <i>Fred Lindstrom Memorial Park:</i> Areas within the park were reviewed, however deemed to be too low of an elevation to meet coverage objectives and hand-off to adjacent sites.</p> <p>(2) <i>Shively Park and the center of the search ring:</i> Site proposed herein; Alternate locations within the park were reviewed, however, the location herein was chosen as primary as it afforded the best natural camouflage and met all coverage/capacity objectives and can effectively hand-off to adjacent sites. Alternate locations reviewed in the parking area and at the picnic area were deemed by the property owner and the real estate team to be too visually intrusive.</p>

Design Results

ORI City Park, strategically located on Shively Park, satisfies all of the design requirements for this site. Such a design allows high-quality voice and data coverage for the aforementioned areas currently covered by ORI Astoria HD, and the ability to hand off reliably to sites ORI Warrenton and ORI Stavebolt (proposed to maintain current ORI Astoria HD voice and data coverage going south toward Olney and Melville) as shown on Figure 4 below.

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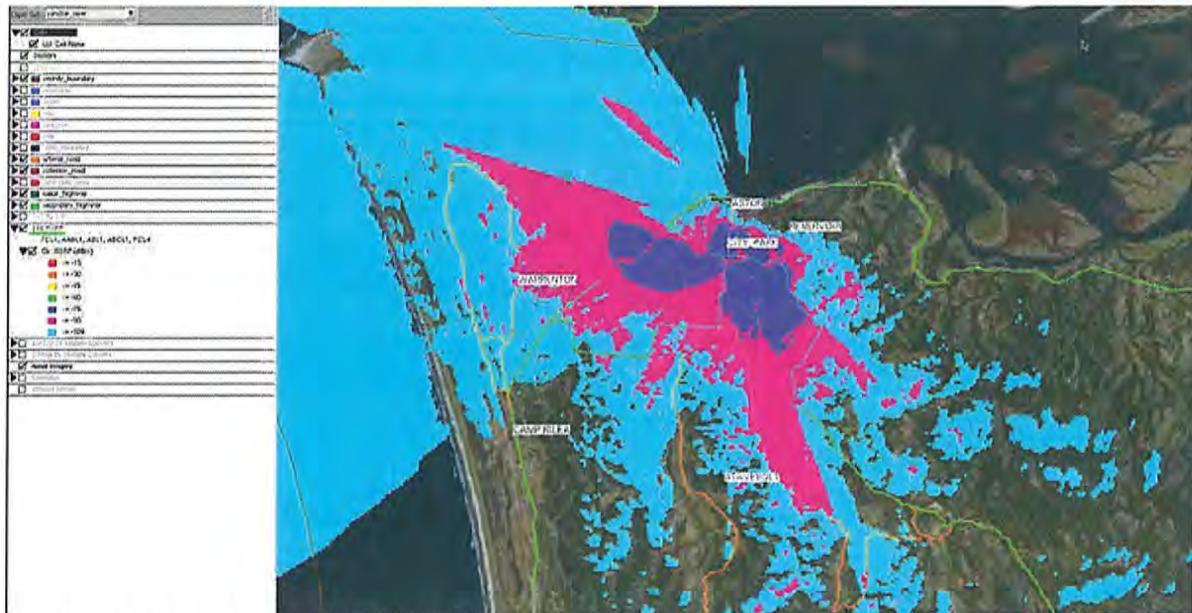


Figure 4: RSRP in dBm from OR1 City Park, at current proposed tip height of 150' AGL.

Locating to the north of the current proposed location near Astoria Reservoir Number Two would be infeasible, as the 75' drop in elevation would necessitate a tower over 225' in height. Even at that height the hill upon which Shively Park rests would present terrain blockage to the Cellular signal, decreasing signal strength along Highway 202 directly south of the park in a phenomenon known as "RF Shadowing."

Similarly, a height below 150' AGL would also be infeasible. As height drops, the site's line-of-sight to the northwest and to the southeast is lost, resulting in degraded coverage for areas including the Port of Astoria and the Clatsop County Fair and Expo Center. Furthermore, the site is proposed to be nestled amongst existing trees in order to minimize its obtrusiveness. This necessitates that the antennas be above tree height. Otherwise the trees present what are known as "near-field obstructions." These obstructions deform and degrade the signal's propagation pattern in a phenomenon known as "RF Scalloping," resulting in unpredictable gaps in coverage as well as degraded signal strength at the edge of the intended coverage area. This would hamper Verizon's ability to maintain OR1 Astoria HD's current voice and data coverage as well as the ability to reliably hand off to the proposed OR1 Astor and OR1 Reservoir sites.

Coverage plots are attached and labeled as Exhibits 1 through 5.

- Exhibit 1 shows current coverage, inclusive of the site near the Astoria Column titled '*Astoria HD*' and existing sites, OR1 Gearhart and OR1 Warrenton.
- Exhibit 2, shows coverage following the removal of the '*Astoria HD*' site, depicting the area as it would exist without any coverage. The dotted circle in Exhibit 2 depicts

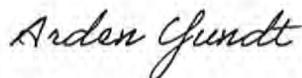
area of RF coverage and capacity gap that the site herein is proposed to fill.

- Exhibit 3&4 shows coverage/ RF signal emitting from the site proposed herein. With the antenna at 150-feet, nearly the entire coverage objective area will be covered by high to moderate RF signal strength, as depicted by the purple and blue portions of the map. Therefore Exhibit 3&4 meets our design objective for this site and clearly shows the proposed location improving, and in many cases adding signal strength to this large rural area.
- Exhibits 5 depicts how the proposed site will be integrated into our network system for that area. Therefore our antenna with a tip height of 150 feet (AGL) will fulfill the capacity objective for the proposed site as depicted in Exhibit 5 & 6. The proposed site ensures, RF signal overlaps with adjacent sites to allow continuity of call(s) or “handoff.” Therefore a 150’ (AGL) antenna centerline is required at the *ORI City Park* site location as shown to provide service for its customers living in the City of Astoria along and south of Lexington Avenue and to a large rural area southeast of the city.

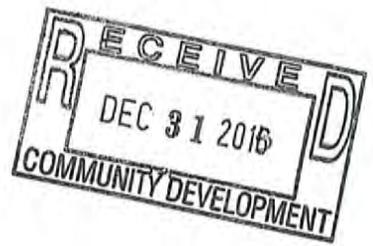
Summary

In conclusion, the loss of OR1 Astoria HD, with its large coverage area due to the prominence of Coxcomb Hill, necessitates the construction of four new sites in order to maintain current services and coverage. Of these sites *ORI City Park* is of vital importance; providing service to much of southern Astoria, the City’s main thoroughfares and the surrounding rural area as well as enabling hand-off between the surrounding sites. The proposed site, *ORI City Park* facility is a necessary communication facility as it provides the desired public service needed to complete the Verizon Wireless network in the area and to comply with the obligations of our FCC license. *ORI City Park* especially with an antenna centerline at 150 feet AGL (Exhibit 4 & 5), will provide superb service, i.e. a -55dBm (purple) signal strength or better (blue, and green) for most areas defined in Exhibit 1 (area circled in red). This site once built and operational will provide better public voice and data, including 911 services for its customers in south and southwest Astoria and environs.

Sincerely,



Arden Yundt
Verizon Wireless
Pacific Northwest Region
Network Department – System Design



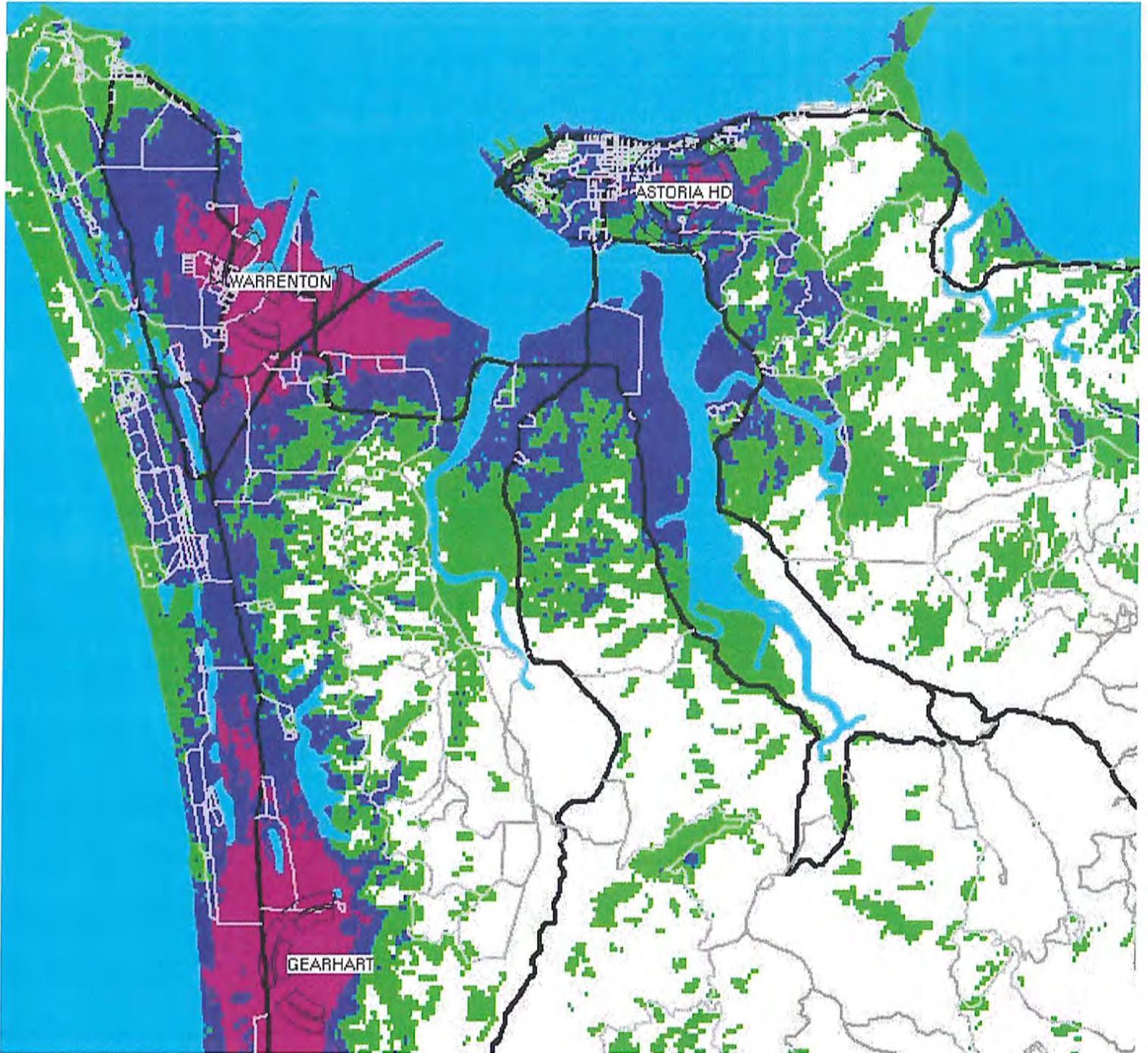
RF Propagation Maps

For Site "OR1 City Park"

Map Disclaimer

*These maps show approximately where there is wireless coverage based on our own internal data. The maps are **not** a depiction of actual service or rates availability. The mapped territory contains areas with no service. Voice clarity and reception may vary near coverage boundaries. Wireless service is subject to network and transmission limitations, including cell site unavailability, particularly in remote areas. Customer equipment, weather, topography, and other environmental considerations associated with radio technology also affect service. Additionally, service may vary significantly within buildings depending on location or building structure.*

Exhibit 1 – OR1 City Park current Coverage



Existing Sites:

OR1 Warrenton
OR1 Astoria HD (near Astoria Column)
OR1 Gearhart

High RF Signal (≥ -80 dBm)
Moderate RF Signal (≥ -90 dBm)
Weak RF Signal (≥ -100 dBm)

*Exhibit 2 – OR1 City Park without Coverage
(Inclusive of removal of Astoria HD site near the Column)*

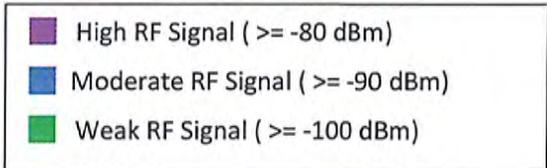
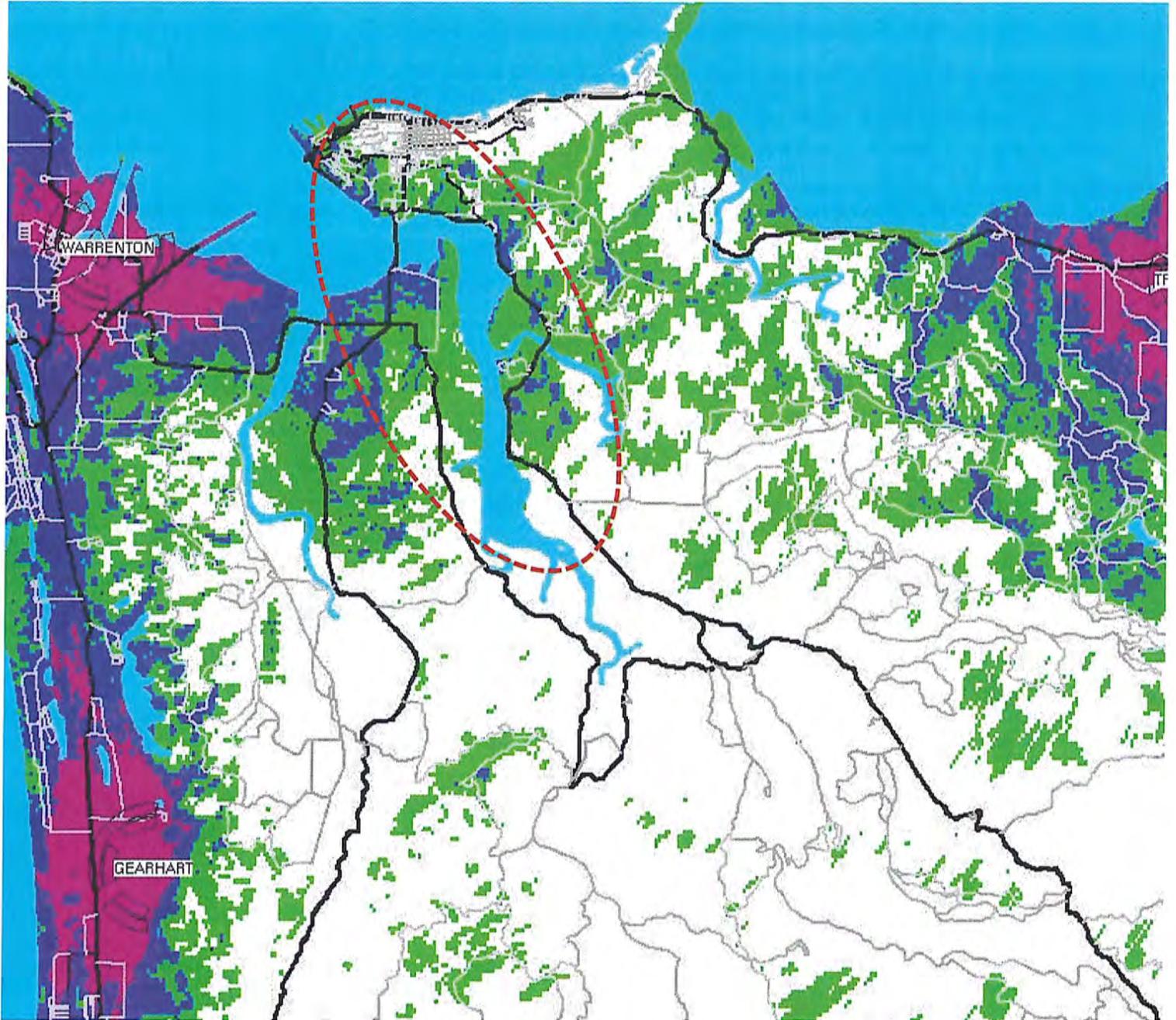
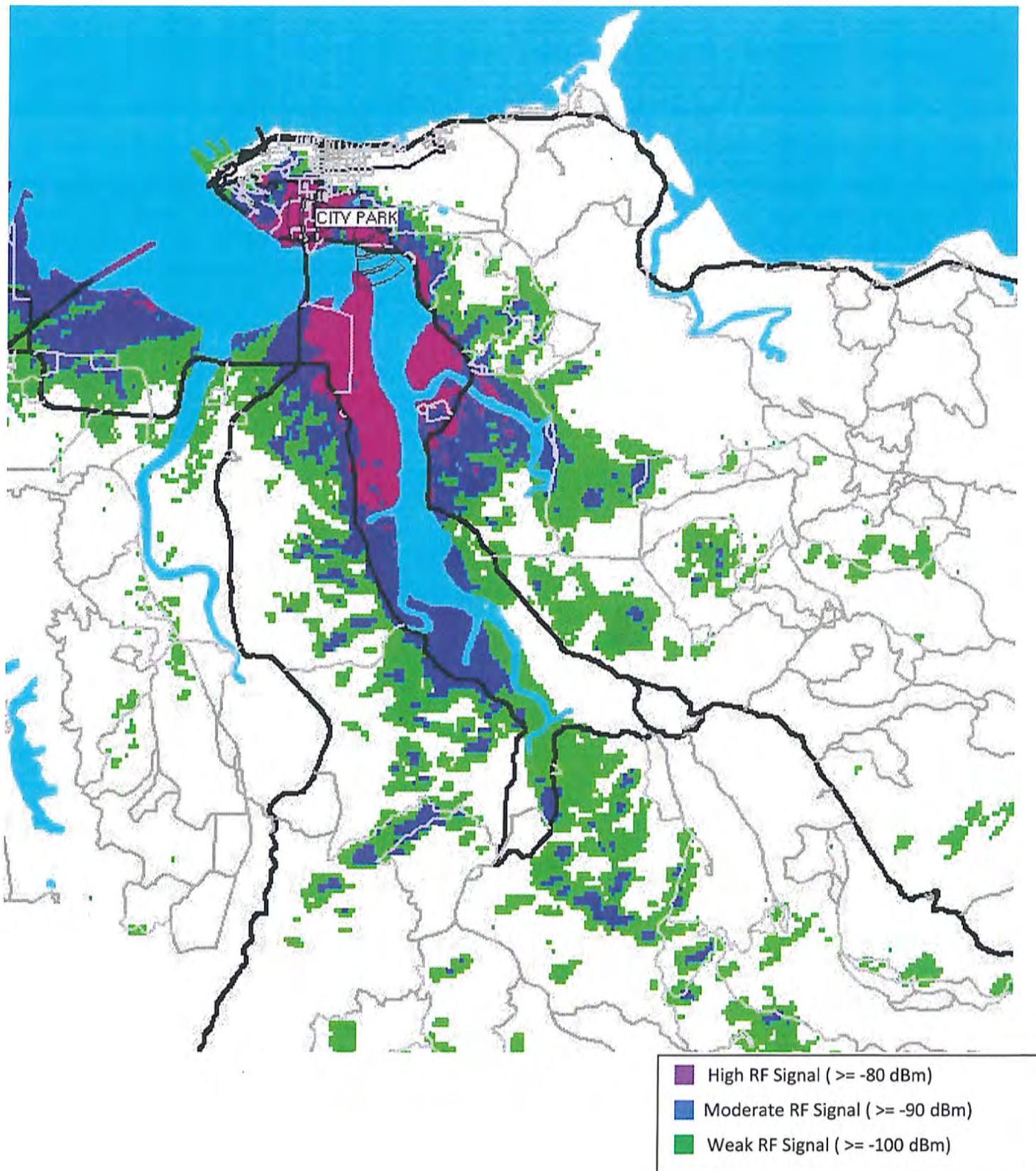


Exhibit 3 – OR1 City Park Coverage Only



*Exhibit 4 – OR1 City Park Coverage Only
(close up view)*

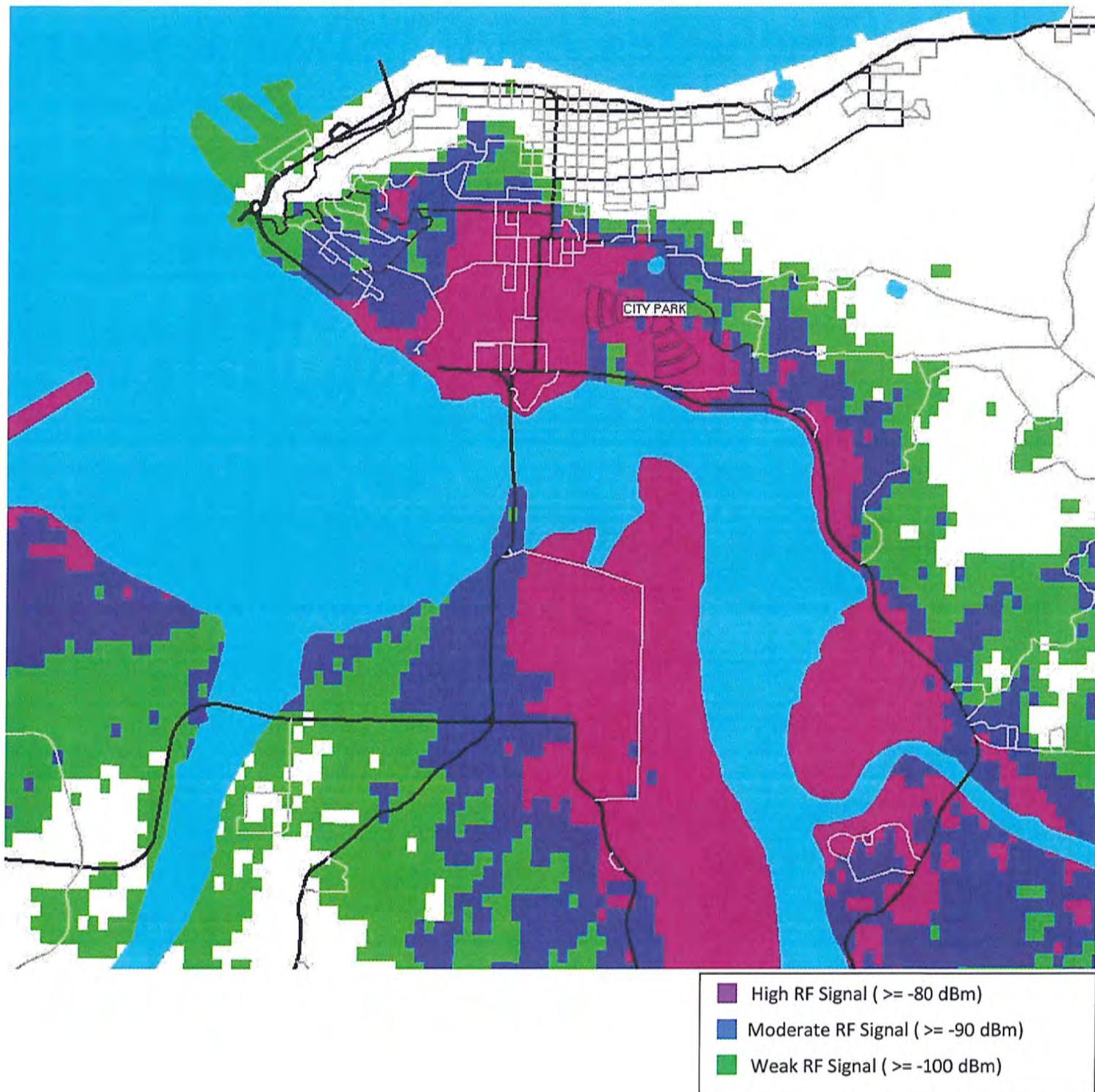
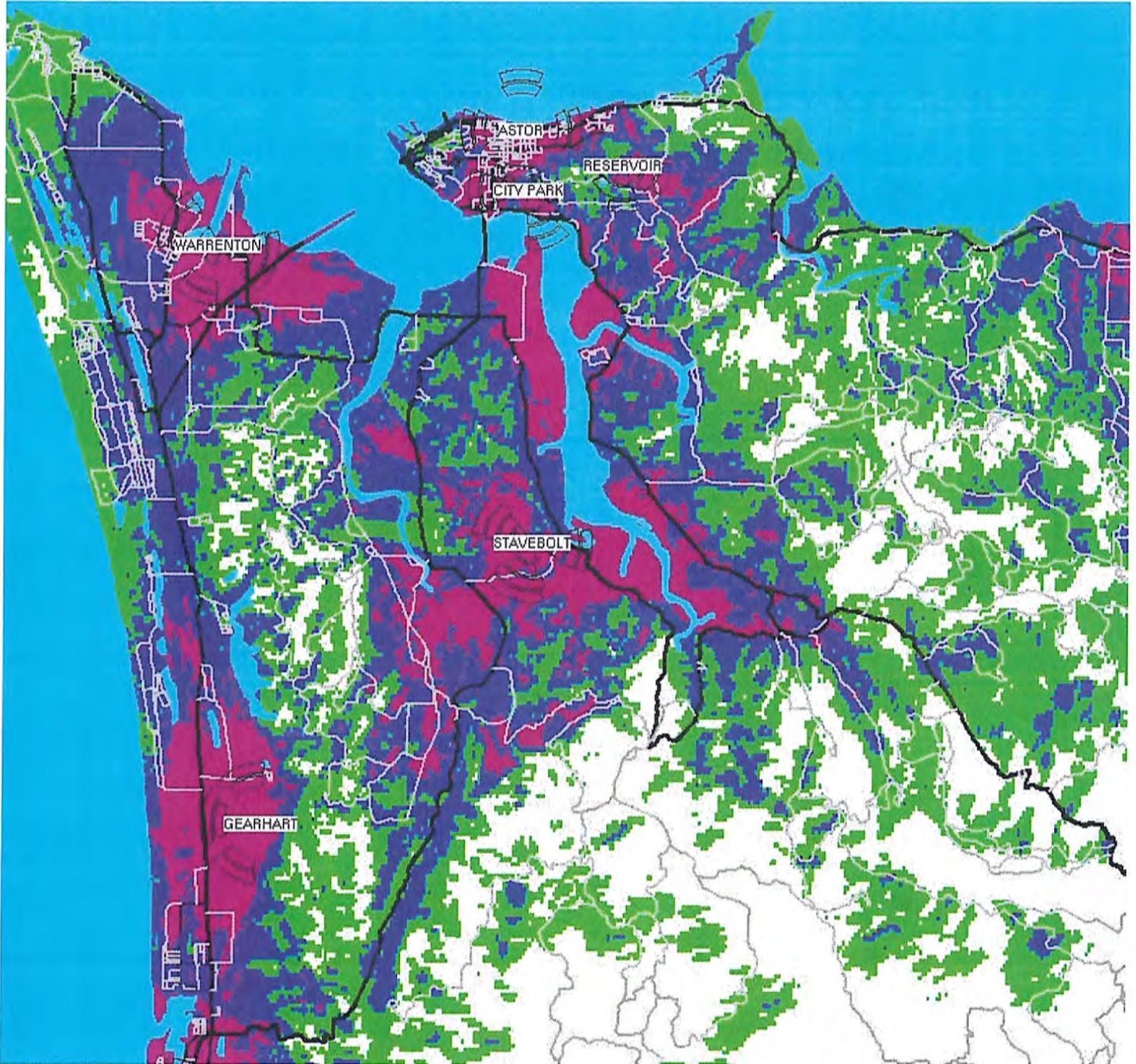


Exhibit 5 – OR1 City Park Network Integration



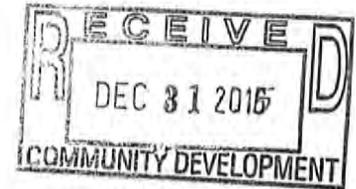
Existing Sites:

OR1 Warrenton
OR1 Gearhart

Proposed Sites:

OR1 City Park (Site proposed herein)
OR1 Reservoir
OR1 Astor
OR1 Stavebolt

High RF Signal (≥ -80 dBm)
Moderate RF Signal (≥ -90 dBm)
Weak RF Signal (≥ -100 dBm)



Ms. Sharon Gretch
LEXCOM Development / Md7
10570 SE Washington St., #211
Portland, OR 97216

December 23, 2015

**Subject: Wireless Telecommunication Facility – OR1-City Park
1530 Shively Park Road, Astoria OR 97103**

Dear Ms. Gretch:

We are writing at your request to discuss the development of 'Photo-Simulations' for this site.

It is our understanding that development of this site is being contested by a neighboring citizen and that the accuracy of the Photo-Sims are in question.

Please note, these simulations are just that, 'simulations'. We attempt to provide accurate representation of the finished product. We initially provided a set of long distant shots from the neighboring area (12/07/14). A second set of shots from the immediate site were provided (01/27/15).

As noted by our surveyor below this site was especially complicated due to dense tree canopy, steep slopes, and limited site lines.

We have added a few more tree heights after reviewing the data further, as well as an average tree height of the trees where the base was measured. We also added an average tree top elevation. To confirm our previous measurements, the crew re-shot a tree top on our re-visit and came up with a similar tree top elevation (about 1.5 feet higher than previously shot about a year and a half ago).

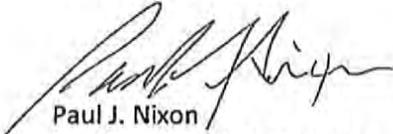
Just so everyone knows how we do this, we need a line of sight to the top of the tree and we actually measure a point at the top of the tree, then we use the measured ground elevation at the tree base to determine the height. When the site is in a heavily treed area, it is almost impossible to get all of the tree tops or even a majority of them. We can most likely get an exceptional few that stand out from a distance. Other than that it is just a big sea of greenery. Also, the branch structure at the top of deciduous trees makes it difficult to get a point at the top.

19401 40th Ave W, Suite 304
Lynnwood, WA 98036
TEL 425-740-6392
FAX 425-224-1614
www.campassoc.com

We understand additional photos were provided by Lexcom this Summer/Fall. We understand for this exercise they actually performed a 'Balloon test' on site. Camp + Associates doesn't have these photos. However, with the balloon test, they would be working with a higher level of accuracy.

Please feel free to call our office if you have any questions or comments regarding any item in this letter.

Sincerely,
Camp + Associates, LLC



Paul J. Nixon
Architect / Project Manager

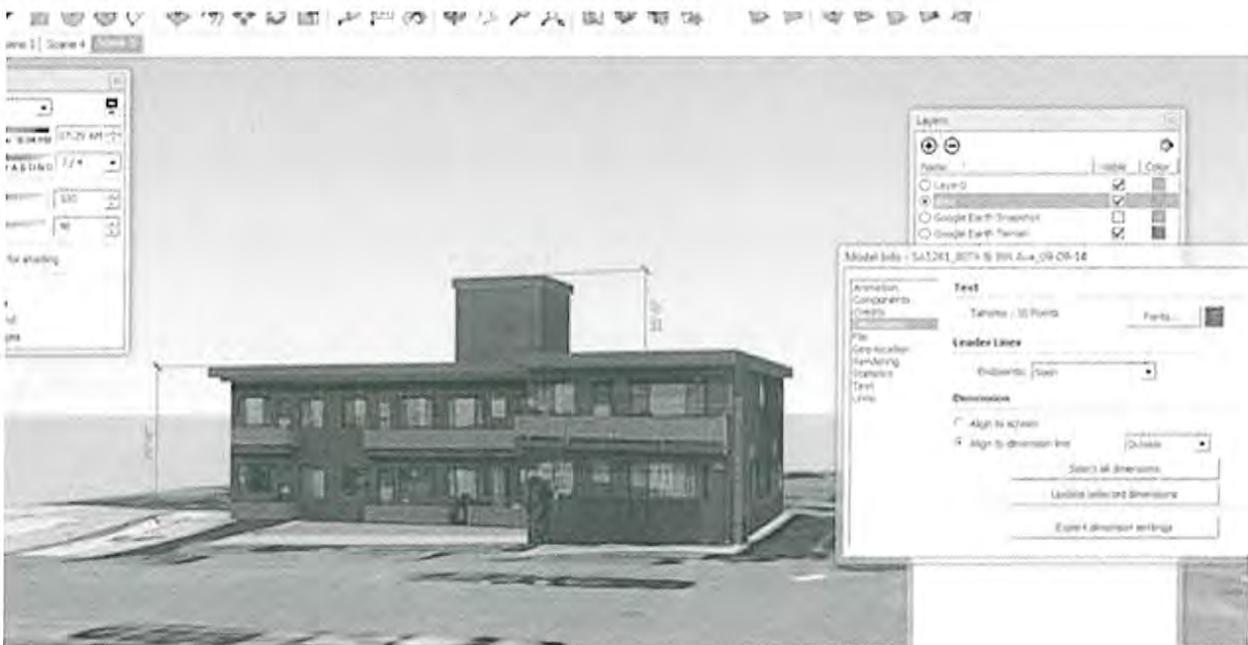
Attachment: Previous Photo Simulations

Photo simulations are based off of a 3D model. We create the model *to scale* per as-built drawings, survey data, Google Earth, information gathered in the field and aerial images. Existing terrain is imported and we then set the camera @ 5'-6" above the imported ground to simulate the approximate eye level of photographer. Once we have achieved the correct view with "Photo Match", the model snapshot is then brought into the existing photo & scaled to a surrounding object such as an existing building, utility pole, tree, etc.

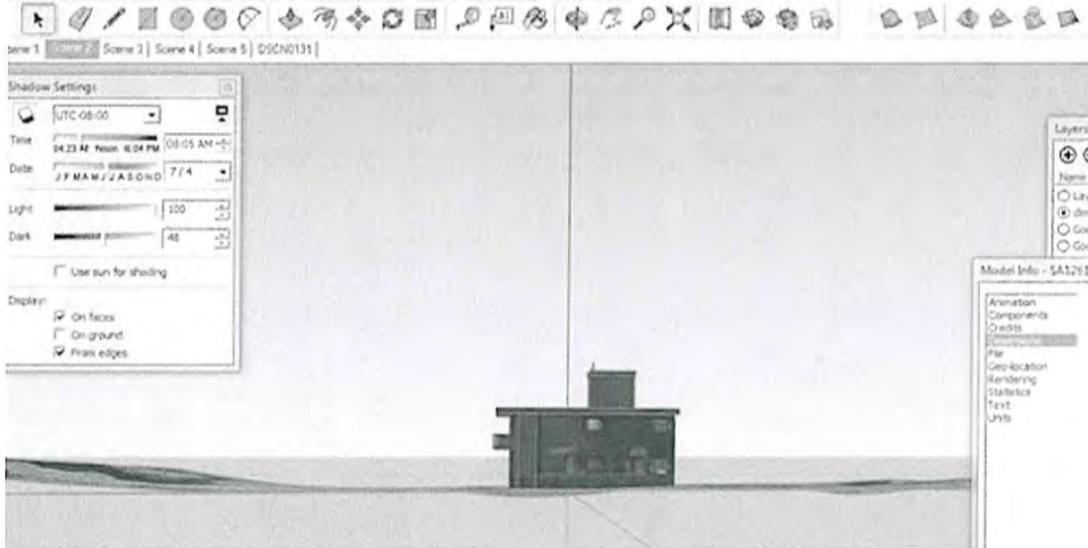
One thing to remember is that drawings represent "a parallel view" in elevation and the 3D model will always be a "2 point perspective". Visual impacts will be affected by location and visibility of the observer. Photo simulations are conceptual and based solely on the photographers interpretation of the proposed project.

Please see images below for an example of how our photo simulations are created:

Snapshot of model used:



Terrain view:



Snapshot of "PhotoMatch" mode:



**K. Karl
Nelson**

Digitally signed by K. Karl Nelson
DN: cn=K. Karl Nelson, o=Cascadia
PM, ou=Centerline Solutions,
email=karl.nelson@cascadiapm.co
m, c=US
Date: 2015.12.21 14:01:05 -08'00'

OR1 City Park

PHOTO SIMULATION KEY MAP

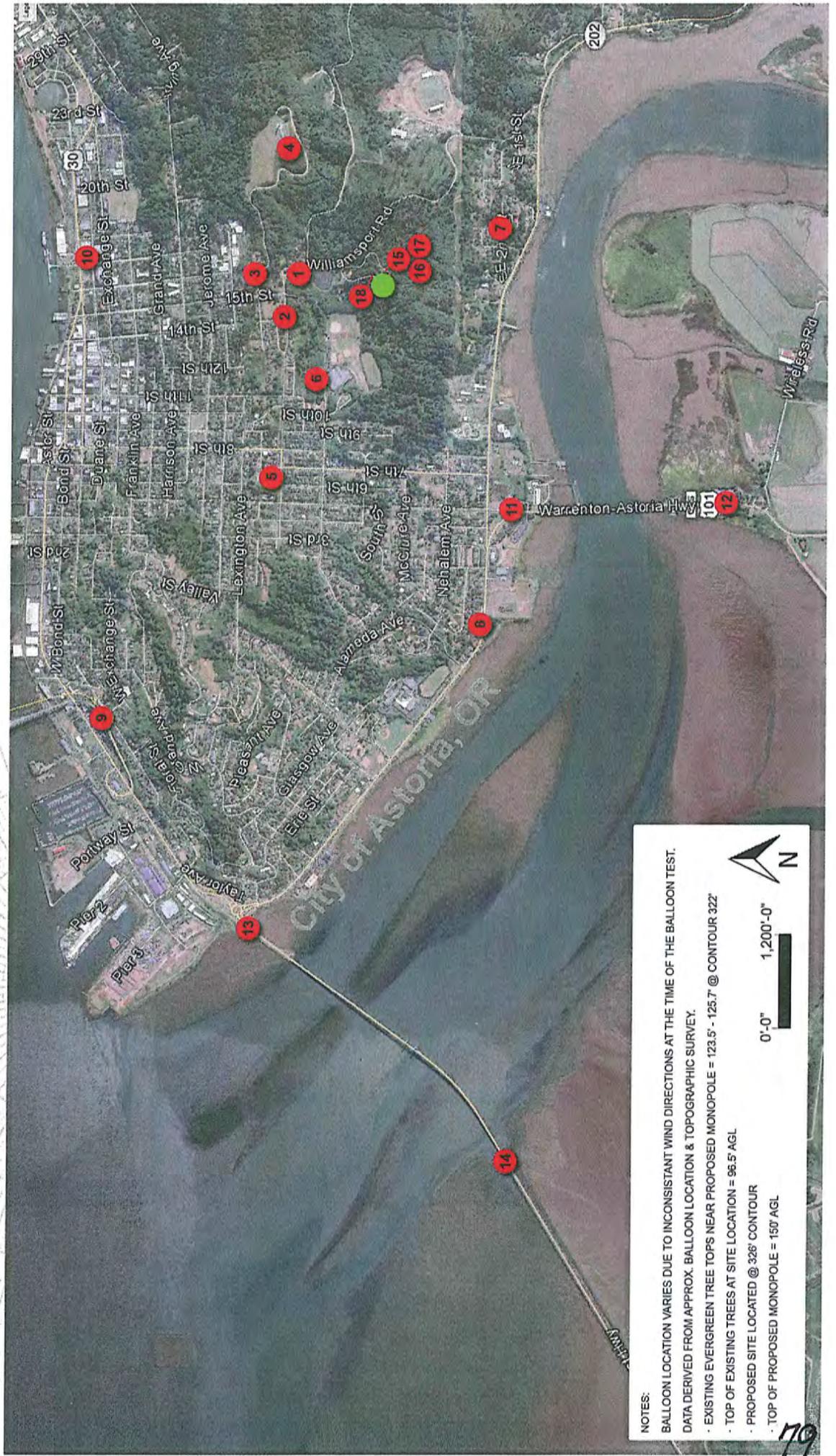
 APPROX. PHOTO LOCATION

 APPROX. MONOPOLE LOCATION

verizon^v

LEXCOM

**CENTERLINE
SOLUTIONS**



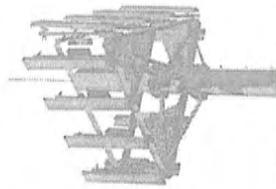
NOTES:

- BALLOON LOCATION VARIES DUE TO INCONSISTANT WIND DIRECTIONS AT THE TIME OF THE BALLOON TEST. DATA DERIVED FROM APPROX. BALLOON LOCATION & TOPOGRAPHIC SURVEY.
- EXISTING EVERGREEN TREE TOPS NEAR PROPOSED MONOPOLE = 123.5' - 125.7' @ CONTOUR 322'
- TOP OF EXISTING TREES AT SITE LOCATION = 96.5' AGL
- PROPOSED SITE LOCATED @ 326' CONTOUR
- TOP OF PROPOSED MONOPOLE = 150' AGL

0'-0" 1,200'-0" 



OR1 City Park Looking South



APPROX. PHOTO LOCATION

APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA



Existing

Proposed

NOTES:
 1. PM/CC TO VERIFY PAINTING REQUIREMENTS WITH JURISDICTION PRIOR TO ORDERING SUPPORT STRUCTURES, ATTACHMENTS, ANTENNAS, AND OTHER APPURTENANCES.
 2. VISUAL IMPACTS WILL BE AFFECTED BY LOCATION AND VISIBILITY OF OBSERVER. THIS DOCUMENT IS FOR PLANNING AND INFORMATION PURPOSES ONLY AND IS CONCEPTUAL. THIS IS SOLELY THE PHOTOGRAPHER'S INTERPRETATION OF THE PROPOSED DEVELOPMENT.





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PHOTO  **SIMULATION CENTERLINE SOLUTIONS**



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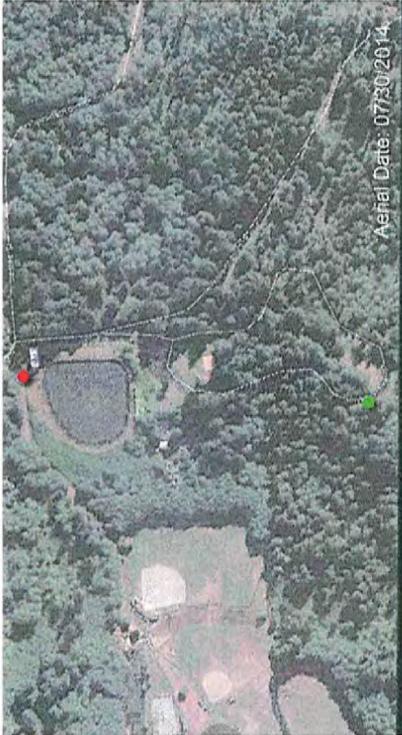


APPROX. PHOTO LOCATION

APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA

Aerial Date: 07/30/2014



(12) (N) VERIZON WIRELESS PANEL ANTENNAS MOUNTED TO A (N) 150'-0" AGL MONOPOLE - SEE NOTES BELOW



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PHOTO  **CENTERLINE SOLUTIONS**

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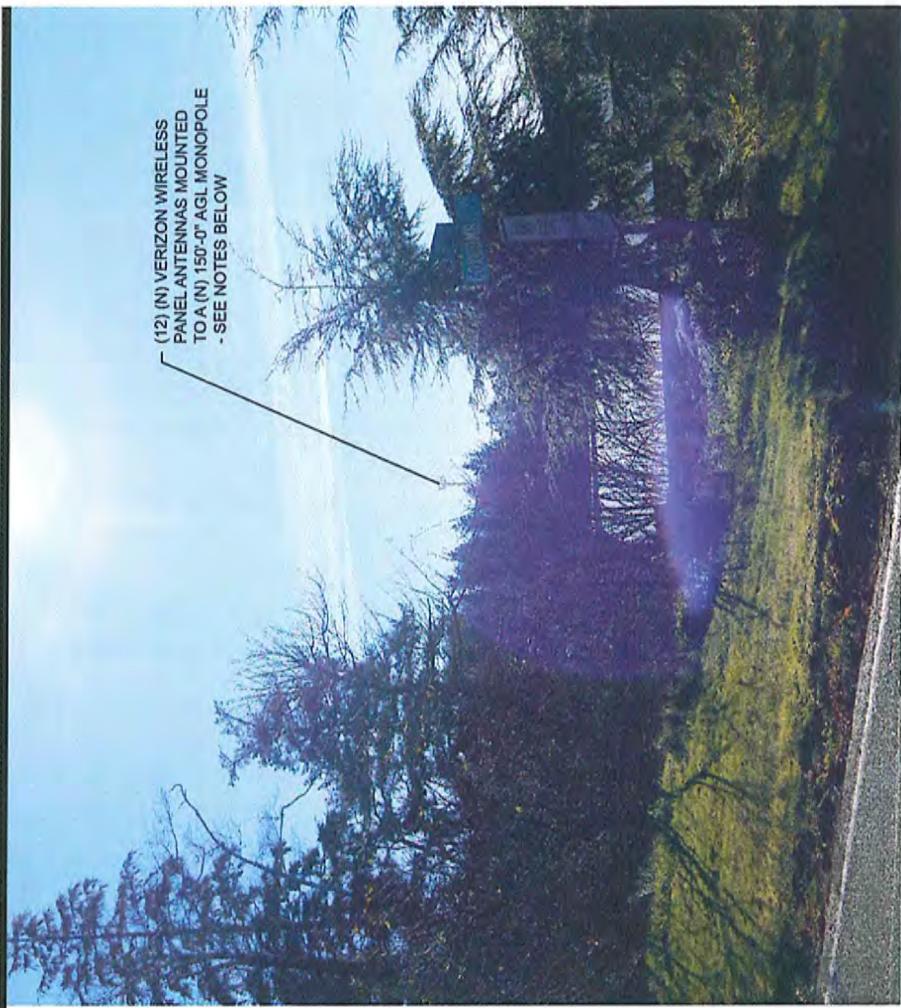
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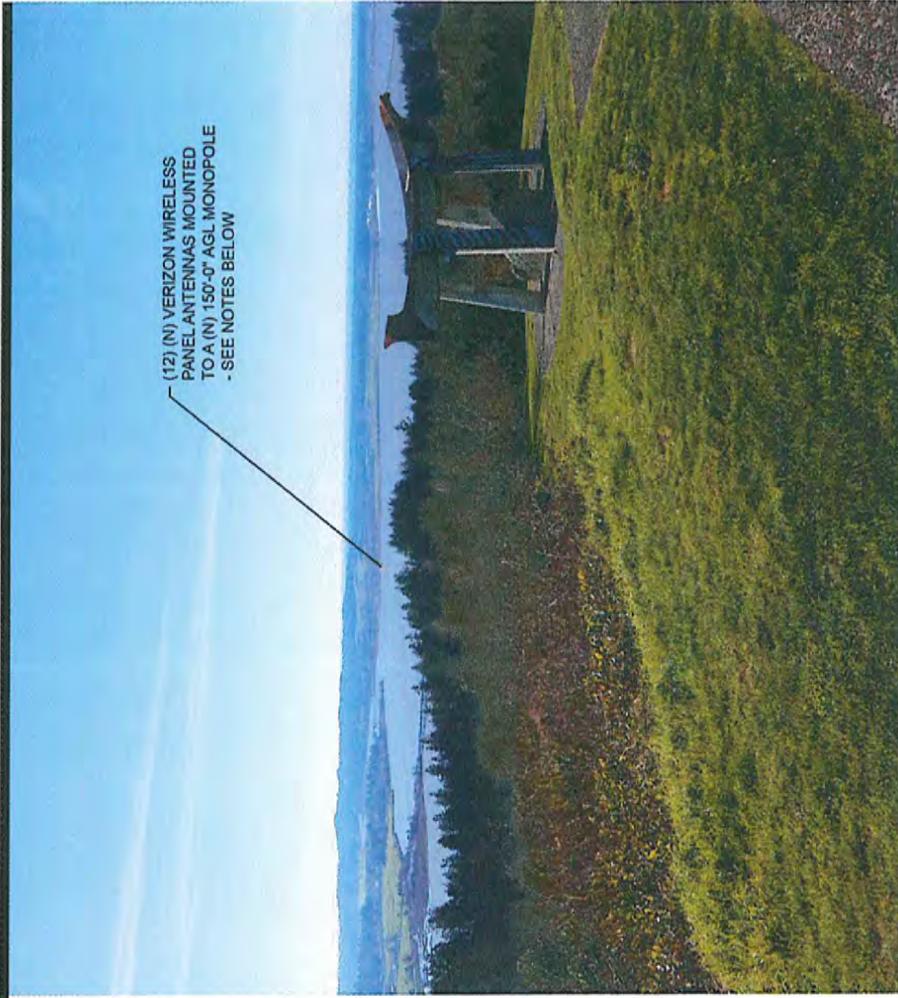
OR1 City Park Looking Southwest



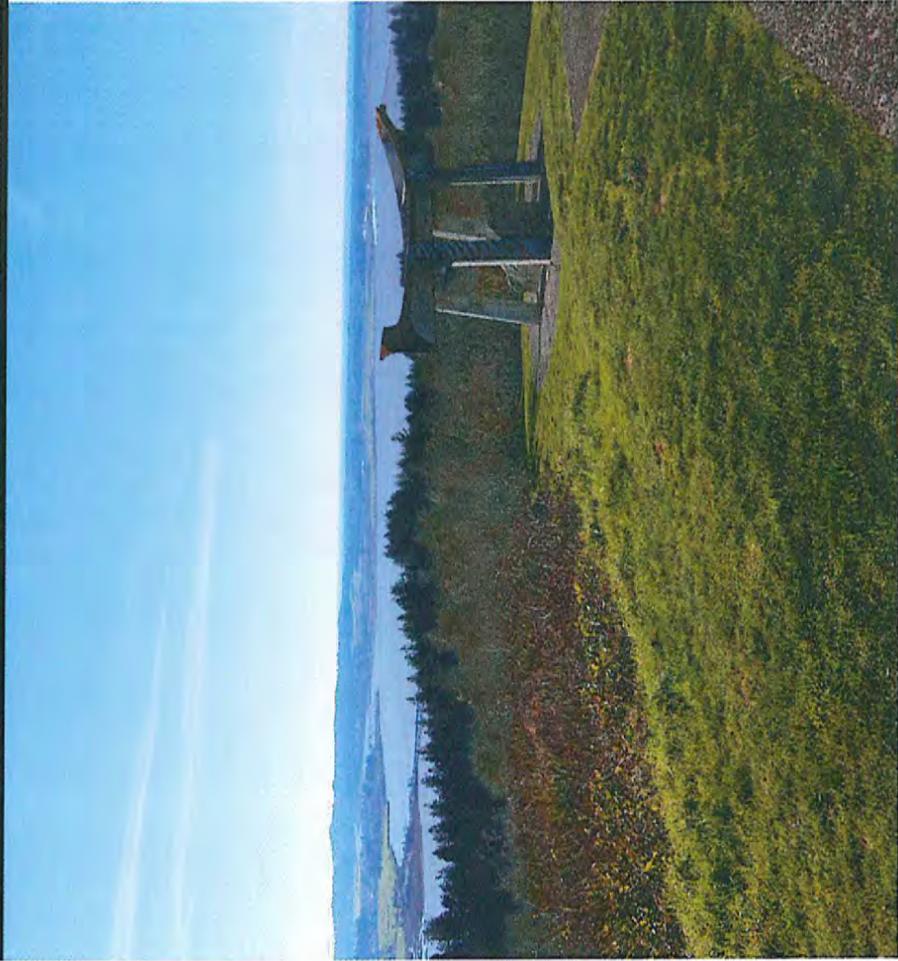
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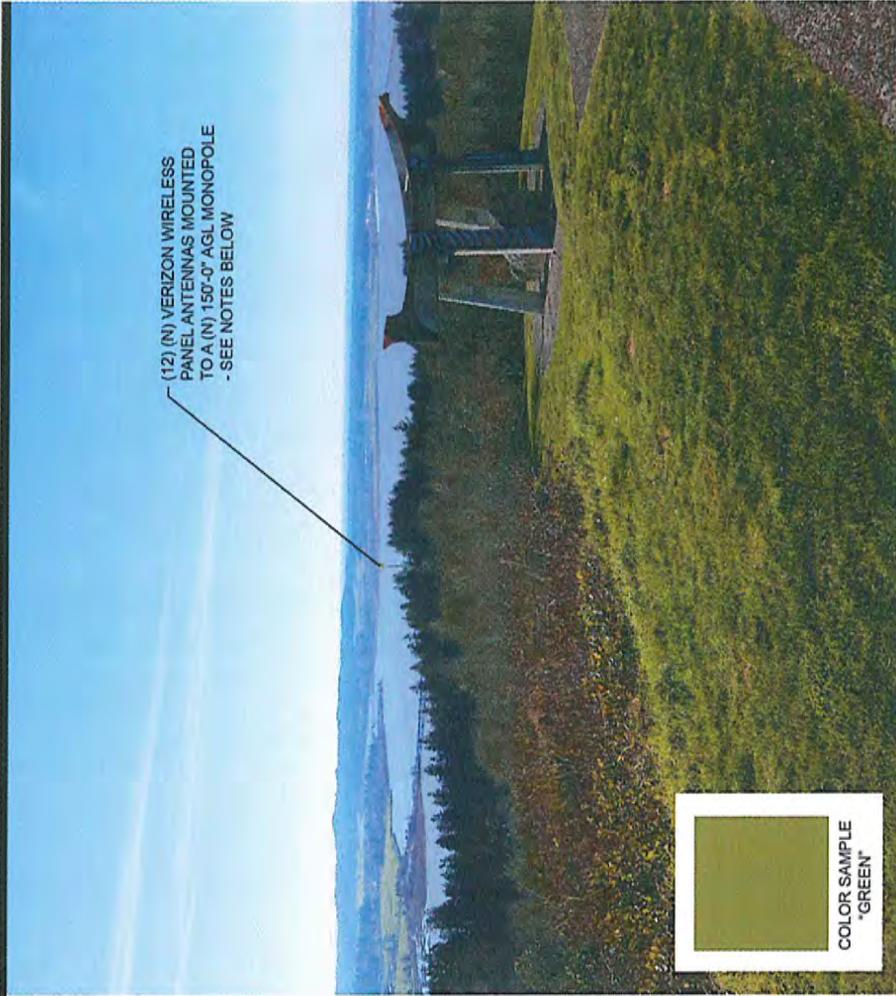


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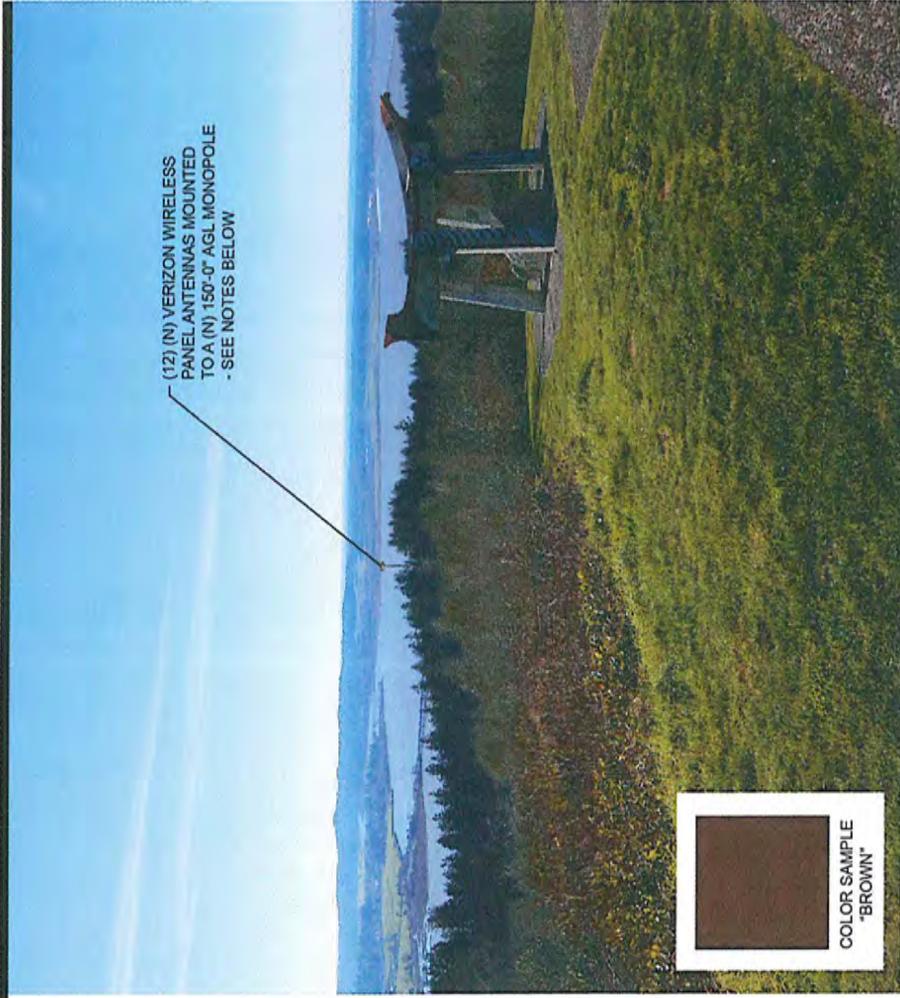
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verizon

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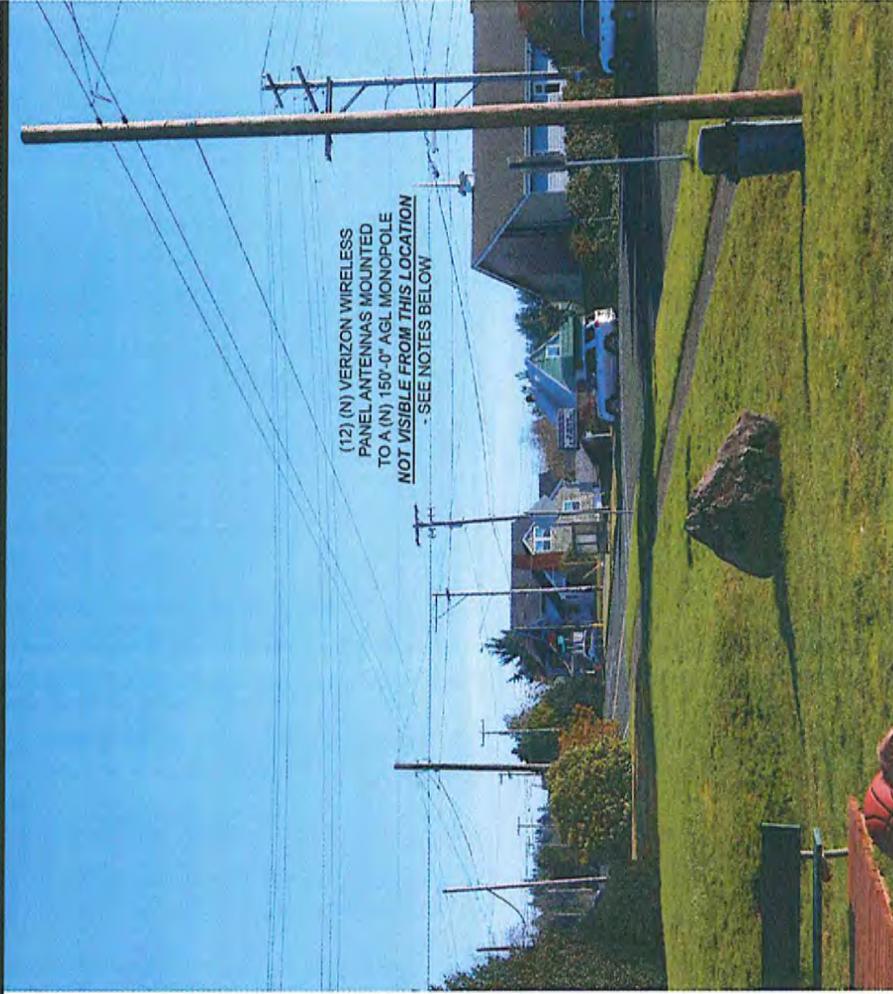
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verizon

OR1 City Park

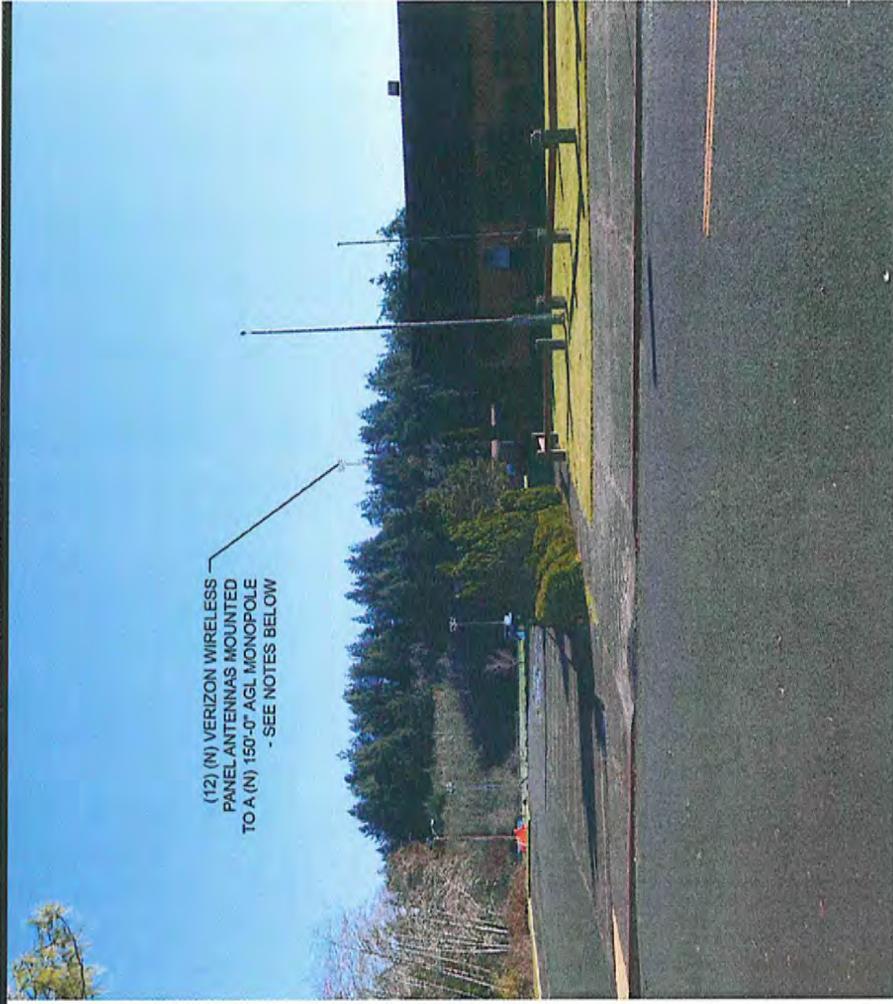
Looking Southeast



APPROX. PHOTO LOCATION

APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA



Existing

Proposed

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PHOTO SIMULATION
CENTERLINE
SOLUTIONS

verizon

OR1 City Park

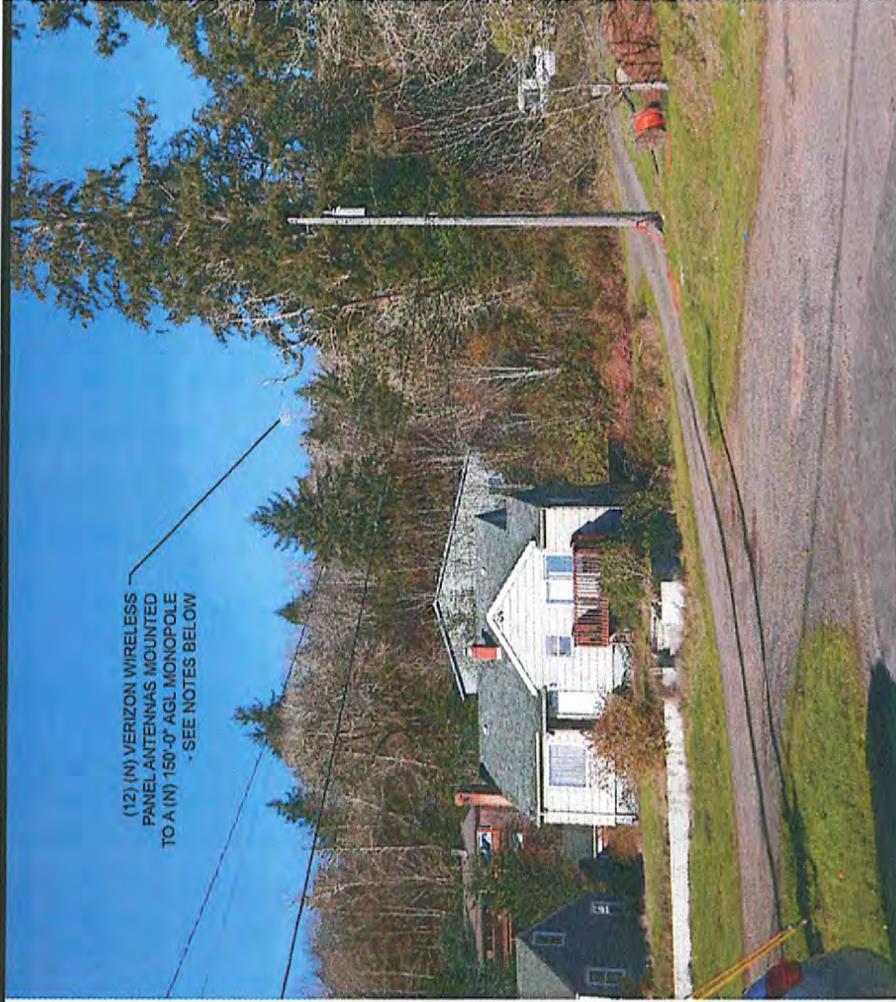
Looking Northwest



APPROX. PHOTO LOCATION

APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA



Existing

Proposed

PHOTO SIMULATION
CENTERLINE SOLUTIONS

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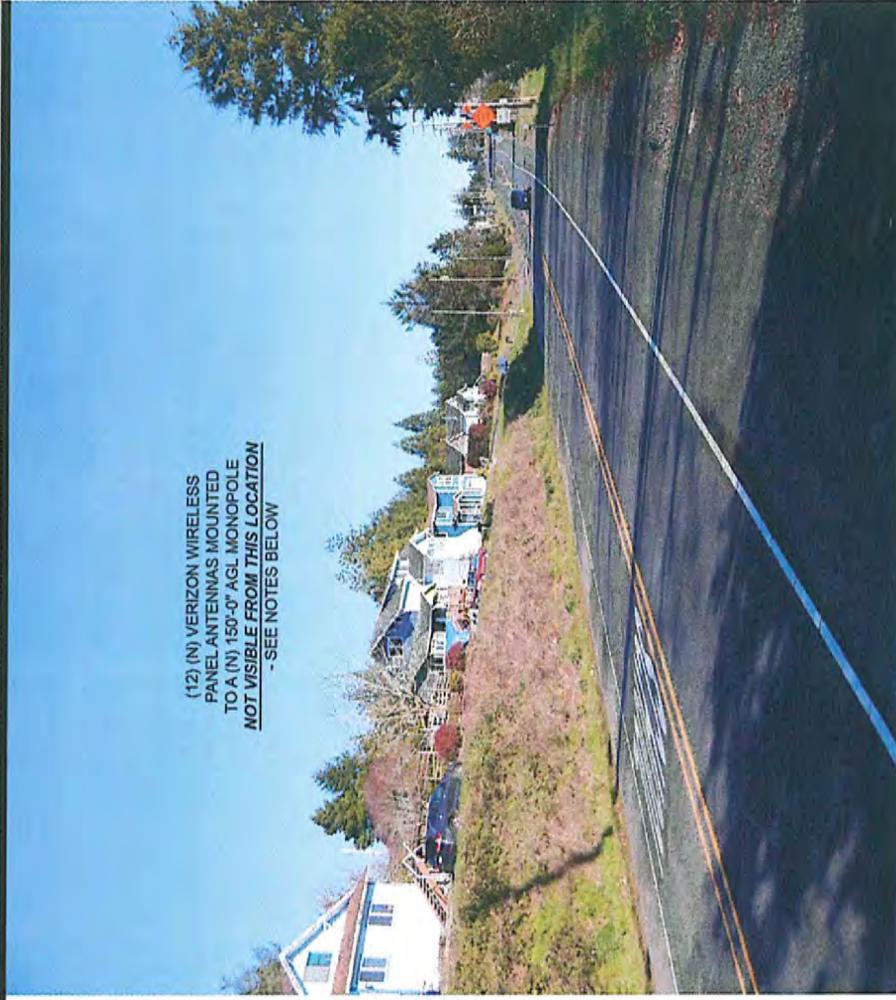
Looking Northeast



APPROX. PHOTO LOCATION

APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA



(12) (N) VERIZON WIRELESS PANEL ANTENNAS MOUNTED TO A (N) 150'-0" AGL MONOPOLE NOT VISIBLE FROM THIS LOCATION - SEE NOTES BELOW

Existing

PHOTO SIMULATION
CENTERLINE
 SOLUTIONS

Proposed

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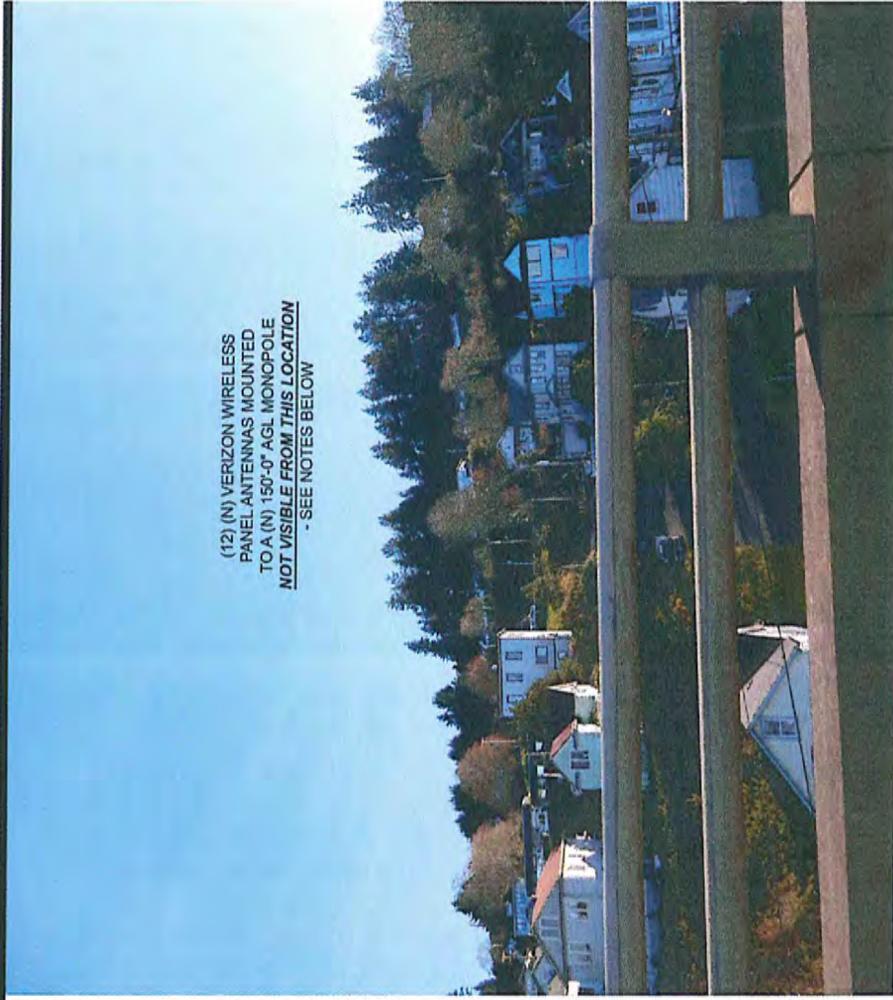
Looking Southeast



APPROX. PHOTO LOCATION

APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA



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CENTERLINE
 SOLUTIONS

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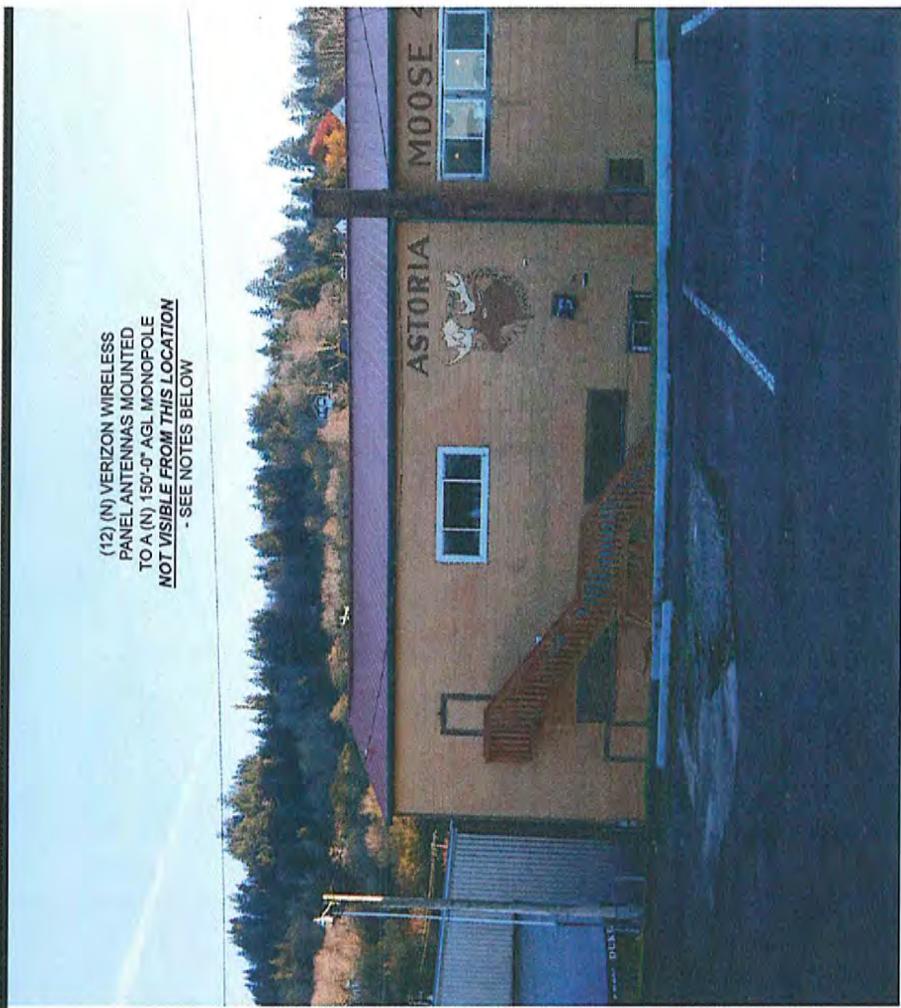
OR1 City Park Looking South



APPROX. PHOTO LOCATION

APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA



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Proposed

Existing

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PHOTO  **CENTERLINE SOLUTIONS**

verizon

OR1 City Park Looking Northeast



APPROX. PHOTO LOCATION

APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA



Existing



Proposed

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verizon

OR1 City Park Looking Northeast

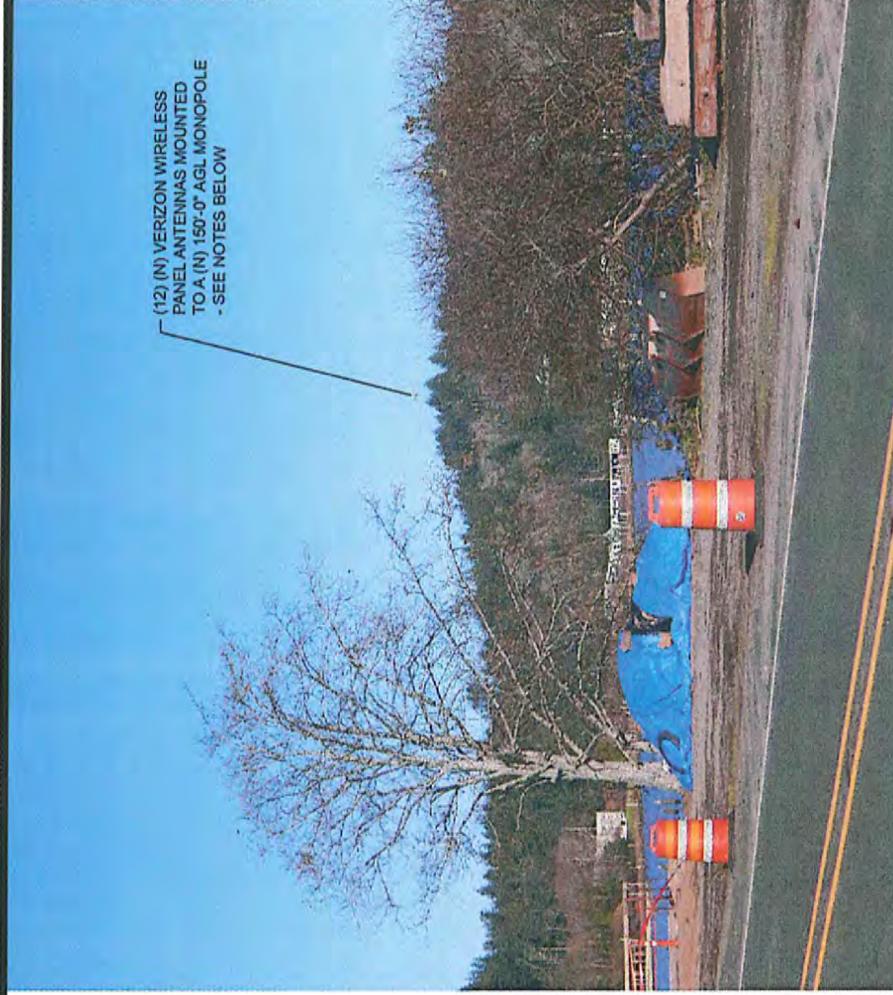
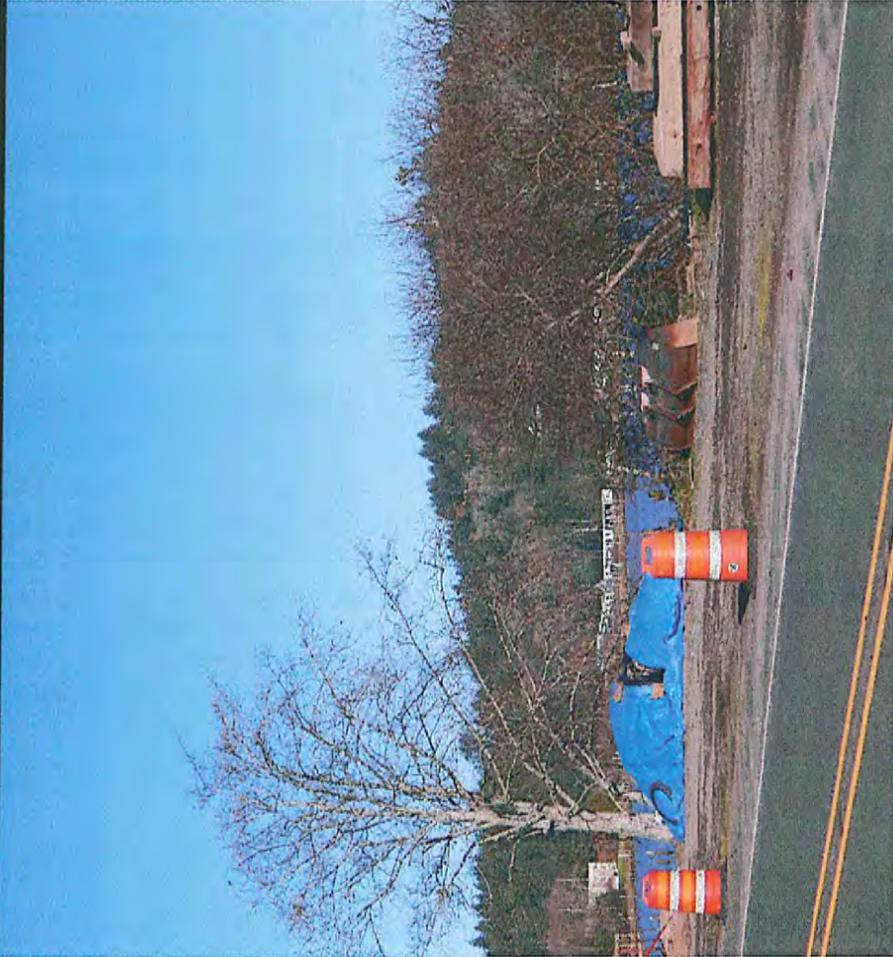


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APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA

Aerial Date: 07/30/2014



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Existing

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PHOTO SIMULATION
CENTERLINE
SOLUTIONS

verizon

OR1 City Park Looking Southeast



APPROX. PHOTO LOCATION

APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA

Aerial Date: 07/30/2014



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Proposed

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PHOTO SIMULATION
CENTERLINE
SOLUTIONS

verizon

OR1 City Park Looking Northeast

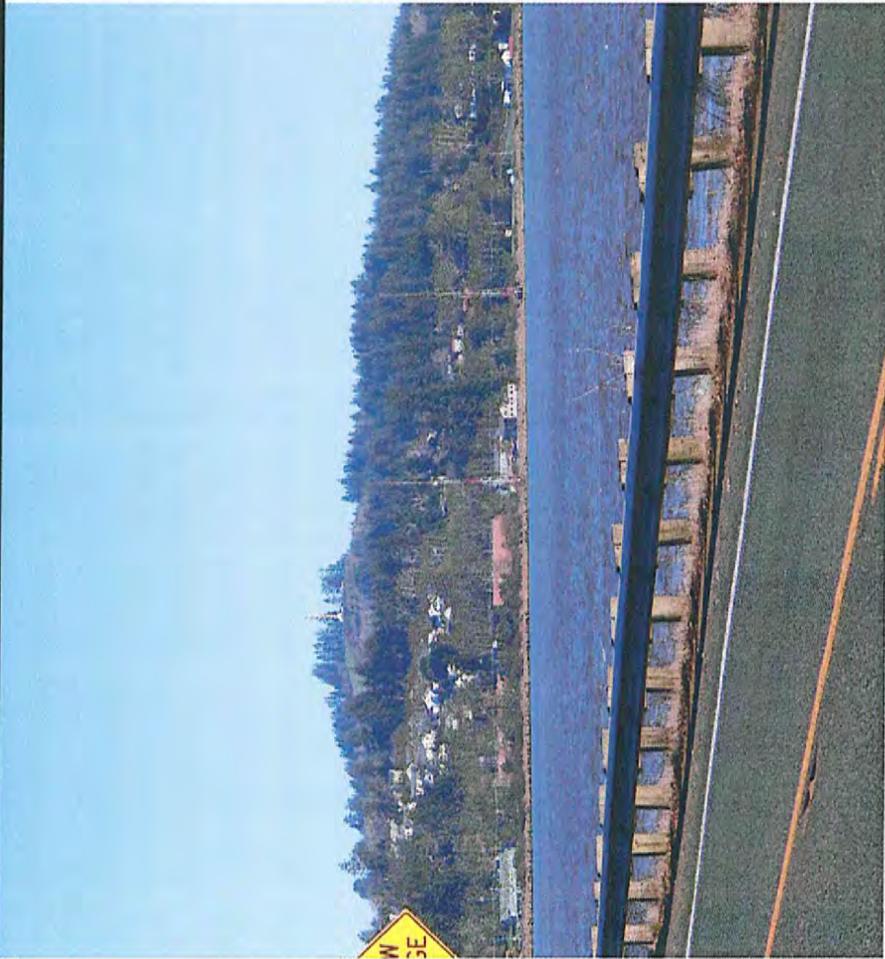
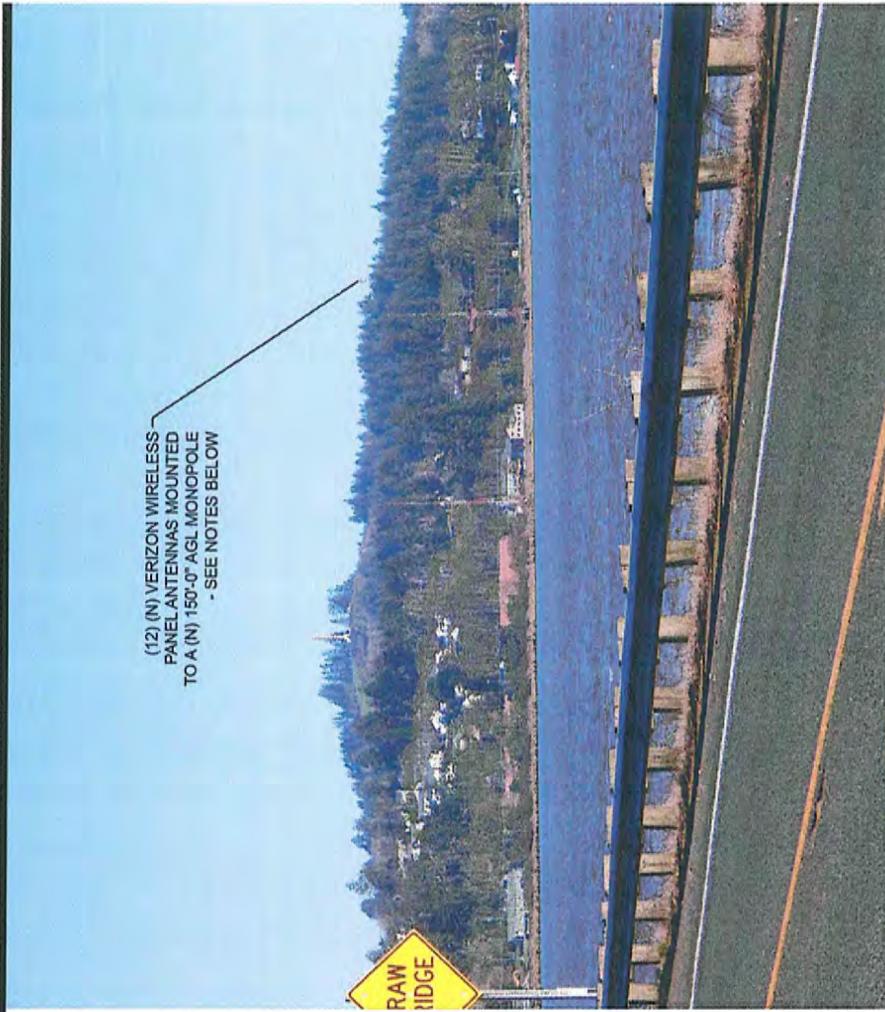


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APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA

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CENTERLINE
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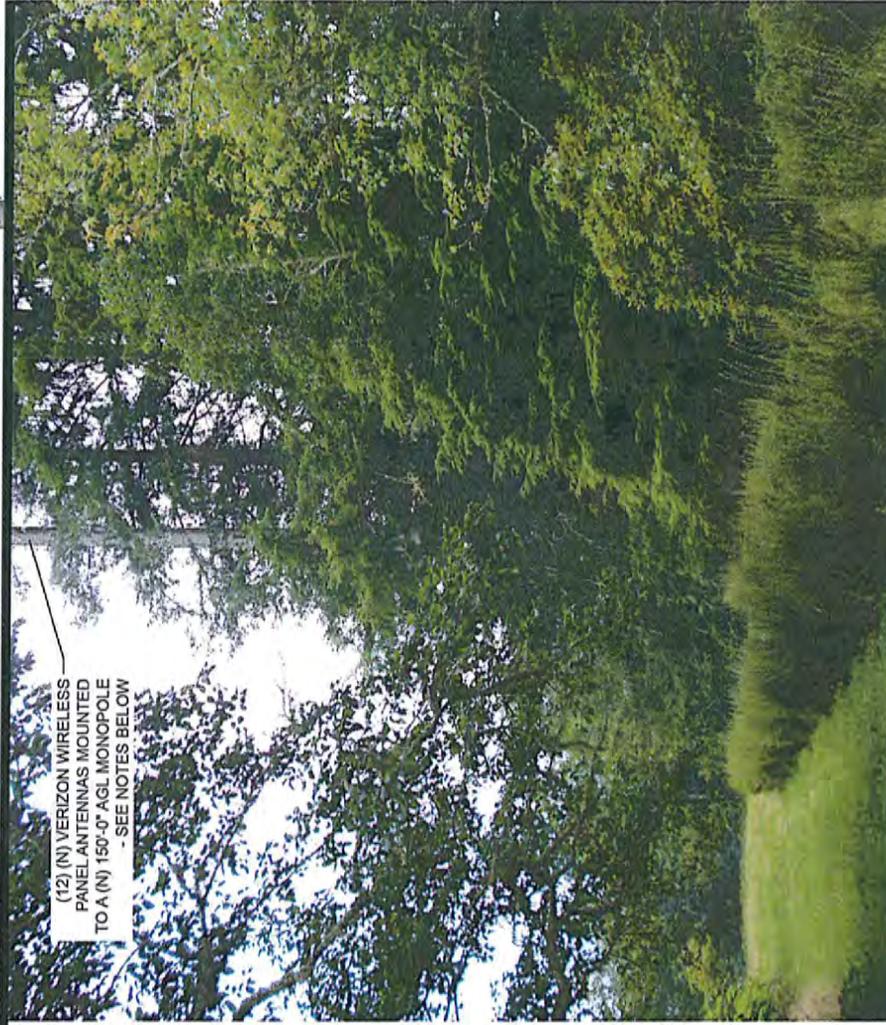
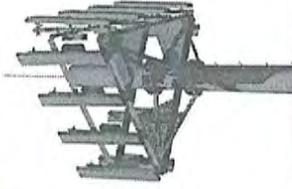
AERIAL OF SUBJECT AREA

Aerial Date: 07/30/2014



OR1 City Park

Looking Southwest



(12) (N) VERIZON WIRELESS PANEL ANTENNAS MOUNTED TO A (N) 150'-0" AGL MONOPOLE - SEE NOTES BELOW

TOWER EXPOSURE = +/-130' AGL

Existing

Proposed

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verizon

OR1 City Park Looking Southwest



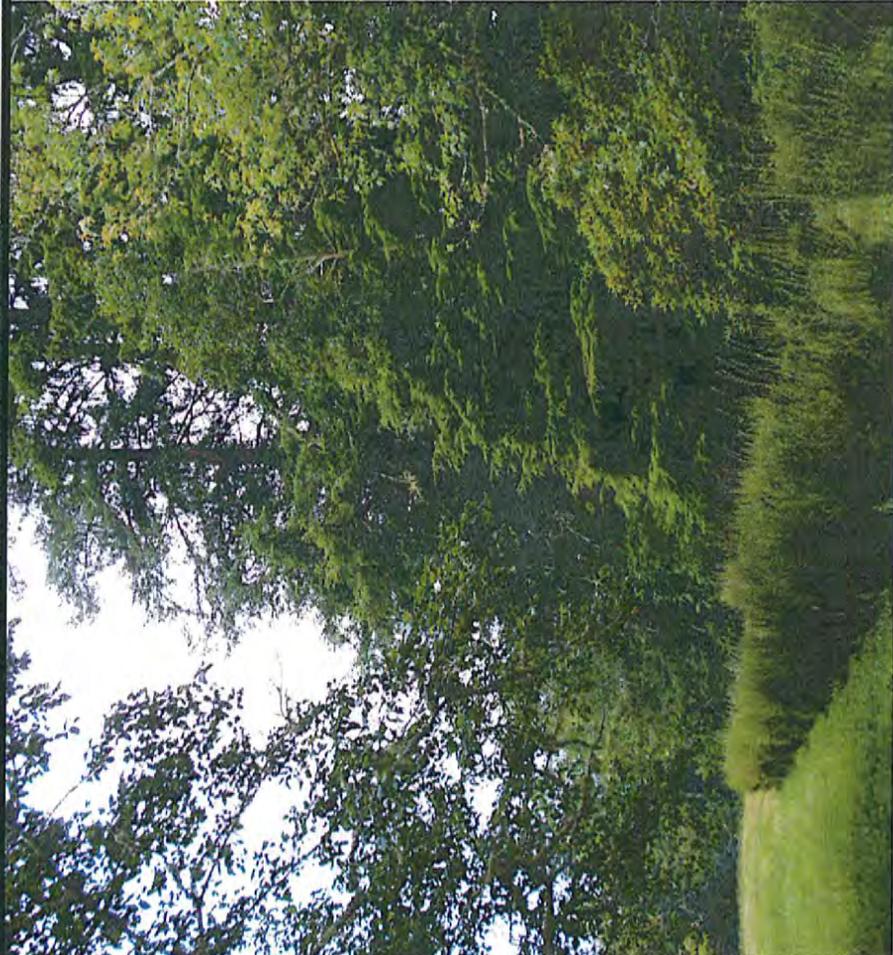
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AERIAL OF SUBJECT AREA



Aerial Date: 07/30/2014



Existing



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APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA

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verizon

OR1 City Park

Looking Northwest



APPROX. PHOTO LOCATION

APPROX. PROPOSED MONOPOLE & ANTENNA LOCATIONS

AERIAL OF SUBJECT AREA

Aerial Date: 07/30/2014



(12) (N) VERIZON WIRELESS PANEL ANTENNAS MOUNTED TO A (N) 150'-0" AGL MONOPOLE - SEE NOTES BELOW

TOWER EXPOSURE = +/-125' AGL

Existing

Proposed

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PHOTO SIMULATION
 CENTERLINE SOLUTIONS



OR1 City Park

Looking Northwest



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verizon

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CENTERLINE
 SOLUTIONS



APPROX. PHOTO LOCATION

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AERIAL OF SUBJECT AREA

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OR1 City Park

Looking West



(12) (N) VERIZON WIRELESS PANEL ANTENNAS MOUNTED TO A (N) 150'-0" AGL MONOPOLE - SEE NOTES BELOW

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Existing

Proposed

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OR1 City Park

Looking West



APPROX. PHOTO LOCATION

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AERIAL OF SUBJECT AREA

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OR1 City Park

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verizon

OR1 City Park

Looking South



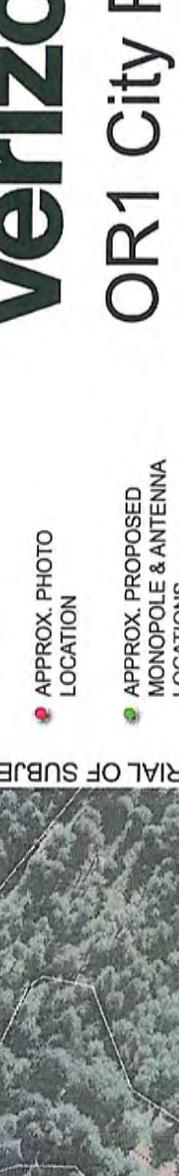
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PHOTO SIMULATION CENTERLINE SOLUTIONS

verizon

OR1 City Park

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PHOTO SIMULATION
CENTERLINE
 SOLUTIONS



OR1 City Park

Looking South



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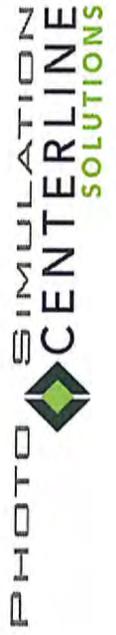


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APPEAL AP15-01

BY

RON ZILLI

OF

***NEW CONSTRUCTION
NC15-03***

TABLE OF CONTENTS

**NOTICE OF APPEAL NO. AP15-01
BY
RON ZILLI
ON
NEW CONSTRUCTION PERMIT NC15-03**

<u>SECTION</u>	<u>PAGE</u>
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NOTICE OF APPEAL

9-30-15 Notice of Appeal AP15-01 dated September 30, 2015 by
Ron Zilli of New Construction Request NC15-03.....1



CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
 COMMUNITY DEVELOPMENT

CITY OF ASTORIA

SEP 30 2015

BUILDING CODES

No. AP 15-01

Fee: \$250.00

R
9-30-15

NOTICE OF APPEAL

Property Address: 1580 Shively Park Road, Astoria OR 97103

Lot ~~17CA~~ & 1-8 Block 18 Subdivision Central Astoria & vacated portion of Nile St.
 Map T8N R9W Section 17 Tax Lot 1200 & ~~600~~ Zone IN
 Appellant Name: Ron Zilli *17CA TL 600*

Appellant Mailing Address: 1444 16th Street, Astoria OR 97103

Cell Phone: 503-741-1098 Home Phone: 503-338-6058 Email: r.f.zilli@gmail.com

Issue Being Appealed: New Construction Request (NC 15-03)

Signature of Appellant: *Ron F. Zilli* Ron Zilli Date: 9.29.15

Name of Appellant's Attorney (if any): N/A

Address of Appellant's Attorney (if any): N/A

This Appeal is filed with the City of Astoria, in accordance with Development Code Section 9.040, on a decision and/or ruling dated 9/15/15 & ~~9/16/15~~ by the Historic Landmarks Commission and Astoria Planning Commission

Commission (Department/Commission/Committee/City Official)

Specific Criteria Appealed: See attached additional sheets

The specific grounds relied upon for review: See attached additional sheets

(If additional space is needed, attach additional sheets.)

For office use only:			
Application Received :	<u>9/30/15</u>	Standing to Appeal	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Appeal Criteria:	<u>yes if</u>	Permit Info Into D-Base:	<u>10/15/15</u>
Application Complete:	<u>10/23/15</u>	Tentative Meeting Date:	<u>11/16/15</u>
Labels Prepared:			
120 Days:			

SW/CDD/FORMS/APPEAL
 See attached

Historic Landmarks Commission Portion of the Appeal

Re: New Construction Request (NC 15-03) by Verizon Wireless to construct a 150' wireless communications facility in historic Shively Park at 1580 Shively Park Road.

I am writing to appeal the Historic Landmarks Commission's (HLC) approval of a Certificate of Appropriateness to construct a wireless communications facility (WCF) with 150' tall monopole and enclosed equipment building in historic Shively Park.

My general concern is that the applicant's project details and the staff report findings fail to demonstrate that the proposed WCF conforms to the applicable Development Code sections. In as much as I recognize and appreciate the benefits of removing the existing lattice tower from the Astoria Column location; determining the appropriateness of a WCF in Shively Park has to be decoupled from those benefits and evaluated objectively based on the applicants proposed design for the structure and the City's Development Code.

Additionally, the determination of appropriateness for the WCF proposed in Shively Park has to be decoupled from the applicants other proposed WCF at 3850 Reservoir Road. They are clearly separate projects that must be evaluated on their own merits to determine if they conform to the City's Development Code. I feel Police Chief Johnson's comments unnecessarily linked these projects together when he testified "*it is fair to say that this is part of the whole meal deal in getting improved emergency communications for the City. This site is not critical to us to improve our emergency communications except for the fact that it allows us to get the deal done to move our primary communications facility to the reservoir site that will go to the Planning Commission tomorrow night that is a part of this whole system upgrade for Verizon that allows them to meet their needs and allows us to meet our needs. So they are so closely tied together it is if they are as one...*" (quoted from the audio recording of the HLC meeting 34:30 to 35:17). This information is irrelevant to determining the appropriateness of the project relative to the Development Code but I feel it unduly biased the HLC decision.

Lastly, the City staff should not be permitted to advocate for approval of this project. They should be simply evaluating the project and presenting findings of fact. During staff presentations for this WCF, staff provided testimony that was not included in the staff report or contradicted what was in the staff report. In one specific instance, Police Chief Johnson testified to the HLC that "*this was not driven by the Friend of the Column. I can't say that strongly enough. This was driven by City Council. ...it was absolutely a City Council driven process to get the existing tower off of Coxcomb*" (HLC meeting audio recording time 31:45). This was intended to clarify the opening statements made by Rosemary Johnson who said "*the Friend of the Column determined that due to the high visibility of the location they would prefer it not be on Coxcomb Hill.*" In my opinion, having a City official link the "driver behind the project" to the City Council biased the HLC decision.

The simple fact of the matter is that this is a proposal to construct a WCF in a designated historic landmark by a communication service establishment to expand their cellular coverage area. The project should only be objectively evaluated on the merits of the proposed design, siting location and the applicable sections of the development code. The

burden of proof lies solely on the applicant to demonstrate such compliance and conformity.

In my review of the proposed WCF I have concluded it does not conform to the development code and is therefore inappropriate in this historic landmark site based on the following facts:

1. Development Code Section 6.070 (B1) – The design of the proposed structure is not compatible with the design of adjacent historic structures scale, style, height, architectural detail and materials.
 - a. The appropriate scale to assess the criteria in the Development Code Sections is the entire "site" of the park, which is designated as a historic landmark in its entirety.
 - b. The appropriate context to assess this proposed WCF is as an independent project from the WCF proposed at 3850 Reservoir Road and other concerns with the existing site at the Astoria Column.
 - c. The adjacent structures at the historic landmark site are all low profile, vintage wooden structures that fit nicely into the landscape. The proposed 150' tall metal cell tower and associated equipment building will be out of character with the scenic, natural and historic resources affected, including existing buildings, structures, and features within the historically designated site. Therefore, it is not compatible with the design of adjacent historic structures scale, style, height, architectural detail and materials.
 - d. Although matters affecting Zoning are not within scope of the HLC, The IN Zoning of the historic landmark limits structures to a height of 45 feet above grade. The proposed WCF requires a Variance from the Planning Commission due to the 150' height of the cell tower. The orientation of a 150' tall vertical tower at the end of the clearing on a ridge is not compatible with the scale and height of the existing structures at the historical site. Also, the fact that a tower of this height is not even permitted in the IN Zone is sufficient evidence that it is not compatible with the design of adjacent historic structures scale, style and height.
 - e. The proposed location for the WCF is in a portion of the park that has a very natural setting. From my personal experience, this area receives more frequent Low-intensity recreation use than the Community Hall or picnic area. Construction a WCF that is not compatible with the design of adjacent historic structures scale, style and height would have a significant adverse impact to the scenic, natural and historic resources affected, including existing buildings, structures, and features within the historically designated site.
 - f. The photo simulation picture from the picnic area is not an accurate representation of the visual impact to the scenic, natural and historic

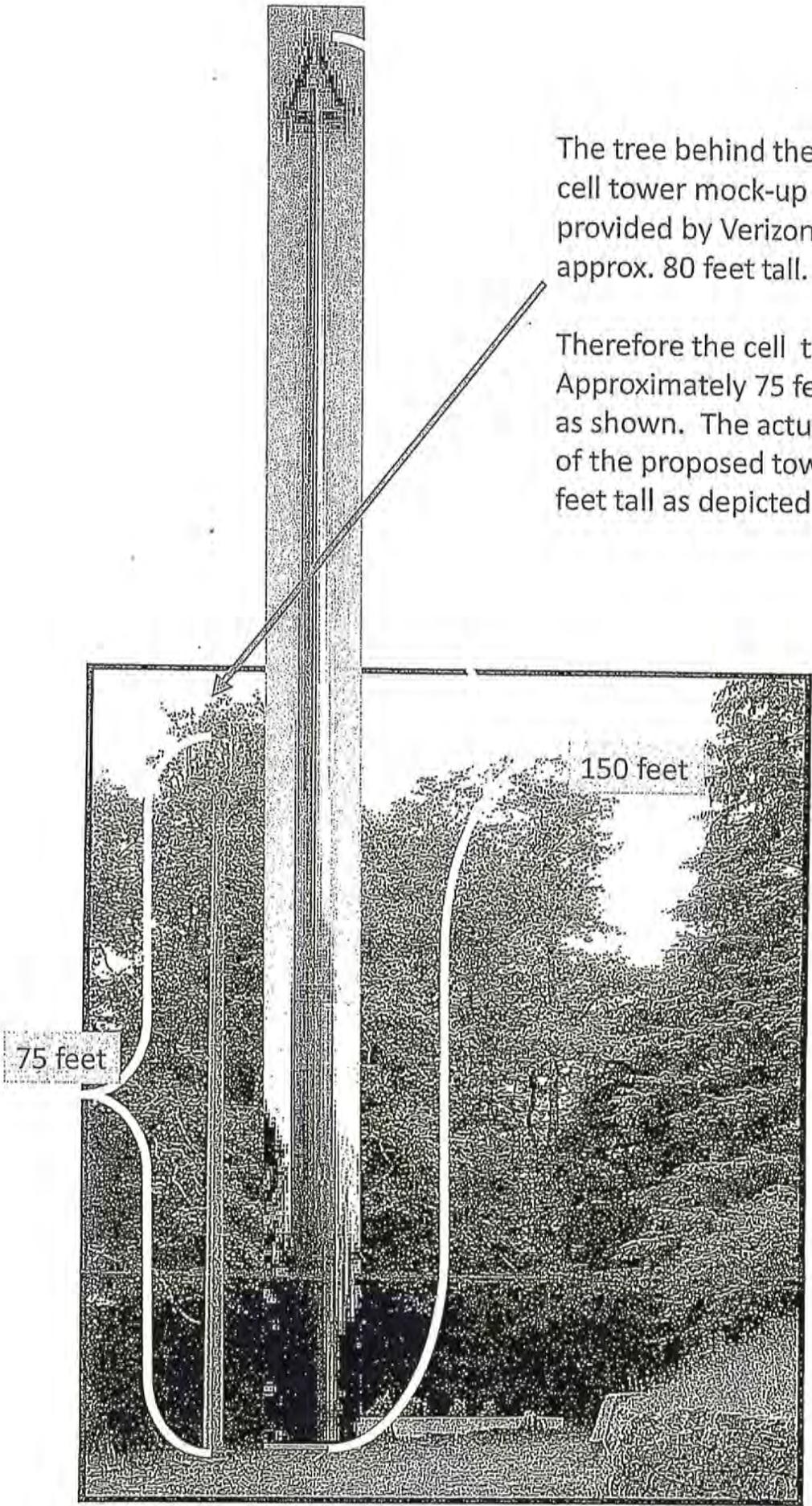
resources affected by the WCF. The "artist rendition" in the photo simulation (HLC staff report pg. 6) seems to purposely mask the WCF with a tree branch. If you were to move just a few feet away the degraded visual aesthetic would be very apparent. Also, even as shown, the tree in the picture is a deciduous tree and will not have leaves for half the year. There are also several large mature trees that will need to be removed to construct the WCF. This will further change the reality of the visual impact from the photo simulations provided in the staff report. There was inaccurate information discussed by the HLC relative to the trees that would need to be removed. During deliberation by the HLC it can be heard in one conversation (audio recording) that the trees are only 4 inches in diameter and "scrub trees." I am not opposed to cutting trees, but I am concerned that minimizing the reality of the changes to the site effected the HLC's objectivity to weigh and consider the substantial adverse impact to the site.

- g. The proposed lease agreement with Verizon requires they allow other providers to collocate at the facility in the historic landmark site. Since the full development (additional collocated equipment on the tower) was not depicted in the illustrations used by the HLC to assess the visual impacts of the project, the actual adverse impact was not considered. A depiction of the anticipated full occupancy of the WCF should have been presented and weighed by the HLC when making their decision. They, cannot determination the WCF is compatible with the design of adjacent historic structures scale, style, height, architectural detail and materials.
 - h. When weighed and considered as a whole, the proposed WCF is not compatible in style, architectural detail and materials with the adjacent historic structures. All existing structures are wood, vintage design and low profile vs. a gray metal 150' tall tower.
2. Development Code Section 6.070 (B2) – The location and orientation of the new structure proposed on this site is not consistent with the typical location and orientation of adjacent structures and siting considerations.
- a. The siting location for the WCF is a forested area that receives frequent Low-intensity recreation use. The construction of a 150' tall cell tower is area valued for its natural setting is not consistent with the typical location and orientation of adjacent structures and siting considerations at the historic landmark site.
 - b. The adjacent structures at the historic landmark site are all low profile, vintage wooden structures that fit nicely into the landscape. The proposed 150' tall metal cell tower and associated equipment building will be out of character with the scenic, natural and historic resources affected, including existing buildings, structures, and features within the historically designated site.

- c. The Findings of Section C of the Staff Report state "Utility poles are generally located within the right-of-way and highly visible; however, a WCF is required to be screened so as to minimize the visual impact." I recently visited the site and there are no existing utility poles in the vicinity of the proposed WCF. The paved path has no utility poles present on either side of the ridge. The only utility poles are very short poles near the parking area and Community Hall. Therefore, a 150' tall cell tower would be incompatible with the typical location and orientation of existing structures and similar siting considerations.

The tree behind the cell tower mock-up image provided by Verizon is approx. 80 feet tall.

Therefore the cell tower is approximately 75 feet tall as shown. The actual height of the proposed tower is 150 feet tall as depicted here.



ORDERS AND FINDINGS OF FACT

9-15-15 Order and Findings of Fact for approval of New Construction
NC15-03 by the Historic Landmarks Commission on September
15, 2015, with mailing list7

8-23-15 Staff Report and Findings of Fact with mailing list submitted to
the Historic Landmarks Commission for September 15, 2015
meeting, with mailing list19

IN THE MATTER OF AN NEW CONSTRUCTION)

R THE FOLLOWING PROPERTY: MAP T8N-R9W)
SECTION 17, TAX LOT 1200 & 17CA TAX LOT 600;)
LOT(S) UNPLATTED LOT & LOTS 1-8; BLOCK 18;)
CENTRAL ASTORIA & VACATED PORTION OF NILE STREET;)
1580 SHIVELY PARK ROAD, ASTORIA OR 97103)

ORDER NO. NC15-03

ZONING: IN, INSTITUTIONAL)

APPLICANT: VERIZON WIRELESS LLC DBA VERIZON WIRELESS,)
5430 NE 122ND AVENUE, PORTLAND OR 97317)

The above named applicant applied to the City for New Construction NC15-03 permit to construct a 150' wireless communication facility adjacent to a structure designated as historic at 1580 Shively Park Road, Astoria, Oregon 97103.

A public hearing on the above entitled matter was held before the Historic Landmarks Commission on September 15, 2015; and the Historic Landmarks Commission closed the public hearing and rendered a decision at the September 15, 2015 meeting.

The Historic Landmarks Commission orders that this application for a New Construction Request NC15-03 is approved and adopts the findings of fact and conclusions of law attached hereto.

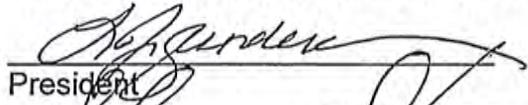
The effective date of this approval is 15 days following the signing of this order, subject to any attached conditions. A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

This decision may be appealed to the City Council by the applicant, party to the hearing, or a party who responded in writing by filing an appeal with the City within 15 days of this date (Section 9.040).

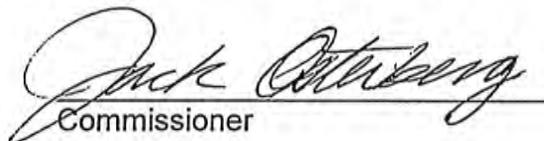
The permit will be void after two years unless substantial construction has taken place, or use has begun. However, the Historic Landmarks Commission may extend the permit for an additional one year upon request by the applicant.

DATE SIGNED: SEPTEMBER 15, 2015 DATE MAILED: 9-16-16

HISTORIC LANDMARKS COMMISSION



President

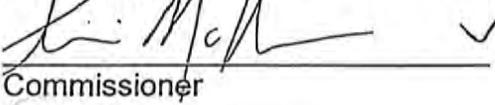


Commissioner

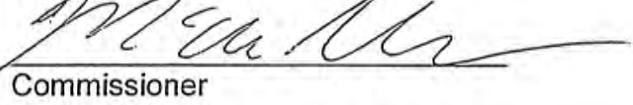


Commissioner

Commissioner



Commissioner



Commissioner

Commissioner

STAFF REPORT AND FINDINGS OF FACT

August 23, 2015

TO: HISTORIC LANDMARKS COMMISSION

FROM: ROSEMARY JOHNSON, SPECIAL PROJECTS



SUBJECT: NEW CONSTRUCTION REQUEST (NC15-03) BY VERIZON WIRELESS TO CONSTRUCT A WIRELESS COMMUNICATION FACILITY AT 1580 SHIVELY PARK ROAD

I. BACKGROUND SUMMARY

A. Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230

Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370

B. Owner: City of Astoria
1095 Duane Street
Astoria OR 97103

C. Location: 1580 Shively Park Road; Map T8N R9W Section 17, Tax Lot 1200 and Section 17CA, Tax Lot 600; Lots 1 to 8, Block 18, Central Astoria, and vacated portion of Nile Street

D. Classification: New construction adjacent to structure(s) designated as historic

E. Zone: IN Zone, Institutional

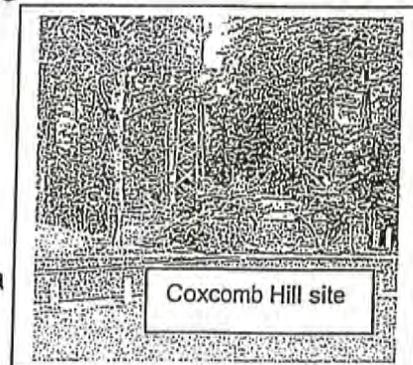
F. Lot Size: approximately 12.4 acres (proposed area to be used approximately 1,120 square feet)

G. Proposal: To construct a wireless communication facility with 150' tall monopole and enclosed equipment building

II. BACKGROUND INFORMATION

A. Project History

Verizon Wireless currently operates a wireless communication facility on an existing lattice tower on the north side of Coxcomb Hill Drive (Criege Circle) within the Astor Park/Astoria Column area owned by the City.

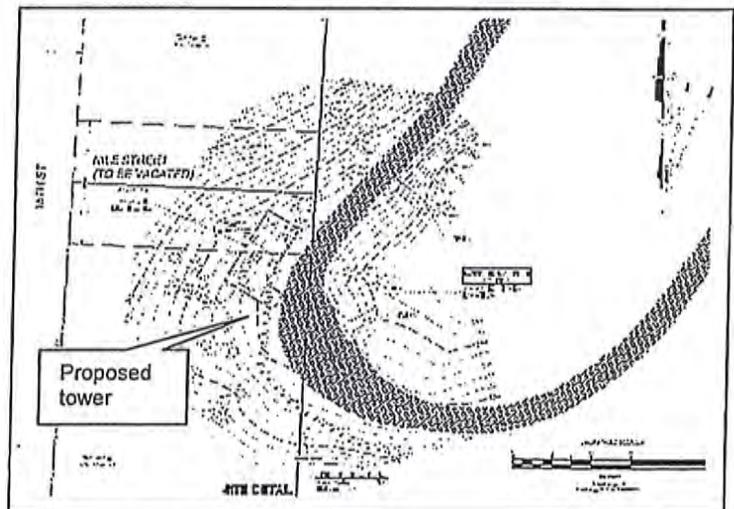


The City shares use of the facility for its emergency services communications. The facility includes a lattice tower, wood pole, and utility building.

The existing lattice tower cannot structurally accommodate new communication facilities necessary for Verizon Wireless to provide full service. Currently, the central portion of Astoria has "poor to non-existent" coverage by the existing Verizon facility. The applicant is proposing to increase cell coverage for Astoria with the new facility. The lattice tower at Coxcomb Hill has existed since 1991 prior to adoption of the Wireless Communications Facility Ordinance, and does not conform to the existing code standards. Therefore, it is classified as an existing, non-conforming facility. The tower was originally constructed by GTE Mobile Net which is now part of Verizon Wireless. The existing tower was evaluated to determine if it could structurally and technically accommodate the increase in wireless communication services and the needed upgrade of the City's emergency communication service. It was determined that the existing tower would not meet structural requirements and a new tower would need to be constructed. It was therefore determined that the facility should be relocated to another site to accommodate the WCF and improve the aesthetics of the Astoria Column Park which is designated on the National Register of Historic Places. The Friends of the Column, City, and Verizon identified alternate locations that would provide emergency communications as well as cell service to replace what is provided by the tower at the Column. Staff has been working with the consultant hired by the Friends of the Column and Verizon representatives on the various aspects of this project for several years. Investigation of the viability of several other sites was completed. Due to the need for a high elevation location with limited obstructions, and the City's desire for minimal visual impact of the tower, two sites on City-owned properties were selected. One site is located in the Land Reserve urban forest near Reservoir 3 (east of the Column) and would include both private and public facilities. The other site is within the forested area in Shively Park.

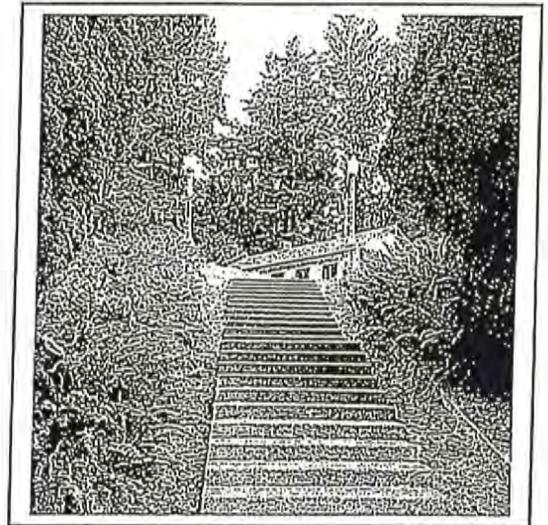
At its August 3, 2015 meeting, the City Council approved the negotiated lease for the proposed sites on City-owned property and for the City Manager to sign the land use permit applications to begin the public review process.

All references in the Findings of Fact to the proposed wireless communication "facility" includes the installation of the associated equipment building, enclosure, and buried cable without specific notation.



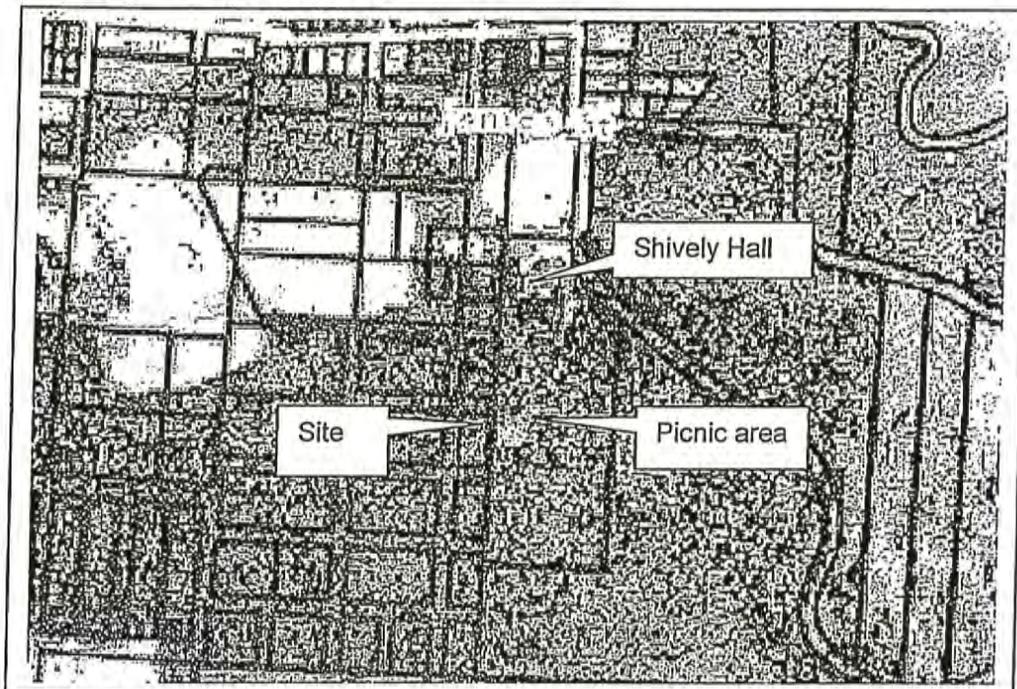
B. Subject Property

The subject property is located on the west side of Williamsport Road within Shively Park. The site is approximately 12.4 acres of forested park with trails, a paved and gated looped roadway, a community hall with playground equipment, the Weinhard Hotel entrance architectural feature, a picnic area with two shelters, and the remains of several concrete stairs from the Astoria Centennial Park in 1911.



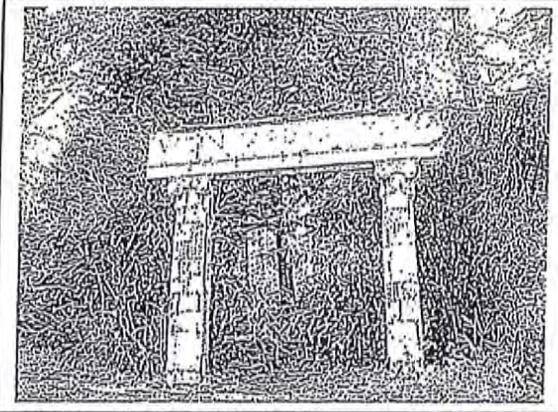
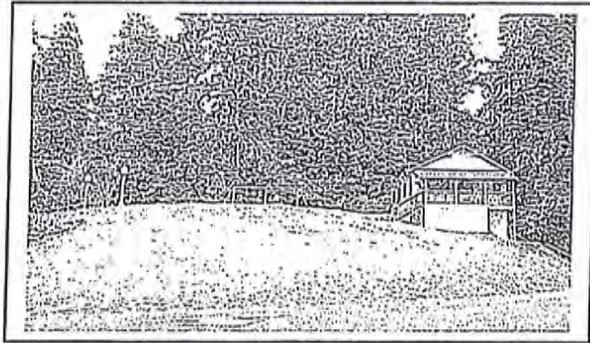
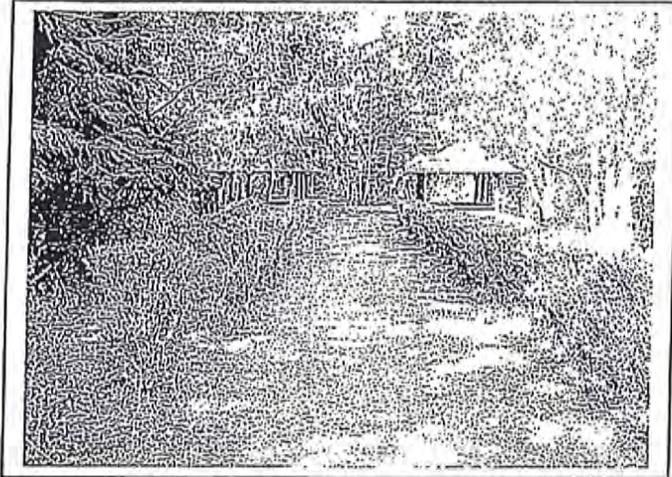
C. Adjacent Neighborhood and Historic Property

The site is located on the central ridge of Astoria accessed from Niagara Avenue and Williamsport Road. To the north is the City's water reservoir and a residential neighborhood along Niagara Avenue; to the south is forested land owned by the City and County; to the west is forested land owned by City, County, and Astoria School District as part of Astoria Middle School site (1100 Klaskanine); and to the east is forested land owned by the City and County. Shively Park is designated as historic. There are no other designated historic buildings in the general neighborhood.



Review of new construction at this site is triggered by the following property:

- 1) 1530 Shively Park Road
Local Landmark
City Park
1911

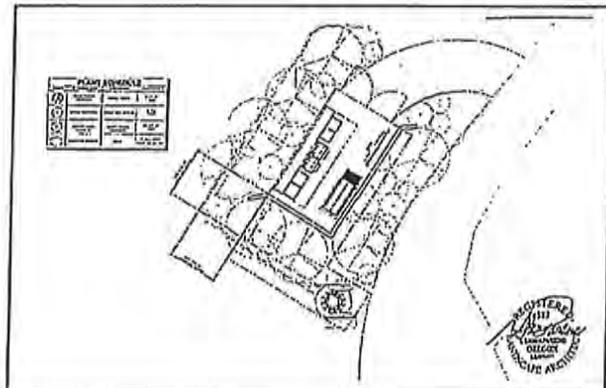
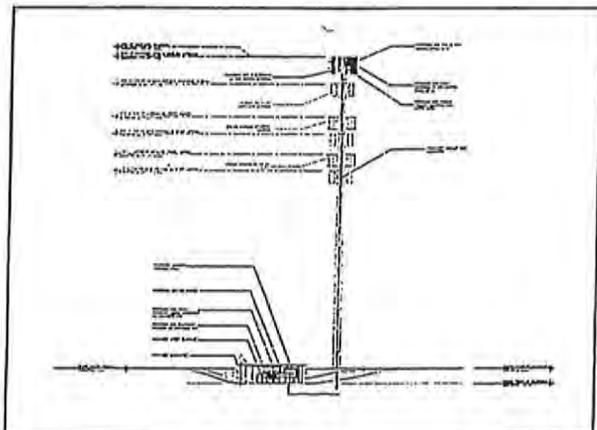


Shively Park was donated to the City by John Shively in 1905. In 1911 the Astoria Centennial facilities were located in the Park with grandstand, concrete stairs, fountain, and reconstruction of Fort Astoria. The community hall was constructed later and the portal architectural feature of the Weinhard Hotel was moved to the site in 1923 after the downtown burned.

The proposed project is to construct a 150' wireless communication facility with associated equipment building and enclosure in the forested area on the western edge rear portion of the Park.

Height: 150' tall monopole

Material: metal monopole and 6' high chain link fence powder coated grey to blend with the sky



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on August 21, 2015. A notice of public hearing was published in the *Daily Astorian* on September 8, 2015. Comments received will be made available at the Historic Landmarks Commission meeting.

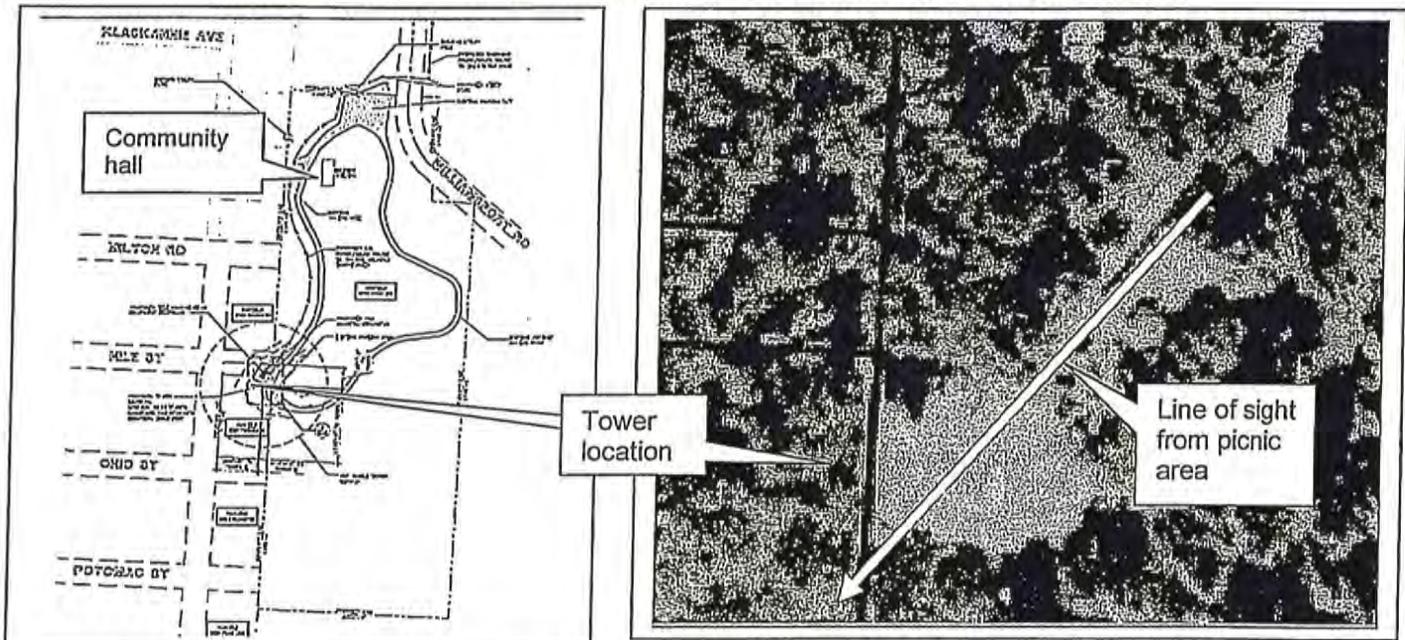
IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

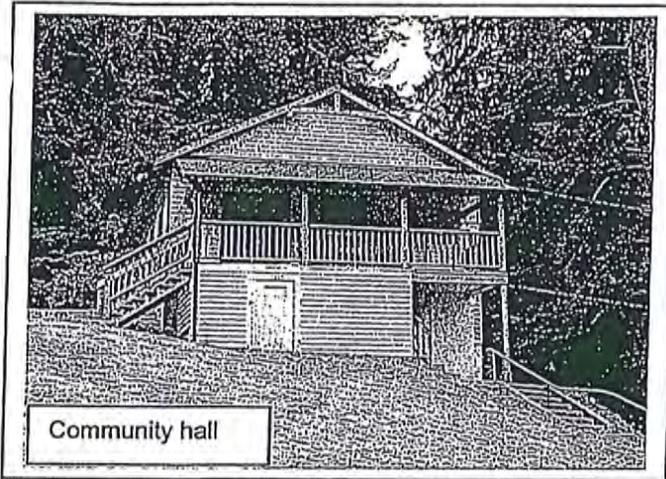
- A. Development Code Section 6.070(A) states that *"No person, corporation, or other entity shall construct a new structure adjacent to or across a public right-of-way from a Historic Landmark as described in Section 6.040, without first obtaining a Certificate of Appropriateness from the Historic Landmarks Commission."*

Finding: The structure is proposed to be located adjacent to structure(s) designated as historic. The proposed structure shall be reviewed by the Historic Landmarks Commission.

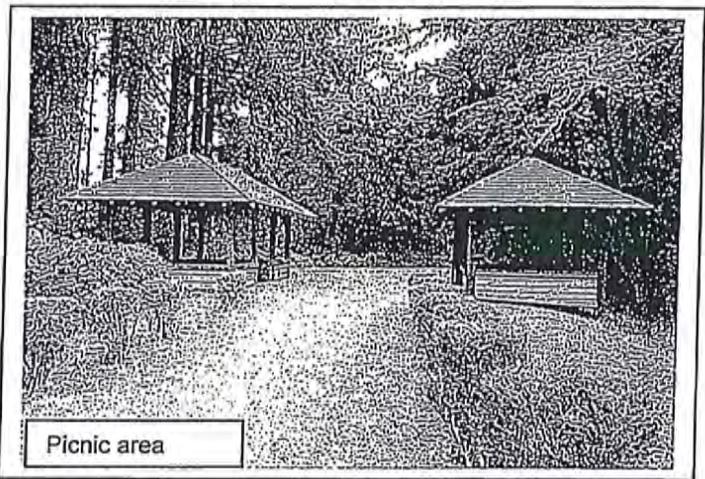
- B. Development Code Section 6.070(B.1) states that *"In reviewing the request, the Historic Landmarks Commission shall consider and weigh the following criteria: The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials."*

Finding: The adjacent historic site is Shively Park with community hall. The Park is mostly forested area with trails and paved road/path and picnic area. The community hall is approximately 550' away and not visible from the proposed site. The tower would not be visible from the community hall. The tower would be approximately 175' from the picnic area and would not be in the direct line of sight of the landscaped area and while visible, would not be highly visible.



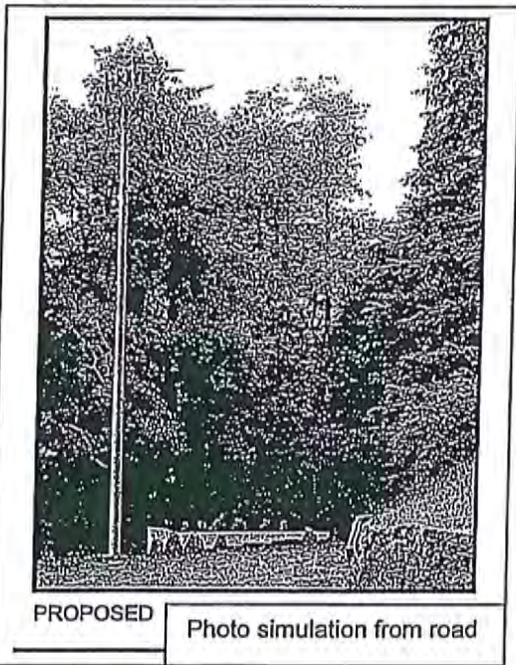


Community hall



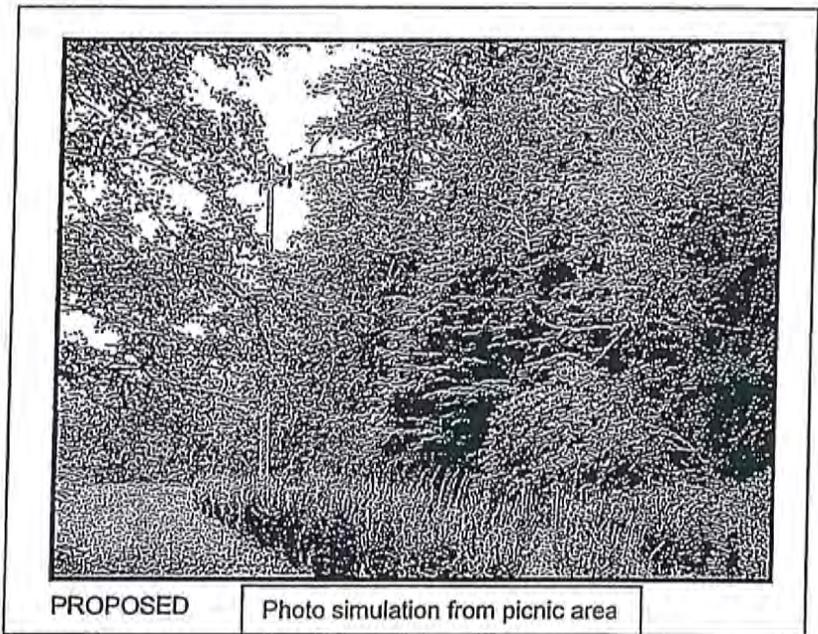
Picnic area

The facility would be located within the existing forested area with 20' to 120' tall deciduous trees and approximately 18' to 150' tall fir trees. These trees will provide a natural visual buffer of the facility. Existing trees are proposed to remain and minimal trees will be removed. Since the forested area is a key element to the compatibility of the tower at this location, the applicant would be required to replant trees should they be destroyed by any means during the life of the facility (Condition 1). Various photo simulations are attached.



PROPOSED

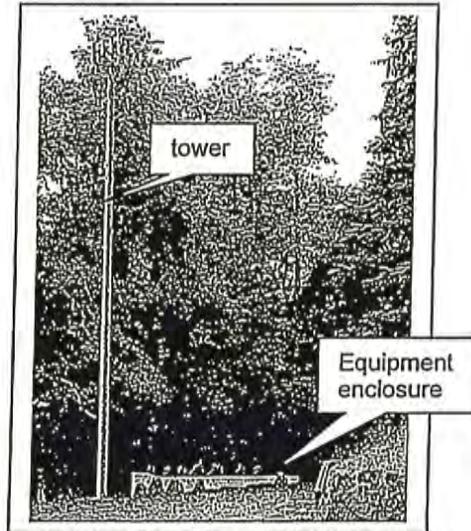
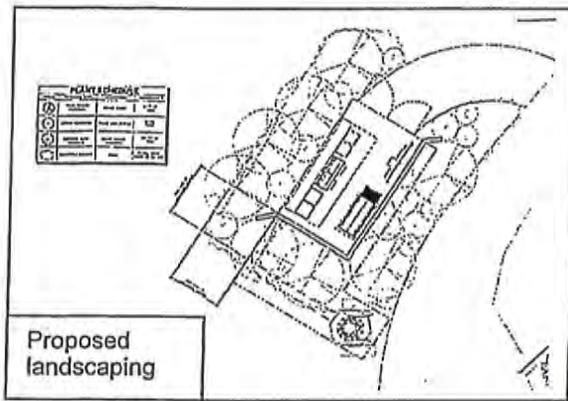
Photo simulation from road



PROPOSED

Photo simulation from picnic area

The proposed facility would be a 150' tall metal monopole, powder coated grey to blend with the sky. There would be an equipment enclosure located slightly below grade of the road with a 6' high slatted chain link fence also proposed to be powder coated grey. Due to the ground location with the darker underbrush background, the equipment enclosure should be painted a natural darker color such as dark brown or forest green (Condition 3). There would be landscaping around the facility.



The historic property is a park with tall trees. While a wireless communication facility tower is metal, the height is similar to the trees and the monopole design is compatible with the scale and style of the tree trunks. The secluded location makes it visible from only a few places within the park.

With the conditions noted, the proposed structure is compatible in scale, style, height and architectural detail with the existing historic site.

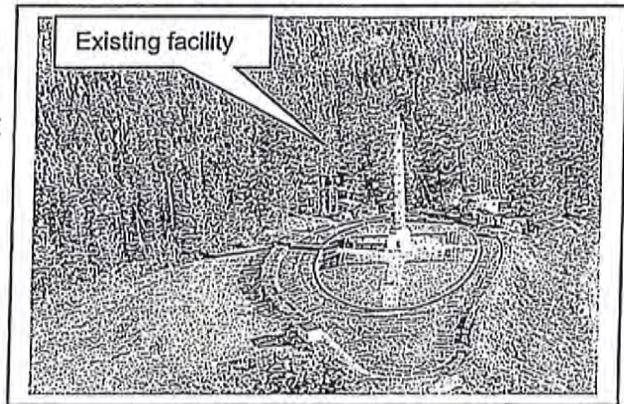
- C. Development Code Section 6.070 (B.2) states that "In reviewing the request, the Historic Landmarks Commission shall consider and weigh the following criteria: The location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations."

Finding: The proposed facility is to be situated on the rear, southwest boundary of the Park. Utility poles are generally located within the right-of-way and highly visible; however, a WCF is required to be screened so as to minimize the visual impact. The applicant has submitted a WCF permit application which will be considered by the Planning Commission at their September 16, 2015 meeting. The structures at the Park have large setbacks from the Park boundaries. The proposed facility will be approximately 100' from the north and west property lines. Since it is not a building with entrances, the orientation of the structure is not applicable. The only access to the site is from the paved, gated roadway/path within the Park.

Relocation of the facility from its current location near the Column on Coxcomb Hill is necessitated by several factors. The existing tower at the Column is not structurally sufficient to handle the proposed Verizon upgrade and the needed upgrades for emergency communications. A new tower at this location would be highly visible from the Astoria Column and several of the larger trees that currently buffer some of the visual impact would need to be removed. Therefore, the Friends of the Column and the City determined that it was beneficial to find an alternative location. The City has negotiated leases with Verizon for the two City sites selected for the towers. Since the new location is needed to remove the

existing facility from the Column area, the applicant shall be required to remove the Coxcomb Hill facility in accordance with the lease agreement (Condition 2).

While relocation from the Column site is not justification for the location in Shively Park, the high visual impact at the high visitation Column area versus the minimal visual impact at the rear portion of Shively Park was a consideration. Other sites were tested and were not viable for several reasons including cellular coverage area, engineering, and/or high visibility of the tower.



In balance, and as applicable, the location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations as applicable.

- D. Section 15.065.A.2, Wireless Communication Facility, Environmental and Historic Resource Protection, states that *all Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:*
- a. *The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;"*

Finding: The Astor Park and Astoria Column are designated on the National Register of Historic Places. The Friends of the Column have plans to improve the park and relocation of the existing non-conforming WCF tower is a goal and will bring that site into compliance with the Historic Properties regulations. The proposed site at Shively Park is designated as historic and therefore subject to the requirements of Code of Federal Regulations Section 106. The applicant has submitted a letter from State Historic Preservation Office (SHPO) dated 2-24-15 with a NEPA finding of "no adverse impact." Compliance with this Code section is required by the Wireless Communication Facility permit review by the Planning Commission.

V. CONCLUSION AND RECOMMENDATION

The request, in balance, meets all the applicable review criteria. Staff recommends approval of the request with the following conditions:

1. The applicant shall replant trees buffering view of the facility should they be destroyed by any means during the life of the facility under the applicant's lease.
2. The WCF at Astoria Column shall be removed by the applicant in accordance with the requirements listed in the lease agreement with the City.
3. The equipment enclosure and fencing shall be painted a natural dark color such as dark brown or forest green.
4. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed and approved by the Historic Landmarks Commission.

The applicant should be aware of the following requirements:

The applicant shall obtain all necessary City and building permits prior to the start of construction.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

NC 15-03

FEE: \$100.00 Per by WCF 15-02

NEW CONSTRUCTION (ADJACENT TO HISTORIC PROPERTY)

Property Location: Address: 1500 Shively Park Road, Astoria, OR 97103

unplatted lot 8
Lot Lots 1-8
Map 17
17CA
Block 18
Subdivision Central Astoria
Created portion of Nile St.
Tax Lot 80917001200
17 BA 600
Zone Institutional

For office use only:
Adjacent Property Address: 1530 Shively Park Rd.
Classification:
Inventory Area:

Applicant Name: Verizon Wireless (VAW), LLC dba, Verizon Wireless

Mailing Address: 5430 NE 122nd Avenue, Portland, OR 97317

Phone: Business Phone: Email:

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street, Astoria, OR 97103

Representative: Sharon Gretch, Lexcom, 31649 Sexton Road, Philomath, OR 97370

Signature of Applicant:

Signature of Property Owner: 8/4/15

OK per 8/3/15 City Council
to construct a

Proposed Construction: 150' Wireless Communication Facility adjacent to a structure designated as historic

Table with 4 columns: Application Complete (8/4/15), Labels Prepared (8/13/15), Permit Info Into D-Base (8/13/15), Tentative HLC Meeting Date (9/15/15)

City Hall • 1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • Fax 503-338-6538

john.busan@astoria.or.us • www.astoria.or.us

FILING INFORMATION: Historic Landmarks Commission meets at 5:15 pm on the third Tuesday of each month. Completed applications must be received by the 13th of the month to be on the next month's agenda. A pre-application meeting with the Planner is required prior to the acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Historic Landmarks Commission meeting is recommended. Forms also available on City website at www.astoria.or.us.

Briefly address each of the New Construction Criteria and state why this request should be approved. (Use additional sheets if necessary.):

1. The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials.

There are no longer any structures at the estimated amphitheater site, however, the proposed structure is compatible with the area as it is similar in height/scale of the existing trees. All materials will be non-reflective, earth toned colors to best blend with the environment. Further, WCF are considered a passive use and will not generate any noise, glare, noxious fumes or any significant traffic.

2. The location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations.

The site herein would occupy a 1,120 square foot portion of the 12 acre Shively Park area. Based on historical pictures, the Amphitheater site would sit just over 1/10th of a mile to the east of the site proposed herein. The proposed site is not near to, nor will it encroach on the approximated location of the amphitheater site.

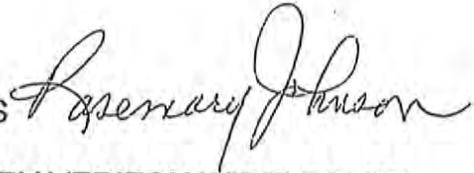
PLANS: A site plan indicating location of the proposed structure on the property is required. Diagrams showing the proposed construction indicating style and type of materials proposed to be used. Scaled free-hand drawings are acceptable. The City may be able to provide some historic technical assistance on your proposal.

STAFF REPORT AND FINDINGS OF FACT

August 23, 2015

TO: HISTORIC LANDMARKS COMMISSION

FROM: ROSEMARY JOHNSON, SPECIAL PROJECTS



SUBJECT: NEW CONSTRUCTION REQUEST (NC15-03) BY VERIZON WIRELESS TO CONSTRUCT A WIRELESS COMMUNICATION FACILITY AT 1580 SHIVELY PARK ROAD

I. BACKGROUND SUMMARY

A. Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230

Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370

B. Owner: City of Astoria
1095 Duane Street
Astoria OR 97103

C. Location: 1580 Shively Park Road; Map T8N R9W Section 17, Tax Lot 1200 and Section 17CA, Tax Lot 600; Lots 1 to 8, Block 18, Central Astoria, and vacated portion of Nile Street

D. Classification: New construction adjacent to structure(s) designated as historic

E. Zone: IN Zone, Institutional

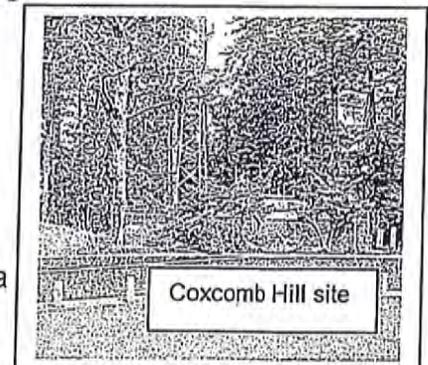
F. Lot Size: approximately 12.4 acres (proposed area to be used approximately 1,120 square feet)

G. Proposal: To construct a wireless communication facility with 150' tall monopole and enclosed equipment building

II. BACKGROUND INFORMATION

A. Project History

Verizon Wireless currently operates a wireless communication facility on an existing lattice tower on the north side of Coxcomb Hill Drive (Criege Circle) within the Astor Park/Astoria Column area owned by the City.

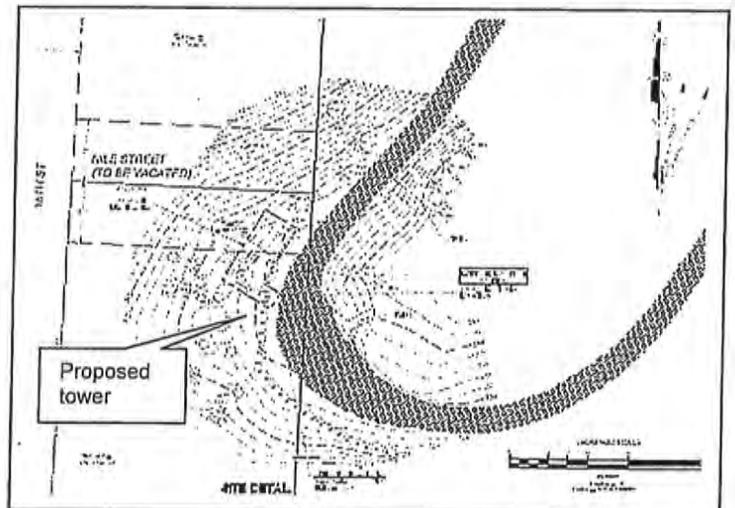


The City shares use of the facility for its emergency services communications. The facility includes a lattice tower, wood pole, and utility building.

The existing lattice tower cannot structurally accommodate new communication facilities necessary for Verizon Wireless to provide full service. Currently, the central portion of Astoria has "poor to non-existent" coverage by the existing Verizon facility. The applicant is proposing to increase cell coverage for Astoria with the new facility. The lattice tower at Coxcomb Hill has existed since 1991 prior to adoption of the Wireless Communications Facility Ordinance, and does not conform to the existing code standards. Therefore, it is classified as an existing, non-conforming facility. The tower was originally constructed by GTE Mobile Net which is now part of Verizon Wireless. The existing tower was evaluated to determine if it could structurally and technically accommodate the increase in wireless communication services and the needed upgrade of the City's emergency communication service. It was determined that the existing tower would not meet structural requirements and a new tower would need to be constructed. It was therefore determined that the facility should be relocated to another site to accommodate the WCF and improve the aesthetics of the Astoria Column Park which is designated on the National Register of Historic Places. The Friends of the Column, City, and Verizon identified alternate locations that would provide emergency communications as well as cell service to replace what is provided by the tower at the Column. Staff has been working with the consultant hired by the Friends of the Column and Verizon representatives on the various aspects of this project for several years. Investigation of the viability of several other sites was completed. Due to the need for a high elevation location with limited obstructions, and the City's desire for minimal visual impact of the tower, two sites on City-owned properties were selected. One site is located in the Land Reserve urban forest near Reservoir 3 (east of the Column) and would include both private and public facilities. The other site is within the forested area in Shively Park.

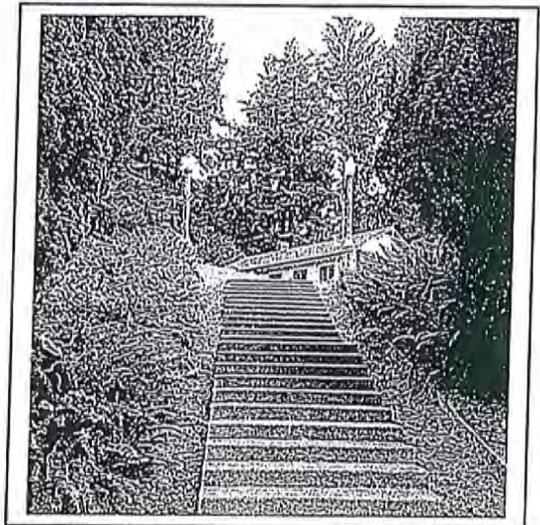
At its August 3, 2015 meeting, the City Council approved the negotiated lease for the proposed sites on City-owned property and for the City Manager to sign the land use permit applications to begin the public review process.

All references in the Findings of Fact to the proposed wireless communication "facility" includes the installation of the associated equipment building, enclosure, and buried cable without specific notation.



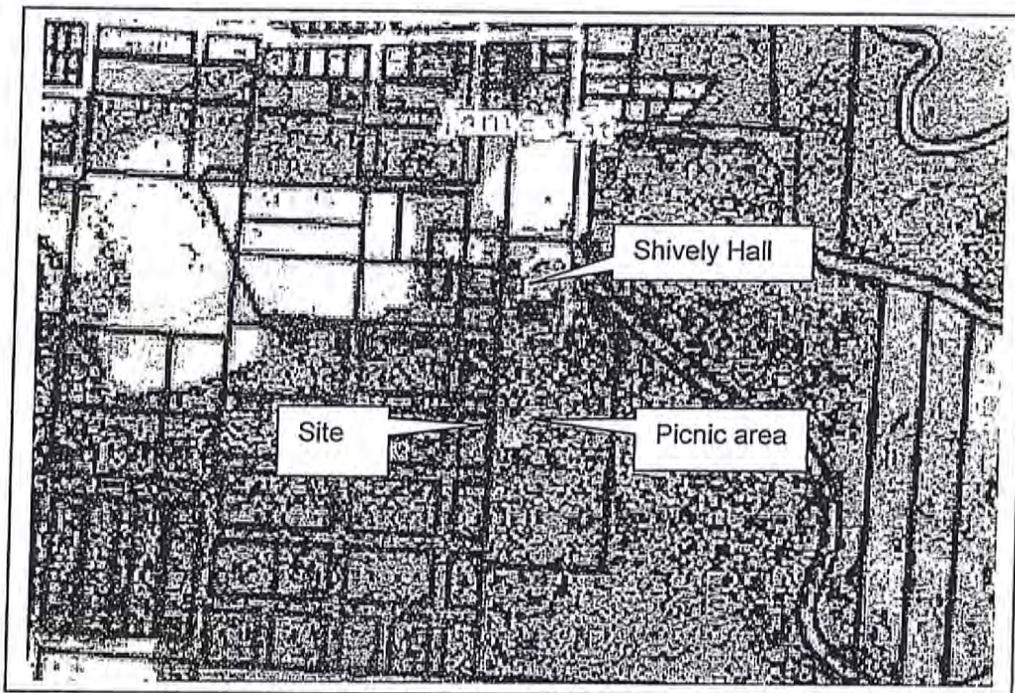
B. Subject Property

The subject property is located on the west side of Williamsport Road within Shively Park. The site is approximately 12.4 acres of forested park with trails, a paved and gated looped roadway, a community hall with playground equipment, the Weinhard Hotel entrance architectural feature, a picnic area with two shelters, and the remains of several concrete stairs from the Astoria Centennial Park in 1911.



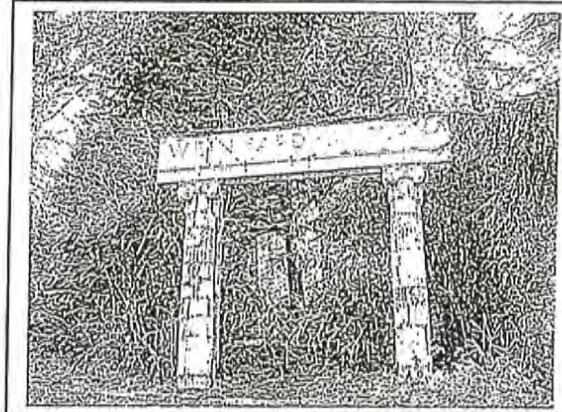
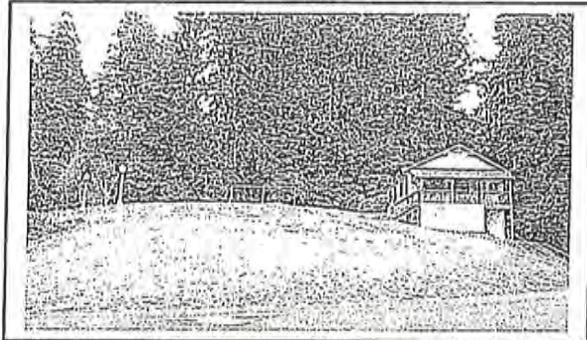
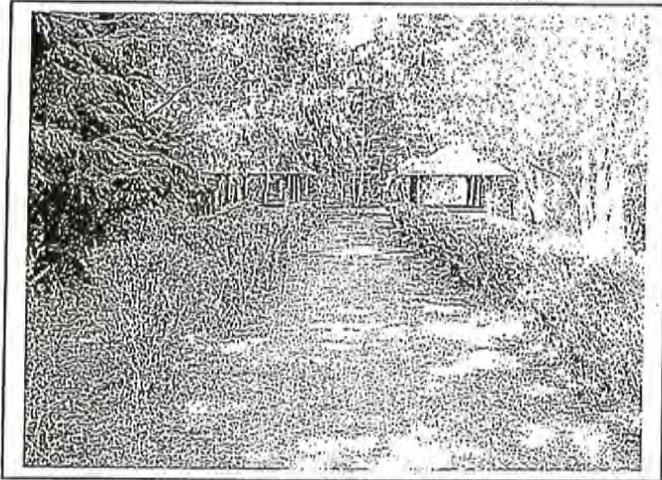
C. Adjacent Neighborhood and Historic Property

The site is located on the central ridge of Astoria accessed from Niagara Avenue and Williamsport Road. To the north is the City's water reservoir and a residential neighborhood along Niagara Avenue; to the south is forested land owned by the City and County; to the west is forested land owned by City, County, and Astoria School District as part of Astoria Middle School site (1100 Klaskanine); and to the east is forested land owned by the City and County. Shively Park is designated as historic. There are no other designated historic buildings in the general neighborhood.



Review of new construction at this site is triggered by the following property:

- 1) 1530 Shively Park Road
Local Landmark
City Park
1911

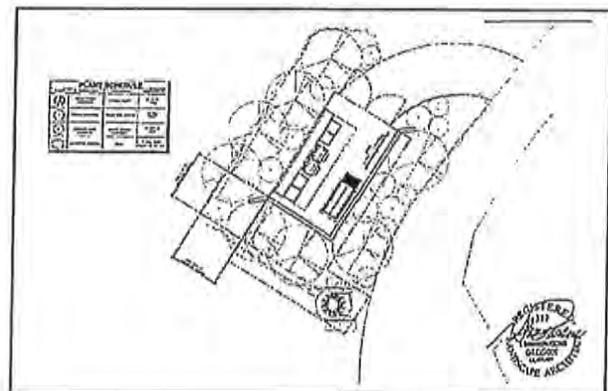
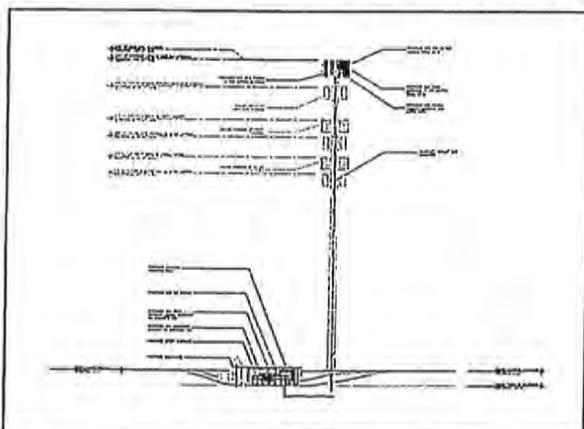


Shively Park was donated to the City by John Shively in 1905. In 1911 the Astoria Centennial facilities were located in the Park with grandstand, concrete stairs, fountain, and reconstruction of Fort Astoria. The community hall was constructed later and the portal architectural feature of the Weinhard Hotel was moved to the site in 1923 after the downtown burned.

The proposed project is to construct a 150' wireless communication facility with associated equipment building and enclosure in the forested area on the western edge rear portion of the Park.

Height: 150' tall monopole

Material: metal monopole and 6' high chain link fence powder coated grey to blend with the sky



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on August 21, 2015. A notice of public hearing was published in the *Daily Astorian* on September 8, 2015. Comments received will be made available at the Historic Landmarks Commission meeting.

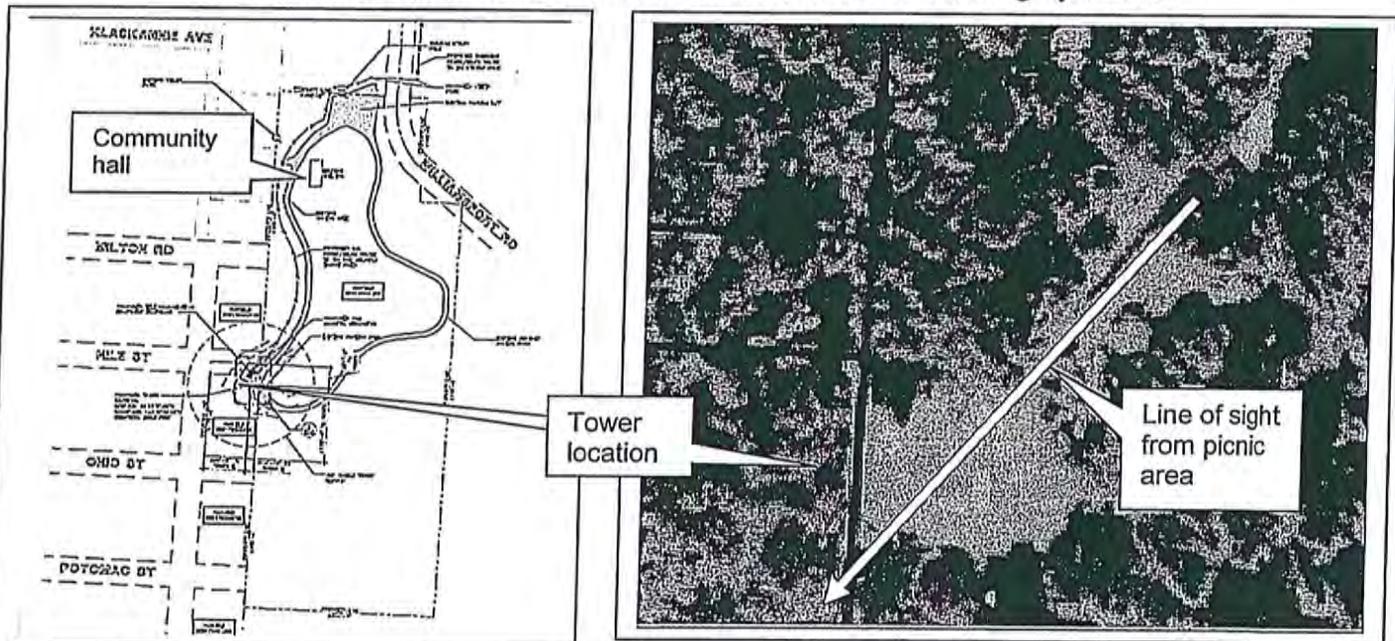
IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

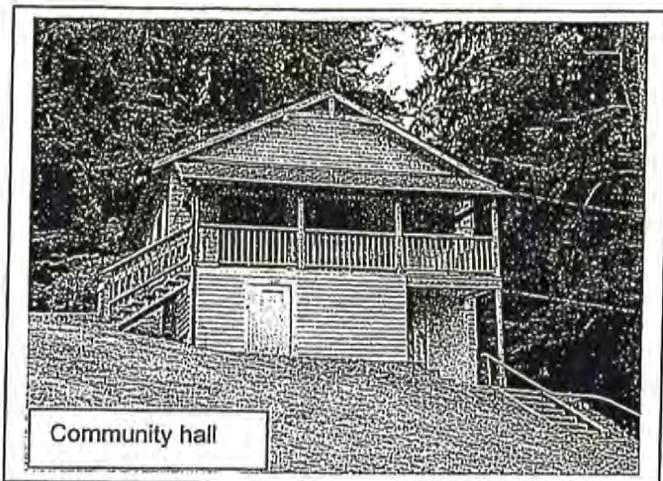
- A. Development Code Section 6.070(A) states that *"No person, corporation, or other entity shall construct a new structure adjacent to or across a public right-of-way from a Historic Landmark as described in Section 6.040, without first obtaining a Certificate of Appropriateness from the Historic Landmarks Commission."*

Finding: The structure is proposed to be located adjacent to structure(s) designated as historic. The proposed structure shall be reviewed by the Historic Landmarks Commission.

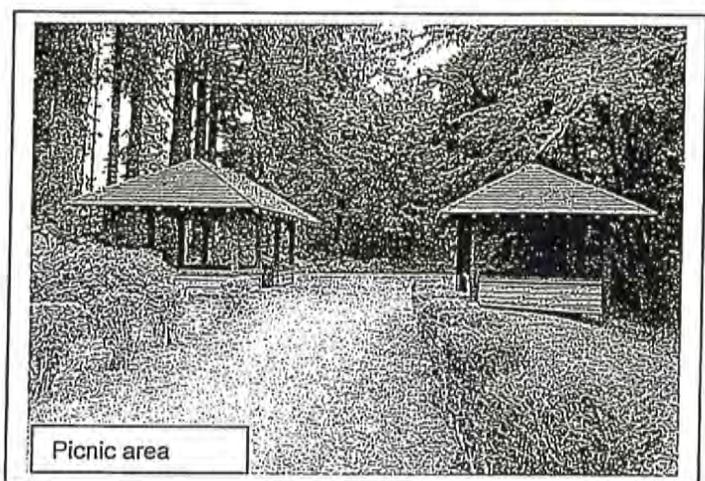
- B. Development Code Section 6.070(B.1) states that *"In reviewing the request, the Historic Landmarks Commission shall consider and weigh the following criteria: The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials."*

Finding: The adjacent historic site is Shively Park with community hall. The Park is mostly forested area with trails and paved road/path and picnic area. The community hall is approximately 550' away and not visible from the proposed site. The tower would not be visible from the community hall. The tower would be approximately 175' from the picnic area and would not be in the direct line of sight of the landscaped area and while visible, would not be highly visible.



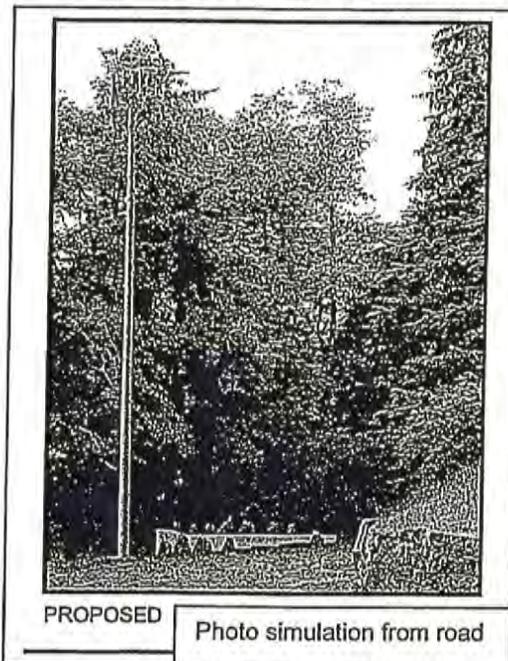


Community hall



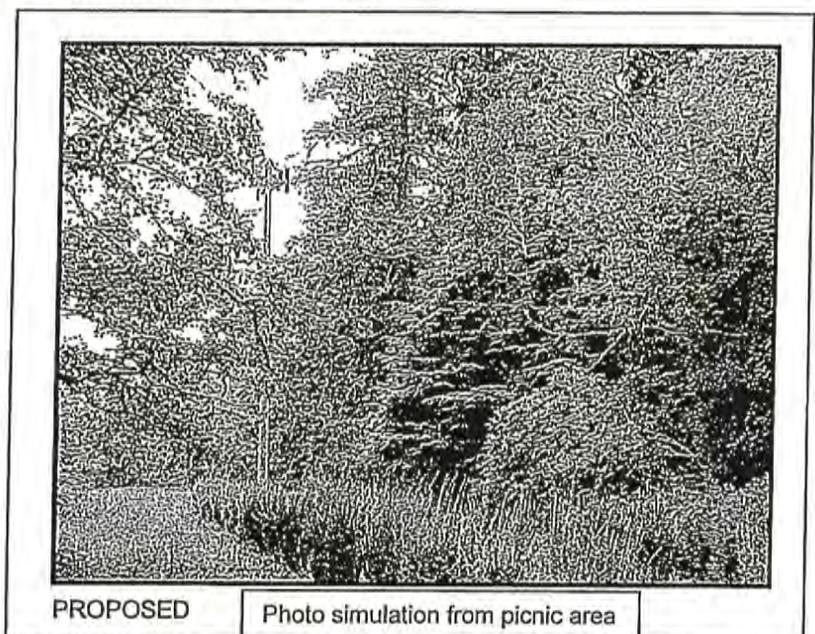
Picnic area

The facility would be located within the existing forested area with 20' to 120' tall deciduous trees and approximately 18' to 150' tall fir trees. These trees will provide a natural visual buffer of the facility. Existing trees are proposed to remain and minimal trees will be removed. Since the forested area is a key element to the compatibility of the tower at this location, the applicant would be required to replant trees should they be destroyed by any means during the life of the facility (Condition 1). Various photo simulations are attached.



PROPOSED

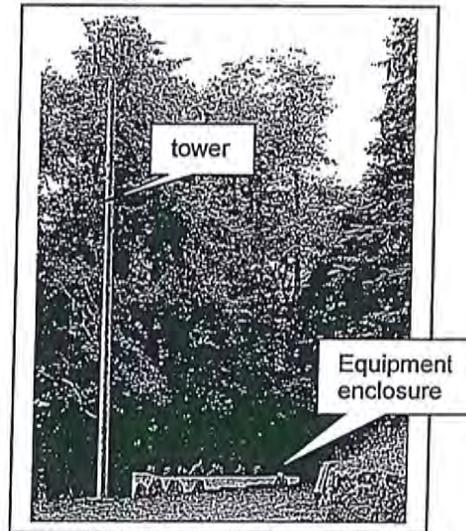
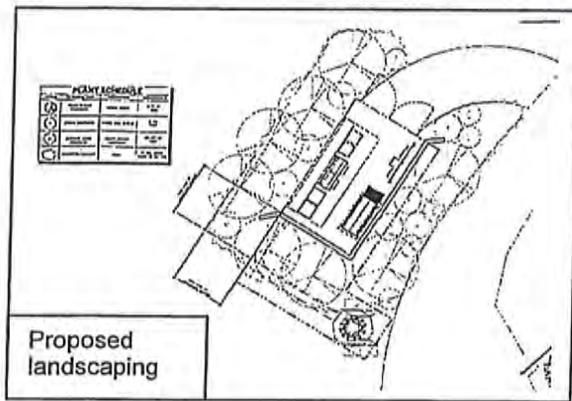
Photo simulation from road



PROPOSED

Photo simulation from picnic area

The proposed facility would be a 150' tall metal monopole, powder coated grey to blend with the sky. There would be an equipment enclosure located slightly below grade of the road with a 6' high slatted chain link fence also proposed to be powder coated grey. Due to the ground location with the darker underbrush background, the equipment enclosure should be painted a natural darker color such as dark brown or forest green (Condition 3). There would be landscaping around the facility.



The historic property is a park with tall trees. While a wireless communication facility tower is metal, the height is similar to the trees and the monopole design is compatible with the scale and style of the tree trunks. The secluded location makes it visible from only a few places within the park.

With the conditions noted, the proposed structure is compatible in scale, style, height and architectural detail with the existing historic site.

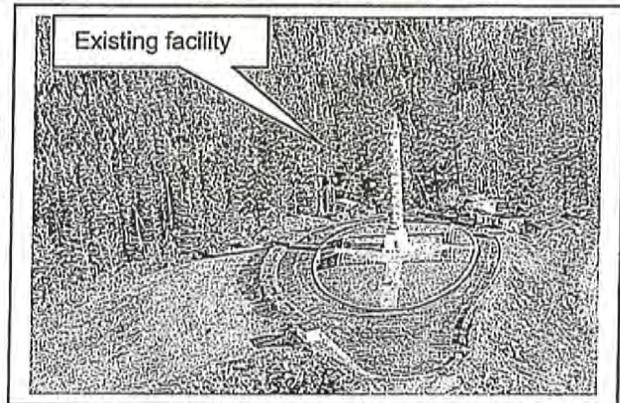
- C. Development Code Section 6.070 (B.2) states that "In reviewing the request, the Historic Landmarks Commission shall consider and weigh the following criteria: The location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations."

Finding: The proposed facility is to be situated on the rear, southwest boundary of the Park. Utility poles are generally located within the right-of-way and highly visible; however, a WCF is required to be screened so as to minimize the visual impact. The applicant has submitted a WCF permit application which will be considered by the Planning Commission at their September 16, 2015 meeting. The structures at the Park have large setbacks from the Park boundaries. The proposed facility will be approximately 100' from the north and west property lines. Since it is not a building with entrances, the orientation of the structure is not applicable. The only access to the site is from the paved, gated roadway/path within the Park.

Relocation of the facility from its current location near the Column on Coxcomb Hill is necessitated by several factors. The existing tower at the Column is not structurally sufficient to handle the proposed Verizon upgrade and the needed upgrades for emergency communications. A new tower at this location would be highly visible from the Astoria Column and several of the larger trees that currently buffer some of the visual impact would need to be removed. Therefore, the Friends of the Column and the City determined that it was beneficial to find an alternative location. The City has negotiated leases with Verizon for the two City sites selected for the towers. Since the new location is needed to remove the

existing facility from the Column area, the applicant shall be required to remove the Coxcomb Hill facility in accordance with the lease agreement (Condition 2).

While relocation from the Column site is not justification for the location in Shively Park, the high visual impact at the high visitation Column area versus the minimal visual impact at the rear portion of Shively Park was a consideration. Other sites were tested and were not viable for several reasons including cellular coverage area, engineering, and/or high visibility of the tower.



In balance, and as applicable, the location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations as applicable.

- D. Section 15.065.A.2, Wireless Communication Facility, Environmental and Historic Resource Protection, states that *all Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:*
- a. *The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;"*

Finding: The Astor Park and Astoria Column are designated on the National Register of Historic Places. The Friends of the Column have plans to improve the park and relocation of the existing non-conforming WCF tower is a goal and will bring that site into compliance with the Historic Properties regulations. The proposed site at Shively Park is designated as historic and therefore subject to the requirements of Code of Federal Regulations Section 106. The applicant has submitted a letter from State Historic Preservation Office (SHPO) dated 2-24-15 with a NEPA finding of "no adverse impact." Compliance with this Code section is required by the Wireless Communication Facility permit review by the Planning Commission.

V. CONCLUSION AND RECOMMENDATION

The request, in balance, meets all the applicable review criteria. Staff recommends approval of the request with the following conditions:

1. The applicant shall replant trees buffering view of the facility should they be destroyed by any means during the life of the facility under the applicant's lease.
2. The WCF at Astoria Column shall be removed by the applicant in accordance with the requirements listed in the lease agreement with the City.
3. The equipment enclosure and fencing shall be painted a natural dark color such as dark brown or forest green.
4. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed and approved by the Historic Landmarks Commission.

The applicant should be aware of the following requirements:

The applicant shall obtain all necessary City and building permits prior to the start of construction.



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

NC 15-03

FEE:

\$100.00 Pd by WCF 15-03

NEW CONSTRUCTION (ADJACENT TO HISTORIC PROPERTY)

Property Location: Address: 1500 Shively Park Road, Astoria, OR 97103

unplatted lots
Lot lots 1-8

Block 18

Subdivision Central Astoria
located portion of Nile St.

Map 17
17CA

Tax Lot 80917001200
17 CA 600

Zone Institutional

For office use only:

Adjacent Property Address: 1530 Shively Park Rd.

Classification:

Inventory Area:

Applicant Name: Verizon Wireless (VAW), LLC dba, Verizon Wireless

Mailing Address: 5430 NE 122nd Avenue, Portland, OR 97317

Phone: _____ Business Phone: _____ Email: _____

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street, Astoria, OR 97103

Representative:

Business-Name-(if-applicable): Sharon Gretch, Lexcom, 31649 Sexton Road, Philomath, OR 97370

Signature of Applicant: _____

Signature of Property Owner: _____

8/4/15

OK per 8/3/15 City Council

Proposed Construction: to construct a 150' Wireless Communication Facility adjacent to a structure designated as historic

For office use only:

Application Complete:	<u>8/4/15</u>	Permit Info Into D-Base:	<u>8/13/15</u>
Labels Prepared:	<u>8/13/15</u>	Tentative HLC Meeting Date:	<u>9/15/15</u> C
120 Days:			

City Hall • 1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • Fax 503-338-6538

info@astoria.or.us • www.astoria.or.us

FILING INFORMATION: Historic Landmarks Commission meets at 5:15 pm on the third Tuesday of each month. Completed applications must be received by the 13th of the month to be on the next month's agenda. A pre-application meeting with the Planner is required prior to the acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Historic Landmarks Commission meeting is recommended. Forms also available on City website at www.astoria.or.us.

Briefly address each of the New Construction Criteria and state why this request should be approved. (Use additional sheets if necessary.):

1. The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials.
There are no longer any structures at the estimated amphitheater site, however, the proposed structure is compatible with the area as it is similar in height/scale of the existing trees. All materials will be non-reflective, earth toned colors to best blend with the environment. Further, WCF are considered a passive use and will not generate any noise, glare, noxious fumes or any significant traffic.

2. The location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations.
The site herein would occupy a 1,120 square foot portion of the 12 acre Shively Park area. Based on historical pictures, the Amphitheater site would sit just over 1/10th of a mile to the east of the site proposed herein. The proposed site is not near to, nor will it encroach on the approximated location of the amphitheater site.

PLANS: A site plan indicating location of the proposed structure on the property is required. Diagrams showing the proposed construction indicating style and type of materials proposed to be used. Scaled free-hand drawings are acceptable. The City may be able to provide some historic technical assistance on your proposal.

ATTACHMENTS

WIRELESS COMMUNICATIONS FACILITY 1580 SHIVELY PARK ROAD

WCF15-03

V15-03

NC15-03

Application, 8-4-15

Statement of Compliance for Proposed Wireless Facility, 7-20-15

FCC License

Non-Ionizing Electromagnetic (NEIR) Report, January 2015

Architectural Drawings

RF Propagation Maps

Location Map of All Sites

Photo Simulations

Federal Aviation Administration Determination, 1-15-15

Oregon Department of Aviation Determination, 3-4-15

Oregon Department of Aviation Letter, 8-26-15

National Historic Preservation Office Section 106 NEPA Review Determination, 2-24-15

Letter from Lexcom on site selection, 7-13-15

9-8-15
Ag & SR

NC 1503
Verizon

Daric Moore Building Arts
2625 Irving Street
Astoria OR 97103

Verizon Wireless (VAW) LLC
Dba Verizon Wireless
5340 NE 122nd Avenue
Portland OR 97230

Jane Capito
1348 Jenifer Street
Madison WI 53705

Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370

MINUTES

9-15-15 Draft Excerpt of Minutes of Historic Landmarks Commission meeting of September 15, 2015 approving New Construction Request NC15-03.....32

ITEM 4(b):

NC15-03 New Construction NC15-03 by Verizon Wireless LLC dba Verizon Wireless to construct a 150-foot wireless communication facility adjacent to a structure/site designated as historic at 1580 Shively Park Road in the IN, Institutional zone.

President Gunderson asked if anyone objected to the jurisdiction of the HLC to hear this matter at this time. There were no objections. President Gunderson asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare.

Commissioner Caruana declared that Verizon is a tenant on the Astor Hotel building downtown. He confirmed this may affect his decision and stepped down from the dais.

President Gunderson declared she was a customer of Verizon Wireless, but this would not affect her decision.

Director Cronin noted that Verizon has a contract with the City of Astoria.

President Gunderson requested a presentation of the Staff report.

Special Projects Planner Johnson presented the Staff report and recommended approval with conditions. Staff received a letter of opposition from Ron Zilli, which was available at the dais.

President Gunderson asked if the City used cell phones for its emergency communications and if so, was the service from Verizon. Planner Johnson said Astoria's emergency communications were not serviced by Verizon and the emergency communication facilities will be located on a tower proposed at the Land Reserve east of the Column above the old reservoir. The tower in this request will only serve citizens, not emergency services.

Police Chief Brad Johnston, 2828 Grand, Astoria, explained this project began in 2006 and emphasized that this proposal was driven City Council, not the Friends of the Astoria Column. At the April 1, 2013 City Council meeting, Staff originally proposed that the tower be built on Coxcomb Hill. The Friends were at this meeting to discuss their master plan and were obviously concerned with the City's proposal to put a tower on Coxcomb Hill. However, City Council requested another location be chosen for the tower site. The ideal location for Verizon would be at the top of the hill by the picnic structures. However, this site would have been highly visible. Therefore, the proposed location is the best possible satisfactory location. Astoria's primary emergency communications are land mobile radio devices, which include very high frequency (VHF) walkie-talkies and car radios. Astoria does use Verizon for data services and relies on cell phone services for confidential communications. Despite the information in the letter of opposition, this site will not co-locate any emergency communications equipment and will only be used for wireless communications from commercial providers. He confirmed that having a good Verizon signal in Astoria would still benefit the City's emergency services. This tower is part of a larger project to improve the City's emergency communications. While the site is not directly critical to Astoria's emergency communications, it is a necessary component of a deal to move the City's primary communications facility to the Reservoir site and allow Verizon to complete a system upgrade. The City's proposal to put the primary communications site at the Reservoir will be reviewed by the Planning Commission on September 16, 2015.

Commissioner McHone was concerned about the ability of other commercial service providers to co-locate on the tower. There is a lack of technically viable locations to put the cell towers within the community. He asked for details about how the lease was structured. Staff explained the lease is structured to require Verizon to allow co-location by other commercial providers and to ensure those providers request access rights to the tower from the City of Astoria. The Development Code requires co-location. When a provider wants to install facilities in Astoria, they are first required to consider stealth installations, like in a steeple on a church. If that is not a viable option, the provider would have to install their facilities on an existing tower after proving a stealth installation was not physically feasible. Staff confirmed the tower would be owned by Verizon, located on City-owned property leased to Verizon. The Wireless Communication Facilities permit that will be reviewed by the Planning Commission on September 16 addressed issues including maintenance, removal, and co-location. The City has the first right of refusal if Verizon decides they are no longer interested in the tower. However, if the tower does not make

business sense for Verizon, it probably would not make business sense for the City. Enclosures for the equipment will be installed mostly below street grade, but there will not be any buildings involved in this project.

President Gunderson understood the HLC could not dictate specific colors. However, Staff has recommended the equipment enclosure be green or brown and the tower be gray. She believed green or brown would be a more appropriate color for the tower because Astoria has not had many gray skies recently. She asked why the City recommended the tower be gray. Planner Johnson said Staff did consider green or brown for the tower. However, the most visible portion of the tower will be the upper sections. From a distance, one will see the portion of the tower that is up against the sky. Staff believed gray was the best color for the majority of the view. She described the view from the parking lot using the photographs in the Staff report, noting that the tower will not be seen from the parking lot. The tower will become visible at the S curve on the road that extends up the hill.

Commissioner Burns asked how tall the trees were within a 20-foot radius of the tower and how many trees would be removed during its installation. Planner Johnson said the deciduous trees are about 120 feet tall and the fir trees are about 150 feet tall. The tower will be taller than some trees, but some trees in the area will be of a similar height. She used the trees instead of the structures to determine scale and compatibility. The Applicant has been working with Parks Director Cosby to keep tree removal to a minimum.

Parks Director Cosby, 1997 Marine Drive, Astoria, said the plans called for the removal of three deciduous trees and one evergreen tree. She did not know the specific height of the trees to be removed, but noted the trees would be removed because they are located within the footprint of the tower and enclosure area. The specific trees are identified in the site plan, which she believed the HLC had received.

Commissioner McHone asked if branches could be added to the tower to make it look like a tree. Director Cosby said while Staff was considering appropriate tower colors, they also considered a mono-pine tower. After looking at mono-pines installed in other parks, Staff did not believe it would be a good fit. The mono-pines wear differently and do not provide the same aesthetic appeal as other trees in the park. Staff did not want the tower to look fake. Additionally, the tree poles are not the same species as trees in Astoria.

President Gunderson asked Staff for their opinions on a dark brown or dark green tower. Director Cosby said she would prefer brown. Planner Johnson said color is a judgment call.

Commissioner Osterberg asked if Staff considered that Criteria B and C were not applicable, as the criteria relate to the design and consistency with the orientation of adjacent historic structures. The HLC is supposed to review the proposed structure's impact to other historic and adjacent structures. However, it appears as though none of those structures are close enough to be visible from the tower site or vice versa. Staff has gone into a great deal of Findings regarding consistency and appropriateness with the Park. But, the picnic facilities, pathway, parking area, and other visible features are not structures. He asked why Staff decided to view the trees as structures. Planner Johnson said it was difficult for Staff to address the criteria, which is specifically for a new structure. The only structure in the park that is designated historic is Shively Hall. The picnic areas are newer and not part of the historic structures, but they are adjacent to the proposed tower site. Staff considered that the structures would not be visible and were not adjacent, so it would be difficult to define them as compatible. Since the Park is designated historic, she decided to use the entire Park as part of the criteria. The Development Code may not have the exact language to address a cell tower, so she made the best Findings she could based on the criteria.

Commissioner Osterberg understood he would have to take into account the status of the structures in the Park and how well they apply to the criteria. The Staff report does note "as applicable." He believed Criterion D referred to a Section of the Development Code that did not apply to this application. Planner Johnson explained that the section referred to in Criterion D would be reviewed by the Planning Commission. However, it does reference historic review, so she added it for the HLC to consider as well. She wanted the HLC to know the environmental historic review had been approved by the State Historic Preservation Office (SHPO). Criterion D was added to the Staff report for informational purposes.

President Gunderson opened public testimony for the hearing and asked for the Applicant's presentation.

Sharon Gretch, 31649 Sexton Road, Philomath, OR said Planner Johnson did such a good job with the Staff report that her presentation would be redundant. However, she could answer questions. She also had some technical information about why Shively Park was chosen for the tower site, which has a lot to do with the removal of the tower at the Column. Without a tower at the Column, three other sites will be necessary to provide coverage to Astoria and improve services. She showed slides of maps of the current coverage supplied by the tower at the Column, coverage left when the tower at the Column is removed, and coverage supplied with the addition of the tower at Shively Park and all of the towers in Astoria, Warrenton, and Gearhart. Towers must be built at Shively Park, the Astor Hotel, and the Reservoir in order to replace the coverage lost by the removal of the tower at the Column. Since the City will have most of its facilities on the Reservoir tower, Verizon had to place its facilities on other towers in order to provide coverage to the area. Therefore, the tower at Shively Park is critical.

Commissioner McHone asked how many Verizon towers were in Clatsop County. Ms. Gretch said there were at least four, plus the tower at the Column. She added that Verizon advocated for a gray tower because in their experience, gray tends to blend in much better with the background. Gray also wears better as time goes on. Brown will stick out with all of the green coverage in the area. The tower will be painted brown if the HLC required it; however, from Verizon's experience, brown may not be the best choice.

President Gunderson called for any presentations by persons in favor of, impartial to, or against the application. Seeing none, she called for closing remarks of Staff. There were none. She closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner McHone said he appreciated all of the effort and years of service that have gone into making this decision. The towers are difficult to locate and no one wants them in their backyard. Considering the lack of locations and all of the groups involved in making this decision, he believed it was a good resolution, which he supported.

Commissioner Burns agreed. Many different parties have done a lot of due diligence and the tower has to go somewhere. Shively Park seems like a logical place to put the tower, so he was fine with the request.

Commissioner Stanley said it seemed that the City and Verizon have done a terrific job of putting the package together for the HLC and he was fine with a gray tower.

Commissioner Osterberg said he supported the application because it meets the criteria for approval and he agreed with the other Commissioners. Criterion B and C have only been broadly interpreted by Staff, which makes it easy for him to see that the criteria have been met by the application. There are no visible structures near the proposed tower site, which leaves the HLC to review the impact to the general nature of the Park. There are improvements at the Park, but improvements are not structures. Criterion D is not listed as criteria that the HLC must review and is just for information only. Several items in the Staff report will be reviewed by the Planning Commission, but he appreciated that they were mentioned at this meeting. The letter from Mr. Zilli addresses a blend of different criteria, some of which are reviewed by the HLC and some of which pertain to other sections of the Development Code. However, the Planning Commission should review Section 15 (Wireless Communication Facilities Ordinance) of the Development Code. He appreciated the items that the letter correctly brought before the HLC, but Mr. Zilli's comments have been adequately addressed in the Staff report. Staff has adequately determined that the tower will have a minimal impact on the surrounding area. He thanked Mr. Zilli for writing such a thoughtful and detailed letter that cited the criteria. He reminded that if this request is approved as proposed, the equipment enclosure and fencing would be painted a dark color, as per Condition 3 of Approval. He believed all of the Commissioners agreed with this. In his experience reviewing wireless communication facilities, the most appropriate way to color a tower has been to use a dark color on the bottom portion and a silver or gray on the upper portion. This allows the tower to blend in from various viewing angles. However, he did agree with the Staff report.

President Gunderson said she fully supported the request. Moving the City's emergency services where they need to be is very important. She deferred to Ms. Gretch with regard to the color because she is the expert in the field.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve New Construction NC15-03 by Verizon Wireless LLC, with the Conditions listed in the Staff report; seconded by Commissioner Stanley. Motion unanimously approved.

President Gunderson read the rules of appeal into the record.

Commissioner Caruana returned to the dais.

DRAFT

CORRESPONDENCE & MISCELLANEOUS DOCUMENTS

9-24-15 Memo to File from Administrative Assistant Sherri Williams describing a discussion with Ron Zilli concerning the appeal, dated September 24, 201536

9-16-15 Letter addressed to ‘Interested Parties’ informing of the Historic Landmarks Commission decision to approve the New Construction Request NC15-03, dated September 16, 2015, with mailing list37

9-11-15 Letter from Ron Zilli recommending the Historic Landmarks Commission deny a Certificate of Appropriateness to construct a wireless communications facility for New Construction Request NC15-03, received September 11, 201539

MEMO TO FILE:

9/24/15

Re: NC15-02 V15-03, WCF15-03

I spoke with Ron Zilli this afternoon. He may appeal the above files. He brought a thumb drive in and I downloaded HLC minutes 9/15/15 and APC minutes 9/16/16. While preparing for this, I pulled his files just to double-check which files he referenced in his letters and realized that he not only submitted a letter for NC15-02 but also a letter for V15-03 and WCF15-03. I did not send him order for V15-03 or WCF15-03. After speaking with Rosemary, I made copies of each of those two orders and prepared a 'cover letter' for each issue, stating "... Notice of Appeal with the Community Development Department within 15 days of the date this letter is hand-delivered. The appeal deadline is 5:00 p.m. October 9, 2015. ..."

I explained the above to Mr. Zilli and noted the date to him verbally. I also stated that the appeal date for the New Construction file is different and is as stated in that letter that he did receive.

I also gave Mr. Zilli an Appeal application, noted the \$250 fee. When he called on the phone and asked what the fee was, I told him I thought it was \$400. We discussed the fee being less than what I told him on the phone.

I cautioned Mr. Zilli about talking with his City Councillor (Cindy Price) about this issue because the appeal will be heard by the Council. He said he spoke to her to voice his opinion about the \$400 fee and how it was cost prohibitive for citizens. He said he would call her and let her know the correct fee and that it is a fair price (I think that were his words).

Mr. Zilli asked if there were any costs incurred as a result of the relocating this cell tower. He said Cindy Price has told him there was. I said that I was not aware of anything other than planning staff time. Mr. Zilli came in at almost 5:00 pm and asked for a records request. He completed the form to the Finance Department & City Manager. He left it with me and I forwarded it to City Manager's office on Friday, September 25th.

Sherril Abraham



CITY OF ASTORIA
Founded 1811 • Incorporated 1856
COMMUNITY DEVELOPMENT

9-16-15
Mail _____
Email _____
Web _____

Order of ltr

September 16, 2015

TO: Interested Parties
FROM: Planning Division
RE: NOTICE OF DECISION
Historic Landmarks Commission New Construction
File No. NC15-03, Verizon Wireless

This letter is to inform you of the decision of the Historic Landmarks Commission concerning a request for New Construction to construct a 150' wireless communication facility adjacent to a structure designated as historic at 1580 Shively Park Road in Astoria in the IN, Institutional zone. The property can be specifically identified as Tax Lot on Clatsop County Assessor's Tax Map 809017, Tax Lot 1200 & 17CA Tax Lot 600. The decision of the Historic Landmarks Commission is to approve the request.

A copy of the decision of the Historic Landmarks Commission is enclosed for your information.

Any person with standing may appeal the Historic Landmarks Commission decision and request a public hearing before the City Council by filing a completed Notice of Appeal with the Community Development Department within 15 days of the Date of Decision. The appeal deadline is 5:00 p.m., September 30, 2015. The notice should include all requested information and should state the reasons for the appeal. A fee is required to cover the cost of the appeal. If no appeal is filed within the 15-day period, the decision of the Historic Landmarks Commission becomes final. Approval shall be void after two years, on September 15, 2017 unless the purpose for which the application was submitted has been vested.

If you have any questions, please call the Planning Division at (503) 338-5183.

Sincerely,

THE CITY OF ASTORIA

Sherrill Williams
Rosemary Johnson *for*
Special Projects Planner

RJ/sw
Enclosures: Order NC15-03

NC 15-03 Verizon

Orders

Mail	9-16-16
Email	
Web	

Verizon Wireless (VAW) LLC
Dba Verizon Wireless
5340 NE 122nd Avenue
Portland OR 97230

Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370

Ron Zilli
1444 16th Street
Astoria OR 97103

Daric Moore Building Arts
2 Irving Street
Astoria OR 97103

Jane Capito
1348 Jenifer Street
Madison WI 53705

SEP 11 2015

BUILDING CODES

Ron Zilli
1444 16th Street
Astoria OR 97103
September 11, 2015

Historic Landmarks Commission
1095 Duane Street
Astoria OR 97103

Re: New Construction Request (NC 15-03) by Verizon Wireless to construct a 150' wireless communications facility in historic Shively Park.

Historic Landmarks Commission:

I am writing to recommend the Historic Landmarks Commission deny the applicants request for a Certificate of Appropriateness to construct a wireless communications facility (WCF) with 150' tall monopole and enclosed equipment building in historic Shively Park.

I am very familiar with Shively Park. I have lived adjacent to the park for the past 17 years. I also have a daughter who is 10 years old and we enjoy walking in the park as a valued part of our neighborhood on a weekly basis.

I recommend the Historic Landmarks Commission deny the request for a Certificate of Appropriateness based on following facts:

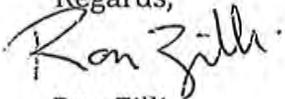
1. Development Code Section 6.070 (B1) – I feel the design of the proposed structure is not compatible with the design of adjacent historic structures scale, style, height, architectural detail and materials.
 - a. The proposed location for the WCF is in a portion of the park that has a very natural setting. From my personal experience, this area receives more frequent and higher overall dispersed use than the Community Hall or picnic area. In fact, the proposed location for the WCF is the only area within the City's public parks that you can go and not see any development. This is a particularly unique attribute of the historic landmark which is worth preserving.
 - b. The adjacent structures (buildings) are all low profile vintage wooden structures that fit nicely into the landscape. Development Code Section 2.855. Height of Structures, limits structures to a height of 45 feet above grade. The proposed WCF requires a Variance from the Planning Commission due to the 150' height of the cell tower. The orientation of a 150' tall vertical tower at the end of the clearing on a ridge is not compatible with the scale and height of the existing historic structures. Also, the fact that a tower of this height is not even

3. Development Code Section 15.065.B2, Adverse Impact – The proposed WCF will create a substantial adverse impact on the view within this locally designated historic landmark. The WCF also has a back-up generator for power. This generator must be run regularly as part of its normal maintenance schedule. The noise created by the generator also creates an unacceptable adverse impact to the historic landmark.

Overall I feel this is an inappropriate use of the historic landmark location and the proposed structure is incompatible within Shively Park. I strongly encourage the Historic Landmarks Commission to reflect back on the intentions of John Shively when he donated the park to the City in 1905 and deny the applicants request for a Certificate of Appropriateness based on incompatibility with Development Code Section 6.070 (B1) and (B2). The proposed WCF in Shively Park does not promote the preservation, restoration, and protection of historic landmarks, buildings, and sites with the City and is therefore contrary to the goals of the Historic Landmark Commission.

Lastly, The City of Astoria should be identified in the application as a party who will collocate on the WCF. They currently have their emergency services communications equipment collocated on the existing wireless communication facility and the inadequacy of the existing facility was partially determined based on the City's needed upgrade of their emergency communication service equipment. The City's has expressed their intention to collocate (partner) at the new facility. This is supported by the statement in the staff report on page 2 "The Friends of the Column, City and Verizon identified alternate locations that would provide emergency communications as well as cell service to replace what is provided by the tower at the Column." This concern is amplified by the fact that alternative sites were limited to only City-owned properties. Since the City of Astoria has an equal interest in the project and is part of the approval process; this presents at least the appearance of a conflict of interest. Having the City of Astoria identified in the application as a party who will collocate on the WCF would add transparency to the public process and alleviate the appearance of a conflict of interest.

Regards,



Ron Zilli

PUBLIC NOTICES

9-8-15	Affidavit of Notice of Public Hearing published in <u>Daily Astorian</u> September 8, 2015 for the September 15, 2015 Historic Landmarks Commission meeting	41
8-21-15	Notice of Public Hearing for the September 15, 2015 Historic Landmarks Commission meeting with mailing list	42
8-21-15	Notice of Public Hearing e-mailed to Legal Ads, Daily Astorian for the September 15, 2015 Historic Landmarks Commission meeting.....	47

State Of Oregon

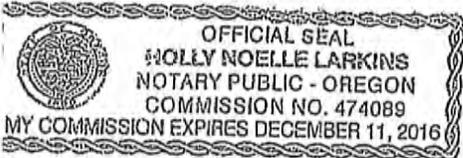
County Of Clatsop } ss.

Affidavit of PUBLICATION

I, Kimberly A. Flaigg being duly sworn, depose and say that I am the principal clerk of the manager of the DAILY ASTORIAN, a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the aforesaid county and state; the Legal Notice: AB4895 Public Notice a printed copy of which is hereto attached, was published in the entire issue of said newspaper for one successive and consecutive time(s) in the following issues: September 8th, 2015

Kimberly A. Flaigg

Signed and attested before me on the 8th day of September, 2015, by: *Sherry Williams*



Notary Public for the State of Oregon, Residing at Astoria, Oregon, Clatsop County.

Pf. # 127-57
9-24-15 Ref
Check # 85800

Copy Of Advertisement

AB4895
CITY OF ASTORIA
NOTICE OF PUBLIC HEARING

The City of Astoria Historic Landmarks Commission will hold a public hearing on Tuesday, September 15, 2015 at 5:15p.m., in the City Hall Council Chambers, 1095 Duane Street, Astoria.

The purpose of the hearing is to consider the following request(s):

1. Exterior Alteration EX15-11 by Daric Moore, Daric Moore Building Arts to convert the lower front portion of the basement into a covered porch at 842 Irving in the R-3, High Density Residential zone.
2. New Construction NC15-03 by Verizon Wireless LLC dba Verizon Wireless to construct a 150' wireless communication facility adjacent to a structure/site designated as historic at 1530 Shively Park Road in the IN, Institutional zone.

For information, call or write the Community Development Department, 1095 Duane St., Astoria OR 97103, phone 503-338-5183.

The location of the hearing is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours before the meeting.

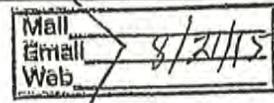
The Historic Landmarks Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA
Sherri Williams

Publised: September 8th, 2015

**YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A
PROPOSED LAND USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA**

**CITY OF ASTORIA
NOTICE OF PUBLIC HEARING**



The City of Astoria Historic Landmarks Commission will hold a public hearing on Tuesday, September 15, 2015 at 5:15 p.m., in the City Hall Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Exterior Alteration EX15-11 by Daric Moore, Daric Moore Building Arts to convert the lower front portion of the basement into a covered porch at 842 Irving (Map T8N-R9W Section 8CC, Tax Lot(s) Portion of 14200; Lot(s) Portion of Lot 7, Block 96, McClure) in the R-3, High Density Residential zone. Development Code Standards 2.150-2.185, Articles 6 and 9, and Comprehensive Plan Sections CP.005-CP.025, CP.040-CP.045, CP.240-CP.255 and are applicable to the request.
2. New Construction NC15-03 by Verizon Wireless LLC dba Verizon Wireless to construct a 150' wireless communication facility adjacent to a structure/site designated as historic at 1580 Shively Park Road (Map T8N-R9W Section 17, Tax Lot 1200 & 17CA Tax Lot 600; Lot(s) Unplatted Lot & Lots 1-8, Block 18, Central Astoria & Vacated Portion of Nile Street) in the IN, Institutional zone. Development Code Standards 2.835-2.860, Articles 6, 9 and 15, and Comprehensive Plan Sections CP.005-CP.025, CP.060-CP.065, CP.240-CP.255 and CP.190-CP.210 are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the Planner at 503-338-5183 for additional information.

The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours prior to the meeting.

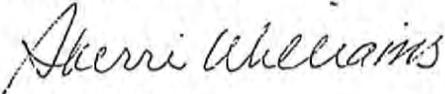
All interested persons are invited to express their opinion for or against the request(s) at the hearing or by letter addressed to the Historic Landmarks Commission, 1095 Duane St., Astoria OR 97103. Testimony and evidence must be directed toward the applicable criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Historic Landmarks Commission and the parties an opportunity to respond to the issue precludes an appeal based on that issue.

The Historic Landmarks Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Historic Landmarks Commission's decision is mailed. Appellants should contact the Community Development Department concerning specific

procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15 day period, the decision of the Historic Landmarks Commission shall be final.

The public hearing, as conducted by the Historic Landmarks Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those in opposition to the request, and deliberation and decision by the Historic Landmarks Commission. The Historic Landmarks Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA



Sherri Williams
Administrative Assistant

MAIL: August 21, 2015

NC15-03 Verizon
(Shively Park)

80917CA00500
ASTORIA SCHOOL DIST #1-C
785 Alameda
Astoria OR 97103

80917AB03402
CASE TONYA
90244 Shoreline Dr
Warrenton, OR 97146-7136

80917BD02500
CLATSOP COUNTY
Sirpa Duoos
820 Exchange #230
Astoria OR 97103

80917BD01900
DI BARTOLOMEO JOSEPH A
1525 16th St
Astoria, OR 97103-3745

80917DC00100
DUNCAN DUFFY
1798 SE Wall St
Astoria, OR 97103-5438

80917AB03403
FIERO SLADE J
3425 Hill Cir
Colorado Springs, CO 80904-1004

80917AB03400
GULLEFF BRADLEY A
1670 James St
Astoria, OR 97103

80917BD00800
KOSUTA CHRISTOPHER A
1432 15th St
Astoria, OR 97103

80917AB03600
ZILLI RONALD F/MICHELLE A
1444 16th St
Astoria, OR 97103-3726

Floral Alameda Ngbhd Assoc
c/o Bruce Conner
P.O. Box 543
Astoria OR 97103

Leroy Aldolphson
Uniontown Neighborhood Assoc
c/o 165 W. Bond
Astoria OR 97103

JIM STOFFER
ALDERBROOK GROUP
jstoffer@charter.net E-MAIL

SUSAN MARSHALL
EMERALD HEIGHTS GRP
1 EMERALD DRIVE
ASTORIA OR 97103

ATTN: HOUSING OFFICER
COMMANDING OFFICER
USCG AIRSTA ASTORIA
2185 SE 12TH PLACE
WARRENTON OR 97146-9693

Planning & Development Manager
Oregon Department of Transportation
Region 2 Headquarters
455 Airport Road SE Building B
Salem OR 97301-5395
E-MAIL

BLAIR HENNINGSGAARD
1482 JEROME
ASTORIA OR 97103
blair@astorialaw.com E-MAIL

Jim Wolcott
Mill Pond Village Home Owners' Assoc
2735 Mill Pond Lane
Astoria OR 97103 E-MAIL

ADHDA
office/@astoriadowntown.com
E-MAIL

Patrick Wingard
Coastal Services Representative
DLCD
4301 Third Street, Room 206
Tillamook, OR 97141 E-MAIL

RUSS WARR
415 MARINE DRIVE
ASTORIA OR 97103
E-MAIL

Greg Kenney E-MAIL
Cannery Lofts HOA
Gregkenney2@msn.com

Dulcye Taylor E-MAIL
ADHDA
dulcye@astoriadowntown.com

Karen Mellin E-MAIL
kmellin5382@charter.net

Arline LaMear E-MAIL
alamear@astoria.or.us

Jennifer Holen E-MAIL
ADHDA
jennifer@bakedak.com

Tryan Hartill E-MAIL
editor@northcoastoregon.com

Sirpa Duoos E-MAIL
sduoos@co.clatsop.or.us

Eagle Ridge Home Owner Association
Mark Hedeem E-MAIL
Mark.hedeem@raymondjames.com

Columbia House Condominiums
1 3rd Street # 510
Astoria OR 97103

U.S. Fish and Wildlife Service
2600 SE 98th Ave # 100
Portland OR 97266

ODFW
North Coast Watershed District
4907 Third Street
Tillamook OR 97141

Clatsop County Taxation
820 Exchange Street # 210
Astoria OR 97103

Port of Astoria
10 Pier 1 # 308
Astoria OR 97103

Tom Highland
ODOT Aeronautics Division
3040 25th Street SE
Salem OR 97302-1125

Sirpa Duoos
Clatsop County Property Management
820 Exchange # 230
Astoria OR 97103

Christine Curran
State Historic Preservation Office
OR Parks and Recreation Dept
725 Summer St NE Suite C
Salem OR 97301

US Fish & Wildlife
Newport Field Office
2127 SE Marine Drive
Newport OR 97365-5258

Clatsop County Planning
820 Exchange # 100
Astoria OR 97103

Federal Aviation Administration
Northwest Mountain Region
1601 Lind Avenue Southwest
Renton WA 98057

Clatsop County Sheriff
PO Box 658
Astoria OR 97103

Oregon State Police
Astoria Area Command
413 Gateway Ave
Astoria OR 97103

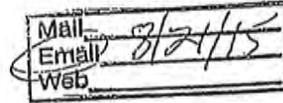
Justin Gray
Justin.W.Gray@uscg.mil
USCG, MLCP(s)
Civil Engineering Division
Thirteenth District Planner (str)

OR Dept of Aviation
aviation.mail@state.or.us
3040 25th St. SE Salem, OR
97302-1125

Adriana.J.Knies@uscg.mil
Sector Columbia River
Public Affairs Officer

Jeff Rusiecki
311 Coordinator
APD
rusiecki@astoria.or.us

Ken Cook
Public Works Director
kcook@astoria.or.us



August 21, 2015

E-MAILED TO: LEGAL ADS, DAILY ASTORIAN, legals@dailyastorian.com
FROM: SHERRI WILLIAMS, COMMUNITY DEVELOPMENT, 338-5183
SUBJECT: PLEASE PUBLISH THE FOLLOWING PUBLIC NOTICE, ONE TIME.

CITY OF ASTORIA
NOTICE OF PUBLIC HEARING

The City of Astoria Historic Landmarks Commission will hold a public hearing on Tuesday, September 15, 2015 at 5:15 p.m., in the City Hall Council Chambers, 1095 Duane Street, Astoria.

The purpose of the hearing is to consider the following request(s):

1. Exterior Alteration EX15-11 by Daric Moore, Daric Moore Building Arts to convert the lower front portion of the basement into a covered porch at 842 Irving in the R-3, High Density Residential zone.
2. New Construction NC15-03 by Verizon Wireless LLC dba Verizon Wireless to construct a 150' wireless communication facility adjacent to a structure/site designated as historic at 1580 Shively Park Road in the IN, Institutional zone.

For information, call or write the Community Development Department, 1095 Duane St., Astoria OR 97103, phone 503-338-5183.

The location of the hearing is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours before the meeting.

The Historic Landmarks Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA
Sherri Williams
Administrative Assistant

PUBLISH: September 8, 2015

APPLICATIONS

8/4/15	New Construction Application NC15-03 by Verizon Wireless (VAW), LLC dba, Verizon Wireless to construction a 150' wireless communication facility adjacent to a structure designated as historic at 1580 Shively Park Road, deemed complete August 4, 2015	48
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CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
COMMUNITY DEVELOPMENT

NC 15-03

FEE: \$100.00 *Per by WCF 15-02*

NEW CONSTRUCTION (ADJACENT TO HISTORIC PROPERTY)

Property Location: Address: 1500 Shively Park Road, Astoria, OR 97103

unplatted lot #
 Lot Lots 1-8 Block 18 Subdivision Central Astoria & Deleted portion of Nile St.
 Map 17 Tax Lot 80917001200 Zone Institutional
17CA 17 BA 600

For office use only:	
Adjacent Property Address:	<u>1530 Shively Park Rd.</u>
Classification:	Inventory Area:

Applicant Name: Verizon Wireless (VAW), LLC dba, Verizon Wireless

Mailing Address: 5430 NE 122nd Avenue, Portland, OR 97317

Phone: _____ Business Phone: _____ Email: _____

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street, Astoria, OR 97103

Representative:
 Business-Name-(if-applicable): Sharon Gretch, Lexcom, 31649 Sexton Road, Philomath, OR 97370

Signature of Applicant: _____

Signature of Property Owner: OK per 8/3/15 City Council 8/4/15
to construct a

Proposed Construction: 150' Wireless Communication Facility adjacent to a structure designated as historic

For office use only:			
Application Complete:	<u>8/4/15</u>	Permit Info Into D-Base:	<u>8/13/15</u>
Labels Prepared:	<u>8/13/15</u>	Tentative HLC Meeting Date:	<u>9/15/15</u> C
120 Days:			



CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
COMMUNITY DEVELOPMENT

NC _____ FEE: \$100.00

NEW CONSTRUCTION (ADJACENT TO HISTORIC PROPERTY)

Property Location: Address: 1530 Shively Park Road, Astoria, OR 97103

Lot _____ Block _____ Subdivision _____

Map _____ Tax Lot 80917001200 Zone Institutional

For office use only:			
Adjacent Property Address:			
Classification:		Inventory Area:	

Applicant Name: Verizon Wireless (VAW), LLC dba, Verizon Wireless

Mailing Address: 5430 NE 122nd Avenue, Portland, OR 97317

Phone: _____ Business Phone: _____ Email: _____

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street, Astoria, OR 97103

Representative:
 Business Name (if applicable): Sharon Gretch, Lexcom, 31649 Sexton Road, Philomath, OR 97370

Signature of Applicant: *Sharon Gretch*

Signature of Property Owner: _____

Proposed Construction: 150' Wireless Communication Facility

For office use only:			
Application Complete:		Permit Info Into D-Base:	
Labels Prepared:		Tentative HLC Meeting Date:	
120 Days:			

City Hall • 1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • Fax 503-338-6538
 rjohnson@astoria.or.us • www.astoria.or.us

FILING INFORMATION: Historic Landmarks Commission meets at 5:15 pm on the third Tuesday of each month. Completed applications must be received by the 13th of the month to be on the next month's agenda. A pre-application meeting with the Planner is required prior to the acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Historic Landmarks Commission meeting is recommended. Forms also available on City website at www.astoria.or.us.

Briefly address each of the New Construction Criteria and state why this request should be approved. (Use additional sheets if necessary.):

1. The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials.

There are no longer any structures at the estimated amphitheater site, however, the proposed structure is compatible with the area as it is similar in height/scale of the existing trees. All materials will be non-reflective, earth toned colors to best blend with the environment. Further, WCF are considered a passive use and will not generate any noise, glare, noxious fumes or any significant traffic.

2. The location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations.

The site herein would occupy a 1,120 square foot portion of the 12 acre Shively Park area. Based on historical pictures, the Amphitheater site would sit just over 1/10th of a mile to the east of the site proposed herein. The proposed site is not near to, nor will it encroach on the approximated location of the amphitheater site.

PLANS: A site plan indicating location of the proposed structure on the property is required. Diagrams showing the proposed construction indicating style and type of materials proposed to be used. Scaled free-hand drawings are acceptable. The City may be able to provide some historic technical assistance on your proposal.

ATTACHMENTS

WIRELESS COMMUNICATIONS FACILITY 1580 SHIVELY PARK ROAD

WCF15-03
V15-03
NC15-03

Application, 8-4-15

Statement of Compliance for Proposed Wireless Facility, 7-20-15

FCC License

Non-Ionizing Electromagnetic (NEIR) Report, January 2015

Architectural Drawings

RF Propagation Maps

Location Map of All Sites

Photo Simulations

Federal Aviation Administration Determination, 1-15-15

Oregon Department of Aviation Determination, 3-4-15

Oregon Department of Aviation Letter, 8-26-15

Nate Historic Preservation Office Section 106 NEPA Review Determination, 2-24-15

Mail from Lexcom on site selection, 7-13-15

Statement of Compliance for Proposed Wireless Facility

Verizon Wireless Site ID: OR1 City Park

Submitted to the City of Astoria

July 20, 2015

I. General Information

Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland, OR 97317

Representative: Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath, OR 97370
(541) 515-8263

Project Information:

Property Owner: City of Astoria
Site Address: 1530 Shively Park Road, Astoria
Parcel: 809170001200
Parcel Area: 12.4 acres
Zone Designation: Institutional
Existing Use: Park

Attachments List

00. Land Use Application signed by Applicant
 - a. Wireless Communication Facility Application
 - b. Variance Application – General (for height)
 - c. New Construction (Adjacent to Historic Property)
01. Statement of Compliance Narrative
02. Deed
03. FCC License
04. Non-Ionizing Electromagnetic Report (NIER)
05. Architectural Drawings
06. Propagation Maps
07. Location map of all sites
08. Photo Simulations
09. FAA / ODA Determinations
10. State Historic Preservation Office Determination

II. Project Overview

Lexcom Development is submitting an application on behalf of Verizon Wireless (VAW), LLC, dba Verizon Wireless and the property owner, City of Astoria. The site proposed herein is designed to improve the voice and data capacity for its customers living in the City of Astoria along and south of Lexington Avenue area and will be one of two towers designed to replace the existing tower located near the Column of Astoria.

The applicant proposes to construct a 150-foot tall monopole with up to a total of twelve panel antennas (eight initial, four future) and future microwave antennas. Ancillary ground equipment inclusive of radio equipment cabinets, generator and utility frame¹ will be located within a landscaped, 40' x 28' lease area. The site will be accessed via Shively Park Road. Further, the site has been designed for at least two additional carriers to minimize the proliferation of towers within the City.

The location of the proposed site maximizes coverage while minimizing visual impacts by utilizing existing topography and natural screening². The proposed antenna height, with an overall antenna tip height of 150-feet, is the minimum height necessary to provide the required coverage relative to nearby complementary wireless facilities.

This site can meet the City of Astoria's criteria for siting of new wireless telecommunication facilities, including height, setbacks and design as will be demonstrated herein. As shown throughout this application, Verizon's proposal is the least intrusive means of meeting coverage objectives. Verizon Wireless respectfully requests that the City of Astoria approve the facility as proposed herein.

III. Site Selection & Design

Verizon seeks to improve a significant coverage and capacity deficiency in its 3G and 4G LTE coverage in the City of Astoria. Wireless service is a critical today, with many people relying on their wireless devices for everything from information gathering to financial transactions to primary home phone service. The proposed location was chosen by Verizon Wireless to improve the quality of voice and data service as well as 911 services, for its customers living in the City of Astoria along and south of Lexington Ave. The site will also provide service to a large rural area southeast of the City³.

Verizon constructs wireless communication facilities at carefully selected locations. The need for service in this particular geographic area was determined by market demand, coverage requirements for a specific geographic area, and the need to provide continuous coverage from one site to another. Once the need for additional coverage or capacity was established, Verizon's RF engineers performed a study to determine the approximate site location and antenna height required to provide service in the desired coverage area. Using a computer modeling program that accounts for the terrain within the service area and other variables, such as proposed antenna height, available radio frequencies and wireless equipment characteristics, the engineers identified a "search ring," wherein a site could be located to fill the coverage gap. The engineers took the following objectives into consideration when

¹ See, *Architectural Drawings*, enclosed as Attachment 5.

² See, *Photo simulations*, enclosed as Attachment 8.

³ See, *RF Propagation Maps for site "ORI City Park", Exhibits 1 through 5*, enclosed as Attachment 6.

Identifying the search ring:

1. Coverage. The antenna site must be located in an area where the radio frequency broadcasts will provide adequate coverage within the significant gap in coverage. The RF engineer must take into consideration the coverage objectives for the site as well as the terrain in and around the area to be covered. Since radio frequency broadcasts travel in a straight line and diminish as they travel further away from the antennas, it is generally best to place an antenna site near the center of the desired coverage area. However, in certain cases, the search ring may be located away from the center of the desired coverage area due to the existing coverage, the surrounding terrain, or other features which might affect the radio frequency broadcasts like buildings or sources of electrical interference.
2. Capacity. Capacity refers to the technological limitation of a wireless communication facility to provide communication. Mobile phones and wireless devices transmit to and receive radio frequency signal from antennae at wireless communication facilities. Antennae are capable of transmitting and receiving a finite amount of signal – the capacity. When capacity is reached, busy signals on phone result and data transmission is lost. Monitoring of each wireless facility is continuous and the data collected analyzed for planning to prevent overloading. Projections based on the data allow Verizon to plan, design, permit, and construct new facilities or modify existing wireless communication facility before reaching capacity.
3. Clutter. Verizon’s antennas must “clear the clutter” in the area. The radio frequencies used in Verizon’s systems are adversely affected by trees, buildings, and other natural and man-made obstacles. Radio frequencies do not penetrate mountains, hills, rocks or metal, and radio frequencies are diminished by trees, brick and wood walls, and other structures. Therefore, antennas must be installed above or close to the “clutter” in order to provide high quality communications services in the desired coverage areas. In addition, if the local code requires us to accommodate additional carriers on the structure, the structure must be even higher in order to allow the other carriers’ antennas to clear the clutter as well.
4. Call Handoff. The antenna site must be located in an area where the radio broadcasts from this site will allow seamless call handoff with adjacent sites. “Call handoff” is a feature of a wireless communications system which allows an ongoing telephone conversation to continue uninterrupted as the user travels from the coverage area of one antenna site into the coverage area of an adjacent antenna site. This requires coverage overlap for a sufficient distance and/or period of time to support the mechanism of the handoff.
5. Quality of Service. Users of wireless communications services want to use their services where they live, work, commute and play, including when they are indoors. Verizon’s coverage objectives include the ability to provide indoor coverage in areas where there are residences, businesses and indoor recreational facilities.
6. Radio Frequencies used by System. The designs of telecommunications systems will vary greatly based upon the radio frequencies that are used by the carrier. If the carrier uses radio frequencies that are in the 850 MHz to 950 MHz range, the radio signals will travel further and will penetrate buildings better than the radio frequencies in the 1900 MHz band. Thus, Verizon needs more antennas in a given area to support technologies that use the 1900 MHz band.
7. Land Use Classifications. Verizon’s ability to construct a cell site on any particular property is affected by Oregon state law and Astoria city code.

Terrain data within the service area is entered into a modeling program along with a series of variables, such as proposed antenna height, available radio frequencies and wireless equipment characteristics. Using this information, Verizon's RF engineers identified an area of optimum location for and height of a new wireless communication facility antenna to maximize the coverage objective. When this technical analysis was completed, a search area map and a description of other requirements were provided to Verizon's site development specialists.

When designing an existing or new area for coverage or capacity, Verizon Wireless will first attempt to utilize an existing tower or structure for collocation at the desired antenna height. If an existing tower or structure is not available or not attainable because of space constraints or unreliable structural design, Verizon Wireless will propose a new tower. In this instance, our real estate group with the help of outside consultants did several searches and concluded there is no existing cell towers nearby for collocation, to meet the OR1 City Park objectives.

The following sites listed below represent the Verizon priority siting and alternate candidates reviewed within the search area. The analysis of site viability is included under, 'Summary'.

Verizon Priority Siting	Type of Property	Description	Summary
1)	Existing Structures	<i>Collocation on existing WCF towers</i>	There are no existing WCF towers within this desired search area on which to collocate.
		<i>Upgrade to existing WCF towers</i>	None available in the search area to upgrade.
		<i>Existing alternative tall structures (i.e., water tanks, Stadium Lighting, etc.)</i>	No alternate tall structures were identified within the search ring on which to locate.
		<i>Rooftop Installation Opportunities</i>	No tall buildings are located within the search ring. The concrete building identified as Reservoir 2 was reviewed, but deemed too low to meet coverage needs. See attached email from Arden Yundt, Verizon RF Engineering PNW Region.

2)	Utility Structures <i>(i.e., power poles, high tension power lines, etc.)</i>	Existing utility poles	Existing poles in the area are 20-35 feet. These poles are structurally insufficient to support the required antenna installation and are unable to achieve the required height to reach coverage/capacity objectives.
3)	New Facility	Two Opportunities	<p>(1) <i>Fred Lindstrom Memorial Park:</i> Areas within the park were reviewed, however deemed to be too low of an elevation to meet coverage objectives and hand-off to adjacent sites.</p> <p>(2) <i>Shively Park:</i> Site proposed herein; Alternate locations within the park were reviewed, however, the location herein was chosen as primary as it afforded the best natural camouflage and met all coverage/capacity objectives and can effectively hand-off to adjacent sites.</p>

Table 1 - Priority Site Analysis

Coverage plots are attached herein under Attachment 6 and labeled as Exhibits 1 through 6.

- Exhibit 1 shows current coverage, inclusive of the site near the Astoria Column titled 'Astoria HD' and existing sites, OR1 Gearhart and OR1 Warrenton.
- Exhibit 2, shows coverage following the removal of the 'Astoria HD' site, depicting the area as it would exist without any coverage. The dotted circle in Exhibit 2 depicts area of RF coverage and capacity gap that the site herein is proposed to fill.
- Exhibit 3&4 shows coverage/ RF signal emitting from the site proposed herein. With the antenna at 150-feet, nearly the entire coverage objective area will be covered by high to moderate RF signal strength, as depicted by the purple and blue portions of the map. Therefore Exhibit 3&4 meets our design objective for this site and clearly shows the proposed location improving, and in many cases adding signal strength to this large rural area.
- Exhibits 5 depicts how the proposed site will be integrated into our network system for that area. Therefore our antenna with a tip height of 150 feet (AGL) will fulfill the capacity objective for the proposed site as depicted in Exhibit 5 & 6. The proposed site ensures, RF

signal overlaps with adjacent sites to allow continuity of call(s) or "handoff." Therefore a 150' (AGL) antenna centerline is required at the OR1 City Park site location as shown to provide service for its customers living in the City of Astoria along and south of Lexington Avenue and to a large rural area southeast of the city.

Enhanced 911 (E911) Requirements

In addition to providing improved service to Verizon customers, the proposed antenna location is needed to meet Federal Communications Commission (FCC) requirements for Enhanced 911 (E911) service. The wireless E911 program is divided into two phases. Phase I requires wireless carriers, upon request from a local Public Safety Answering Point (PSAP), to report the telephone number of a wireless 911 caller and the location of the antenna that received the call. Phase II of the E911 program requires wireless carriers to provide far more precise location information, within 50 to 100 meters in most cases.

The FCC established a four-year schedule for Phase II. It began on October 1, 2001 with a target completion date of December 31, 2005. Provision of E911 service in accordance with FCC requirements is a major component of the demand for additional cell sites. In addition to providing greater signal strength for in-building coverage that will provide better service to residential customers in the area, the proposed WCF will provide more precise triangulation for providing E911 service as required by the FCC. This will allow a person who is using E911 because of an emergency to be found more quickly because their location will be more easily determined as this and other antenna sites are added to the wireless network.

Verizon engineers have carefully designed this site to maximize quality of service to our customers, which can best be accomplished at a height of 150-feet (antenna tip height). This location was also selected because of its position relative to existing and proposed sites, providing favorable site geometry for federally mandated E911 location accuracy requirements and efficient frequency reuse. Good site geometry is needed to achieve accurate location of mobile users through triangulation with existing and proposed sites.

IV. Applicable Law

Federal, state and local laws will apply to this application.

Federal law, primarily found in the Telecommunications Act, acknowledges a local jurisdictions zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways. First, a local government must approve an application for a wireless communications site if three conditions are met: (1) there is a significant gap in coverage; (2) the carrier has shown that the manner in which it proposes to provide service in the significant gap is the least intrusive on the values that the community seeks to protect as allowed by applicable law; and (3) there are no potentially available and technologically feasible alternatives that are less intrusive on the goals that the community seeks to protect as allowed by applicable law. 47 U.S.C. Section 332(c)(7)(A) and (B)(i)(II); and *T-Mobile USA, Inc. v. City of Anacortes*, 572 P.3d 987 (9th Cir. 2009).

In addition, under the Telecommunications Act, the City of Astoria is prohibited from considering the environmental effects (including health effects) of the proposed site if the site will operate in

compliance with federal regulations. 47 U.S.C. Section 332(c)(7)(B)(iv). Therefore, this issue is preempted under federal law and any testimony or documents introduced relating to the environment or health effects of the proposed site should be disregarded in this proceeding.

Finally, the Telecommunications Act requires local jurisdictions to act upon applications for wireless communications sites within a 'reasonable' time. The FCC has issued a 'Shot Clock' rule to establish a deadline for the issuance of land use permits for wireless facilities. According to the FCC, a reasonable period of time for local government to act on wireless applications is 90-days for a co-location application and 150-days for all other applications. This time period includes all application notice and appeal periods. Therefore, under federal law, the reasonable period for the City of Astoria to review this application is 150-days unless more restrictive timelines apply.

V. Application submittal requirements: Astoria Development Code

Verizon proposal complies with the submittal requirements of the City of Astoria Development Code. These are addressed in the order laid out below.

Article 15 – Wireless Communication Service Facilities

Article 11 – Conditional Use

Article 12 – Variances

Article 15 – Wireless Communication Service Facilities

15.035. PERMITTED LOCATIONS OF WIRELESS COMMUNICATION SERVICE FACILITIES.

A. Zones: Wireless Communication Service Facilities, including antenna, antenna arrays, and antenna support structures are permitted with administrative or conditional use review in the zones as provided below:

1. Permitted Zones: Wireless Communication Service Facilities are permitted in the following zones through the Administrative or Conditional Use process in accordance with Astoria Development Code Article 9:

f. IN (Institutional)

B. Preferred Location, Siting, and Designs in Priority Order.

2. Conditional Use Review.

a. Location on New Antenna Support Structure

Response: The proposed use is for new antenna support structure in an IN zone which is permitted use subject to a Conditional Use Review.

15.045. COLLOCATION AND USE OF ALTERNATIVE ANTENNA SUPPORT STRUCTURES FOR WIRELESS COMMUNICATION SERVICE FACILITIES.

B. Collocation Required: Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission. If an applicant proposes to construct a new antenna support structure, evidence shall be submitted by the applicant to demonstrate the following:

1. That no existing antenna support structures or alternative antenna support

structures are located within the geographic area which meet the service provider's engineering requirements to provide service; OR

- 2. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the service provider's engineering requirements to provide service;*
- 3. That existing support structures and alternative antenna support structures do not have sufficient structural strength to support the service provider's engineering requirements to provide service; OR*
- 4. That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference, or NIER field interference with nearby antennas or antenna arrays, or vice-versa; OR*
- 5. That there are other limiting factors, such as inadequate space for an equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable.*

Response: Verizon consultants worked closely with the City of Astoria and Parks Department staff to identify a viable location that would minimize the visual impact to the surrounding area and minimize any impact on the flora/fauna within the park. See Table I, under III. Site Selection & Design, above for detailed analysis on alternative sites reviewed.

When designing an existing or new area for coverage or capacity, Verizon Wireless will first attempt to utilize an existing tower or structure for collocation at the desired antenna height. If an existing tower or structure is not available or not attainable because of space constraints or unreliable structural design, only then will Verizon Wireless propose a new tower. The consultants did several searches and concluded there are no existing cell towers or viable alternative structures such as water tanks, tall power poles or similar structures nearby for collocation that would meet the OR1 City Park objectives. The nearest existing vertical structure is roughly a ½ mile away and is the tower located at the Astoria Column.

15.060. APPLICATION SUBMITTAL REQUIREMENTS.

A. All applications for permits for the placement and construction of Wireless Communication Service Facilities shall be accompanied by the following:

- 1. A complete description of the proposed WCSF including use of concealment technology, height, location, siting, and design, and description of services the applicant intends to provide from the facility.*
- 2. Proof of ownership of the land upon which the WCSF is proposed; or evidence of an appropriate easement, lease, rental agreement, or land use application signed by the applicant and signed by the underlying property owner.*
- 3. Copy of the carrier's current FCC license for the proposed coverage area.*
- 4. Evidence demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the FCC particularly with respect to any habitable areas within the structure on which the antennas are co-locating or in structures adjacent to or across a public right-of-way from the antennas.*

5. *An accurate and scaled site plan, scaled elevation views, and other supporting drawings, illustrating the location and dimensions of the proposed WCSF, including but not limited to: antenna support structure, alternative antenna support structure, antenna array, antennas, equipment enclosures, and any and all other devices and attachments.*
6. *Readily discernible map of the proposed area of coverage.*
7. *Location map of all sites currently operated by the carrier in a five (5) mile radius of the proposed site. Such locations shall be of sufficient detail to be added to the City's GIS data system. For each such site, the targeted area and capabilities of the sites shall be adequately described.*
8. *Visual impact analysis and demonstrations including mock-ups and/or photo simulations from at least three (3) directional perspectives.*
9. *Evidence demonstrating that the applicant has filed a request with the Federal Aviation Administration (FAA) and the Oregon Department of Aviation (ODA) to review the application, or evidence demonstrating that the applicant has complied with all FAA and ODA requirements.*
10. *Evidence demonstrating that the applicant has filed a request with the State Historic Preservation Office to review the application under Section 106 of the National Historic Preservation Act, or evidence demonstrating that the applicant has complied with all State Historic Preservation Office requirements as a result of the Section 106 consultation.*

Response: A description of the proposed facility addressing 15.060(A)(1) is located under *Section 2: Project Overview* and *Section 3: Site Design and Selection* and submittal requirements as described under 15.060(A)(2-10) are attached herein. See, *Attachments 10*.

11. *A collocation feasibility study conducted for the proposed service area of the facility being proposed. The study will describe the applicant's policy on collocation and demonstrate that collocation efforts were made and provide findings on why collocation can or cannot occur as indicated in Section 15.045.B.*

Response: See, response to Section 15.045(B) above and Table I, under III. Site Selection & Design, above for detailed analysis on alternative sites reviewed. There are no existing cell towers or viable alternative structures such as water tanks, tall power poles or similar structure nearby for collocation, to meet the OR1 City Park objectives. The nearest existing vertical structure is roughly a ½ mile away and is the tower located at the Astoria Column which this site, in conjunction with three other proposed sites, is designed to replace

12. *Where less preferred locations or design are proposed, a description of other alternatives considered (alternate sites, alternative heights, number of facilities, and equipment utilized) and the reasons why higher priority locations or designs were not selected.*

Response: See, response to Section 15.045(B) above and Table I, under III. Site Selection & Design,

above for detailed analysis on alternative sites reviewed. Verizon consultants worked closely with the City of Astoria and Parks Department staff to identify a viable location that would minimize the visual impact to the surrounding area and minimize any impact on the flora/fauna within the park. Other locations within in the park were reviewed, however, the site proposed herein offered significantly more screening of the tower with the least impact, requiring no tree removal and minimal site grading. Other locations within the park would have required additional tree removal and significant tree trimming.

15.065. STANDARDS AND REVIEW CRITERIA: All applications for Wireless Communication Service Facilities shall demonstrate compliance and conformity with the following requirements. The burden of proof is on the applicant to demonstrate such compliance and conformity. The Community Development Director may release an applicant from a requirement when it is determined that the requirement is not applicable to the request.

A. General and Operating Requirements.

1. Owner and Applicant Responsibilities. The owner and applicant of the Wireless Communication Service Facility and his or her successors and assigns at all times shall have the following responsibilities:

- a. The owner shall respond in a reasonable and timely manner to a request for information from a potential collocation applicant. In responding to such a request, the owner and potential collocation applicant shall furnish to each other all non-proprietary information necessary to enable the potential collocation applicant and the owner to determine the feasibility of collocation.
- b. The owner and potential collocation applicant shall negotiate in good faith for shared use of the owner's Wireless Communication Service Facility.

Response: It is the industry standard to allow collocation of multiple carriers on a single tower. Further, collocation is mandated under the Telecommunications Act, obligating carriers to provide, "on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements."

2. Environmental and Historic Resource Protection. All Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:

- a. The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;
- b. Alteration or disturbance of natural vegetation and topography shall be minimized;

Response: The site shall comply with all applicable local, State and Federal Regulations. The site proposed herein was designed in conjunction with City of Astoria staff and the Parks Department and was chosen as it preserves existing vegetation and afforded the best screening for the tower from on-site and off-site locations⁴. The site will be minimally graded and a retaining wall constructed in order to place the radio equipment cabinets at a lower elevation than the tower⁵. Alternate sites that were

⁴ See, *Photo simulations*, enclosed as Attachment 8.

⁵ See, *Grading & Drainage Plan*, enclosed as Attachment 5, page C3.

reviewed within the park would have required significantly more disturbance, requiring tree and limb removal prior to construction.

3. Noise. No testing of back-up power generators shall occur between the hours of 6:00 PM and 7:00 AM. Emergency operation of back-up power generators is permitted at any time.

Response: The back-up generator shall only be tested as detailed above.

4. Permits Required.

- a. *A Building Permit issued by the City is required for each Wireless Communication Service Facility. A building permit will not be issued until all land use approvals have been obtained; until any associated conditions have been met; and until all other applicable local, State, and Federal approvals have been secured and complied with, including but not limited to Astoria Development Code, Article 6 Historic Properties, and Section 106 requirements as set forth by the State Historic Preservation Office.*
- b. *No Wireless Communication Service Facility shall be constructed or operated within the City limits until all necessary City, State, and Federal approvals have been secured. Evidence of approvals shall be provided to the City.*

Response: A Building Permit request will be filed once land use has been reviewed and approvals obtained. All City State and Federal approvals have been applied for and shall be obtained prior to construction start.

5. Prohibited Structures.

- a. *Lattice and guyed wire towers and support structures and speculation ("spec") support structures are prohibited in all zones except as noted in Section 5.b.*
- b. *Lattice towers and support structures that are required for Emergency Communications Facilities and Temporary Communications Facilities operated by public officials may be located in the LR Zone (Land Reserve). Co-location by private communication providers on a lattice tower with emergency communication facilities is allowed.*

Response: Not applicable. This proposal is for a monopole.

6. Radio Frequency Standards.

- a. *The applicant shall provide evidence that the Wireless Communication Service Facility is in compliance with FCC standards and that the Wireless Communication Service Facility will not cause interference with the reception of area television, radio, or emergency communication broadcasts. If at any time, the City finds that the Wireless Communication Service Facilities interfere with such reception, the applicant shall mitigate the interference. If the applicant does not mitigate the interference to the City's satisfaction, the*

City may revoke or modify the permit.

Response: See Attachment 4, NIER report.

7. Security. *The applicant shall insure that sufficient anti-climbing measures have been incorporated into the WCSF, as needed, to reduce potential for trespass and injury.*

Response: The facility will be surrounded by a 6 foot fence for security and all climbing pegs will be removed once construction is complete.

8. Technical Expert Support. *The Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required.*

B. Location, Siting and Design Requirements.

1. Preferred Location, Siting, and Designs in Priority Order. *See Section 15.035.B of this Code.*

Response: Per 15.035(B) Preferred Location, Siting, and Designs in Priority Order; sites that are located on an existing support structure or existing alternative support structure are given the highest priority. As is demonstrated, there are no existing structures in the area to locate a facility meet the OR1 City Park objectives. As the second priority siting, the preferred design is a camouflaged/concealed tower. This site was specifically located in such a manner to utilize the existing topography and surrounding tall trees to conceal the tower. See Attachment 08, photo simulations.

2. Adverse Impact. *WCSF shall not create a substantial adverse impact on the view from any public park, natural scenic vista, historic property (locally designated or on National Register), major scenic and view corridor, or residential area. In determining the potential substantial adverse impact of the proposed facility upon scenic, natural, historic, and cultural resources or vicinity, the following points shall be considered:*

- a. The extent to which the proposed WCSF is visible from the viewpoint(s) of the impacted resource or vicinity.*
- b. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.*
- c. The amount of vegetative screening.*
- d. The distance of the proposed facility from the impacted resource or vicinity.*
- e. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.*

Response: This site was specifically located in heavy tree cover and utilizes the existing topography to conceal the tower. The existing trees in the area are inclusive of approximately twenty-two (+/-) deciduous trees ranging in height from 20 – 120 feet and roughly fifteen (+/-) Douglas Fir trees ranging in height from 18 – 150 feet. Given the existing tree height and density along with the distance to the

nearest development, the visual impact from the surrounding area is significantly mitigated. No adverse impact to adjacent parcels or other resources is anticipated. Further, the lease area will be surrounded by a landscape buffer to further conceal the ground level equipment. See Attachment 08, Photo simulations.

3. Use of Concealment Technology. All Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.

Response: This site was specifically located to conceal the tower by utilizing the existing topography and surrounding heavy tree cover, inclusive of tall, Douglas Fir trees and shorter, deciduous trees. The existing trees are of similar height, ranging in heights from 18-feet to 150-feet. Given the existing tree height and density along with the distance to the nearest development, the visual impact from the surrounding area is significantly mitigated. See Attachment 08, photo simulations.

4. Access Driveways and Parking. All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the Astoria Development Code and Astoria City Code.

- a. Existing driveways shall be used for access whenever possible.*
- b. New parking areas shall, whenever feasible, be shared with subsequent Wireless Communication Service Facilities and/or other permitted uses.*

Response: No new access driveways or parking is proposed for this site.

5. Color and Materials.

- a. All buildings, poles, antenna support structures, antennas, antenna arrays, and other associated components of each Wireless Communication Facility site shall be initially coated and thereafter recoated as necessary with a non-reflective neutral color in muted tones.*
- b. The color selected shall be one that will minimize visibility of the WCSF to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees, or grasslands shall be coated with colors matching those landscapes, while elements which rise above the horizon shall be coated a color that matches the typical overcast sky (i.e. white, light gray, etc.) or background color at that location.*
- c. The color and coating shall be reviewed and approved by the Community Development Director or Astoria Planning Commission.*
- d. Upon a clear showing by the applicant that compliance with the requirements of this section would void a manufacturer's warranty on any specific equipment, or that natural aging of the material would provide greater*

concealment, the Community Development Director or Astoria Planning Commission may waive the requirements of this section for such specifically identified equipment.

Response: All equipment shall be of a non-reflective, earth tone color that shall blend with the natural environment and located behind a 6' tall chain link fence. The tower is a non-reflective, powder coated, grey tone. This tone tends to blend better with the varied colors as occur in nature, taking on the surrounding tones of both sky and earth.

6. Height. *In addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:*

- a. *WCSF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- b. *If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.*
- c. *In reviewing Variance requests to the above described height limits, the following shall be considered:*
 - 1) *The proposed structure and facility uses concealment technology; and*
 - 2) *It is demonstrated that a greater height is required to provide the necessary service.*
- d. *Building or other structure-mounted Wireless Communication Service Facilities shall not project more than ten (10) additional feet above the highest point on the existing building or structure and shall not project higher than the height requirements of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- e. *WCSF shall not penetrate imaginary surfaces around the Astoria Airport as defined by the Oregon Department of Aviation, unless a waiver is granted pursuant to Oregon Revised Statutes.*

Response: A variance to height is being requested for this location. The site proposed herein was submitted to the FAA and ODA for review. A determination of 'No Hazard' has been received from the FAA and the ODA does not object to construction as proposed⁶. See response to Article 12 regarding 6(c)(1) and (2), starting on page 16 herein.

7. Landscape and Screening. *All Wireless Communication Service Facility sites shall be improved with existing native vegetation, suitable landscaping and/or fencing installed to screen the facility, where necessary. To this end, all of the following requirements shall be implemented for all Wireless Communication Service Facilities which are installed on antenna support structures:*

- a. *A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, shall be submitted as part of the application.*

⁶ See, *FAA / ODA Determinations*, enclosed as Attachment 9.

- b. Any proposed or required fenced area is to be surrounded, where feasible, by a landscaped strip of sufficient width and height to create a visual screen.
- c. Planted vegetation shall be of the evergreen variety.
- d. The landscape plan shall be subject to review and approval of the Community Development Director or Astoria Planning Commission.
- e. The fence shall be a maximum of six (6) feet in height.
- f. The fenced area is to be surrounded by evergreen shrubs (or similar type of evergreen landscaping). Required landscaping shall be located outside of the fenced area.
- g. The fence shall, where feasible, be installed and maintained around the entire perimeter of the site and surround the WCSF and the equipment shelter.
- h. If the Community Development Director determines that a fence surrounding antenna support structures located in a public right-of-way or adjacent to existing structures is not feasible, such structures may be exempted from the fencing requirements of this Section.
- i. Chain link fences shall be painted or coated with a non-reflective color.
- j. Electric, barbed wire, and concertina wire fences are prohibited.

Response: A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, is included herein, all fencing is of a non-reflective color and no electric, barbed wire or concertina wire is proposed⁷.

8. Lighting.

- a. A Wireless Communication Service Facility shall only be illuminated as necessary to comply with FAA or other applicable State and Federal requirements. Documentation from such State and Federal agencies describing required compliance measures is required.
- b. Exterior lighting shall not glare onto adjacent properties.
- c. Strobe lights are prohibited.

Response: FAA and ODA have been notified of the proposed development, however, determinations have yet to be received. Should aviation lighting be required, the site will comply with State or Federal requirements. The most restrictive shall apply. Proposed on-site maintenance lighting is proposed for the equipment and shall be downward tilted and on a timer. Strobe lights are not proposed.

9. Setback.

- a. Antenna support structures, excluding those utility poles and similar structures which are located within the right-of-way, and excluding equipment enclosures, shall be located no closer to a structure on the subject property, or from the property line of the subject property, than a distance equal to the total height of the

⁷ See, *Landscape Plan*, enclosed as Attachment 5, page L-1.

structure measured from finished grade, or the distance of "worst-case scenarios", as recommended in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000, whichever is greater. However, utility poles and similar structures which are located within the right-of-way, and equipment enclosures are subject to recommendations in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000.

- b. All WCSF equipment enclosures shall be set back from property lines according to the requirements of the Zone.
- c. A setback requirement to a property line may be reduced, through Variance approval. A Variance to the setback requirement shall be in accordance with the requirements of Article 12, and the following additional criteria:
 - 1) It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

Response: The minimum setbacks in the IN zone are satisfied as the site is a minimum of 20' from the front and rear property lines, 5' from the side property line.

10. Signs. The use of any portion of a Wireless Communication Service Facility for signs other than warning or equipment information signs is prohibited. For emergency purposes, equipment information limited to the WCSF provider(s) name and contact phone number shall appear at the facility in a discreet yet visible location, either on the equipment cabinet or supporting structure.

Response: Signage for the site will comply with this standard.

11. Storage.

- a. WCSF storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only) and shall be placed underground where feasible or be sited (i.e., depressed, or located behind earth berms) to minimize their profile.
- b. WCSF storage facilities shall be no taller than one story (15 feet) in height and shall be designed to look like a building or facility typically found in the surrounding area.
- c. On-premises storage of material or equipment shall not be allowed other than that which is necessary to the use, operation, and maintenance of the WCSF.

Response: No on-site storage is proposed.

Article 11 – Conditional Use

11.030 Basic Conditional Use Standards.

- A. Before a conditional use is approved, findings will be made that the use (except for housing developments) will comply with the following standards:

1. *The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.*
2. *An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.*
3. *The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.*
4. *The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.*
5. *The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.*

Response: The subject 12.4 acre parcel is zoned Institutional and the use proposed herein, Wireless Communication Facility, is permitted subject to a Conditional Use review. The scale of the proposed project, both the monopole and the ancillary equipment cabinets, are consistent with the scale of trees in the immediate area and the ground lease area will be fully landscaped to further minimize visual impact at ground level. The site is an unmanned, passive use requiring 1 to 2 trips per month for maintenance purposes. This monthly maintenance visit would have no impact on the existing vehicular access to and from the proposed site, or to pedestrian, bicycle and transit circulation. The facility requires only power and fiber and does not require water, sewer or surface water drainage. Further, this proposal would not produce any adverse noise, glare or noxious odors. As demonstrated herein, there are no existing structures in the vicinity that can accommodate this use and the site is well removed from any other development. The minimal footprint, 1,120 sq. feet, will have little impact on existing and projected uses on-site and will not interfere with normal park usage. The topography and physical characteristics of the site are ideal for the site as they provide natural camouflage for the facility. A core drilling was completed on site and is being evaluated to determine the type of foundation required for the site.

Article 12 – Variances

12.030. GENERAL CRITERIA.

Variances to a requirement of this Code, with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, and other quantitative requirements may be granted only if, on the basis of the application, investigation and evidence submitted by the applicant, findings are made based on the four factors listed below. Variances from off-street parking, sign requirements, and Flood Hazard Overlay Zone are not subject to General Criteria (refer to Sections 12.040, 12.050, and 12.055 as applicable).” (Amended by Ordinance 09-03, 8/3/09)

- A. *The granting authority may grant a variance from the requirements of this chapter, if on the basis*

of the application, investigation, and the evidence submitted by the applicant, all four (4) of the following expressly written findings are made:

1. The request is necessary to prevent unnecessary hardship; and
2. Development consistent with the request will not be substantially injurious to the neighborhood in which the property is located; and
3. The request is necessary to make reasonable use of the property; and
4. The request is not in conflict with the Comprehensive Plan.

B. In evaluating whether a particular request is to be granted, the granting authority shall consider the following, together with any other relevant facts or circumstances.

1. Relevant factors to be considered in determining whether a hardship exists include:
 - a. Physical circumstances related to the property involved;
 - b. Whether a reasonable use, similar to like properties, can be made of the property without the variance;
 - c. Whether the hardship was created by the person requesting the variance;
 - d. The economic impact upon the person requesting the variance if the request is denied.
2. Relevant factors to be considered in determining whether development consistent with the request is substantially injurious to the neighborhood include:
 - a. The physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards.
 - b. The incremental impacts occurring as a result of the proposed variance.
3. A determination of whether the standards set forth in Section 12.030(A) are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in Section 12.030(B) (1) & (2) are not standards and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.
4. Prior variances allowed in the neighborhood shall not be considered by the granting authority in reaching its decision. Each request shall be considered on its own merits.

Response: Verizon Wireless is requesting a variance to the height limitation of 45-feet for new wireless facilities. This request is necessary as, at 45-feet, the site would sit below the existing tree cover and would not meet the requirements needed to replace the site at the Astoria Column and hand-off to the adjacent sites, Warrenton, Reservoir, Astor and Stavebolt. As detailed herein, the radio frequencies used in Verizon's systems are adversely affected by trees, diminishing the signal significantly. Therefore, antennas must be installed at or above tree height in order to provide high quality communications services in the desired coverage area. The minimum height required to clear the existing tree canopy is 150-feet.

Further, the site would not impact neighboring properties as wireless facilities are a passive use, requiring no on-site sewer or water services and creating no glare, noxious odors or significant traffic. As is demonstrated herein, the site is not in conflict with the Comprehensive Plan and could support the goals of the Plan by providing quality communication services that can support residential, commercial, industrial growth and enhance emergency 911 services.

- C. *No variance may be granted which will permit a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction.*

Response: This proposed use is permitted in the applicable zone and will not increase residential density.

VI. Conclusion

The Verizon proposal herein can meet all requirements of the City of Astoria Development Code (to the extent that they are not preempted by federal law). As such, it is respectfully requested that the City of Astoria approve this proposal as designed, subject only to standard conditions of approval.

Common Name: Verizon Wireless / Call Sign: KNLH685

Frequency Band (MHz): 1885-1890, 1965-1970

Expiration Date 06/26/2017

Market BTA358 - Portland, OR

Frequency Band (MHz) 1885-1890, 1965-1970

Licensee FRN 0003800307

Radio Service CW -PCS Broadband

Licensee Details Verizon Wireless (VAW) LLC
1120 Sanctuary Pkwy, #150 GASAS5REG
Alpharetta, GA 300097630
Attn: Regulatory
Phone: (770) 797-1070
Fax: (770) 797-1036
Email:
LicensingCompliance@VerizonWireless.com

Contact Details Verizon Wireless
1120 Sanctuary Pkwy, #150 GASAS5REG
Alpharetta, GA 300097630
Attn: Regulatory
Phone: (770) 797-1070
Fax: (770) 797-1036
Email: LicensingCompliance@VerizonWireless.com

Market Details

* Population is based on 2010 Census figures (Note: US territories are based on 2000 Census figures)

1. Spectrum (MHz): 1885.375-1886.875, 1965.375-1966.875

State/County

Oregon 4 of 36 Counties

County	Population *	Geographic Coverage (%)
Clatsop County	37,039	100
2. Harney County	7,422	100
3. Lincoln County	46,034	100
4. Wheeler County	1,441	100

2. Spectrum (MHz): 1885-1890, 1965-1970

State/County

Oregon 10 of 36 Counties

County	Population *	Geographic Coverage (%)
1. Clackamas County	360,960	90.2
2. Columbia County	49,351	100
3. Grant County	7,445	100
4. Hood River County	22,346	100
5. Multnomah County	735,334	100
6. Sherman County	1,765	99.77
7. Tillamook County	25,250	100
8. Wasco County	23,322	69.45
9. Washington County	529,710	100
Yamhill County	99,193	100

Common Name: Verizon Wireless / Call Sign: KNLH685

Frequency Band (MHz): 1885-1890, 1965-1970

Washington 3 of 39 Counties

County	Population *	Geographic Coverage (%)
1. Clark County	425,363	100
2. Klickitat County	20,318	100
3. Skamania County	11,066	100

BENJAMIN F. DAWSON III, PE
THOMAS M. ECKELS, PE
STEPHEN S. LOCKWOOD, PE
DAVID J. PINION, PE
ERIK C. SWANSON, PE

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CONSULTANT

MAURY L. HATFIELD, PE
(1942 - 2009)

PAUL W. LEONARD, PE
(1925 - 2011)

NON-IONIZING ELECTROMAGNETIC EXPOSURE
ANALYSIS
AND
ENGINEERING CERTIFICATION

PREPARED FOR

Verizon Wireless

“OR1 CITY PARK”

NEW PERSONAL WIRELESS FACILITY

1530 SHIVELY PARK ROAD

ASTORIA

CLATSOP COUNTY, OREGON

JANUARY 2015

INTRODUCTION

Hatfield & Dawson Consulting Engineers has been retained to evaluate the proposed Verizon Wireless personal wireless telecommunications facility "OR1 CITY PARK" for compliance with current Federal Communications Commission (FCC) and local guidelines regarding public exposure to radio frequency (RF) electromagnetic fields (EMFs).

BACKGROUND

Construction drawings furnished by Verizon representatives show that the proposed wireless facility will have panel antennas installed atop a new monopole tower at 1530 Shively Park Road, Astoria, in Clatsop County, Oregon 97103.

The drawings show the proposed Verizon panel antennas mounted and centered approximately 145 feet above ground level and far removed from any habitable space. Two future microwave dish antennas are shown mounted just below the panel antennas. Thus all of the Verizon antennas will be mounted well above head height for persons at the project site, on adjacent properties, or within nearby buildings.

The tower is shown without climbing appurtenances. Therefore it is unlikely that anyone other than authorized workers could approach near enough to any of the tower-mounted antennas to cause that person's RF exposure to exceed FCC limits.

All of the Verizon antennas are highly directional in the vertical plane, and they project the majority of the transmitted RF energy horizontally and well above all nearby habitable areas. It is expected that RF exposure conditions will be well below FCC and local public exposure limits at the project site and on adjacent properties, due to the contributions from all of the Verizon wireless operations at the project site.

EMISSION CHARACTERISTICS

The proposed Verizon facility may operate within the 700 MHz Upper Block "C" band, the 800 MHz Cellular "B" band, the Personal Communications Service (PCS) bands, and the Advanced Wireless Service (AWS) "B" band 2.1 GHz frequency range.

COMPLIANCE WITH FCC AND LOCAL REGULATIONS

The operation of the proposed Verizon facility will NOT create significant RF exposure conditions in any occupancy, publicly accessible area, or within any habitable area. There does not appear to be any habitable areas near the project location which is within a park.

Installation of the proposed Verizon antennas will not cause any any publicly accessible area to exceed the Federal Communications Commission's (FCC) limits for human exposure to radio frequency electromagnetic fields. Thus the proposed Verizon wireless operations at the OR1 CITY PARK project site will not have a significant environmental impact as defined by the FCC Public MPE limits.

The FCC has determined through calculations and technical analysis that personal wireless facilities, such as those operated by Verizon, are highly unlikely to cause human RF exposures in excess of FCC guideline limits. In particular, personal wireless facilities with non-building-mounted antennas greater than 10 meters (about 33 feet) above ground level are considered to have such a low impact on overall exposure conditions that they are "categorically excluded" (i.e., exempt) from the requirement for routine environmental assessment regarding RF exposure hazards. Thus according to FCC rules, the proposed Verizon personal wireless facility, with all antennas centered at well above the 33 foot level, is exempt from further RF safety environmental assessment because it is presumed to be in compliance with the FCC RF exposure rules and guidelines. The proposed facility is expected to be compliant with FCC rules regarding public RF exposure provided that direct access to the Verizon antennas is positively restricted.

COMPLIANCE WITH FCC REGULATIONS FOR RF EMISSIONS AND RF INTERFERENCE

It is expected that the RF interaction between all of the Verizon wireless operations at the project site will be low enough to preclude the likelihood of localized interference caused by the proposed Verizon Wireless facility to the reception of any other communications signals. All of the Verizon antennas are sufficiently high enough, and far enough removed from all occupancies, that they are unlikely to cause interference with nearby consumer receivers or other consumer electronic devices.

Transmission equipment for the proposed Verizon wireless facility is certified by the FCC under the equipment authorization procedures set forth in the FCC rules. This assures that the wireless facility will transmit within the desired base-station frequency bands at authorized power levels. The proposed Verizon Wireless facility will operate in accordance with all FCC rules regarding power, signal bandwidth, interference mitigation, and good RF engineering practices.

The proposed Verizon facility will comply with all FCC standards for radio frequency emissions.

COMPLIANCE WITH LOCAL REGULATIONS

Because the proposed Verizon Wireless facility is in compliance with federal rules, it is also in compliance with local regulations concerning RF emissions. The following is the complete text of 47 U.S.C. § 332(c)(7)(B)(iv):

"No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

CONCLUSIONS BASED ON CALCULATIONS AND REGULATIONS

The proposed Verizon Wireless facility "OR1 CITY PARK" will be in compliance with current FCC and local rules regarding radio frequency interference and public exposure to radio frequency electromagnetic fields. This conclusion is based on information supplied by Verizon representatives, and estimates of future RF exposure conditions due to the proposed Verizon facility in specific areas with the corresponding safe exposure guidelines set forth in the FCC rules.

The FCC exposure limits are based on recommendations by federal and private entities with the appropriate expertise in human safety issues. Under the Commission's rules and guidelines, licensees are required to ensure compliance with the limits for maximum permissible exposure (MPE) established by the FCC. These limits have been developed based on guidelines provided by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and the National Council on Radiation Protection and Measurements (NCRP). Both the NCRP and IEEE guidelines were developed by scientists and engineers with a great deal of experience and knowledge in the area of RF biological effects and related issues.

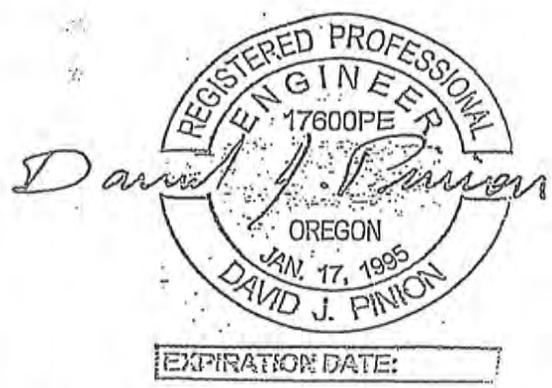
To ensure full compliance with current FCC rules regarding human exposure to radio frequency electromagnetic fields, the Verizon transmitters should be turned off whenever maintenance and repair personnel are required to work in the immediate vicinity of the Verizon antennas. This safety procedure should apply to all proposed and future wireless transmission facilities at the project site. All instances of antenna-related work require that the subject antennas be completely deactivated.

QUALIFICATIONS

I am a Senior Member of the IEEE. As a partner in the firm of Hatfield & Dawson Consulting Engineers I am registered as a Professional Engineer in the States of Oregon, Washington, California and Hawaii. I am an experienced radio engineer with over 30 years of professional engineering experience whose qualifications are a matter of record with the Federal Communications Commission, and I hold an FCC General Radiotelephone Operator License PG-12-21740.

All representations contained herein are true to the best of my knowledge.

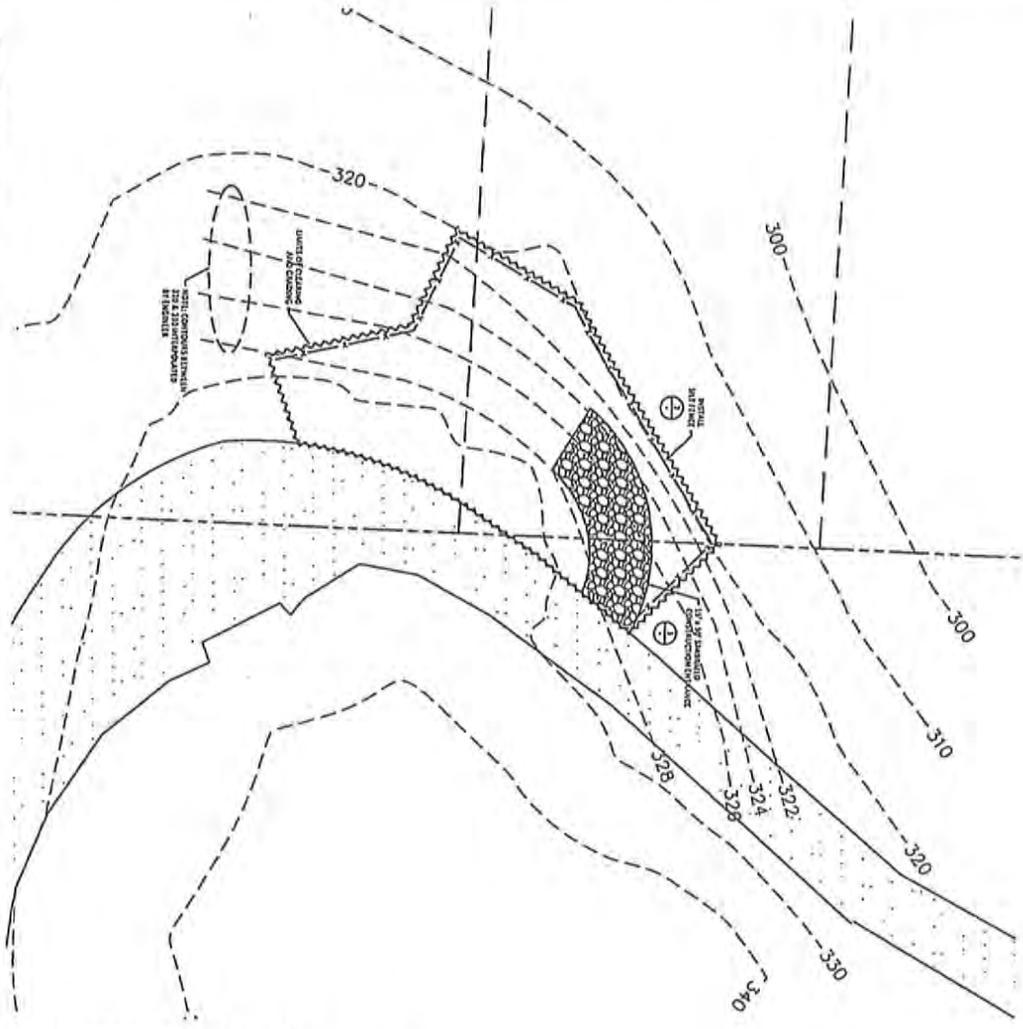
6 January 2015



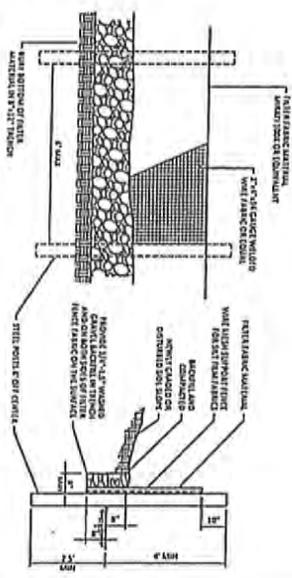
David J. Pinion, P.E.

PE Expiration Date 12/31/2016

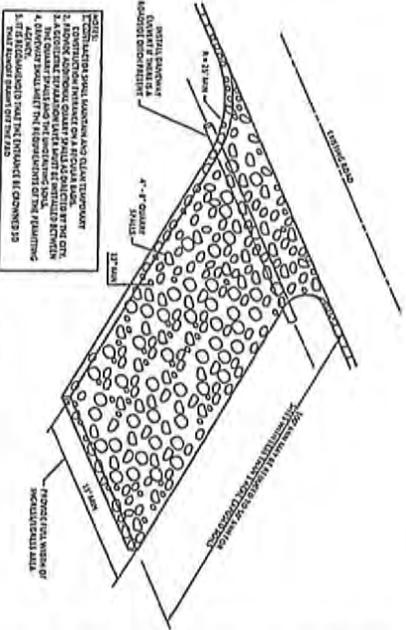
1 TEMPORARY EROSION CONTROL PLAN



2 FILTER FABRIC FENCE



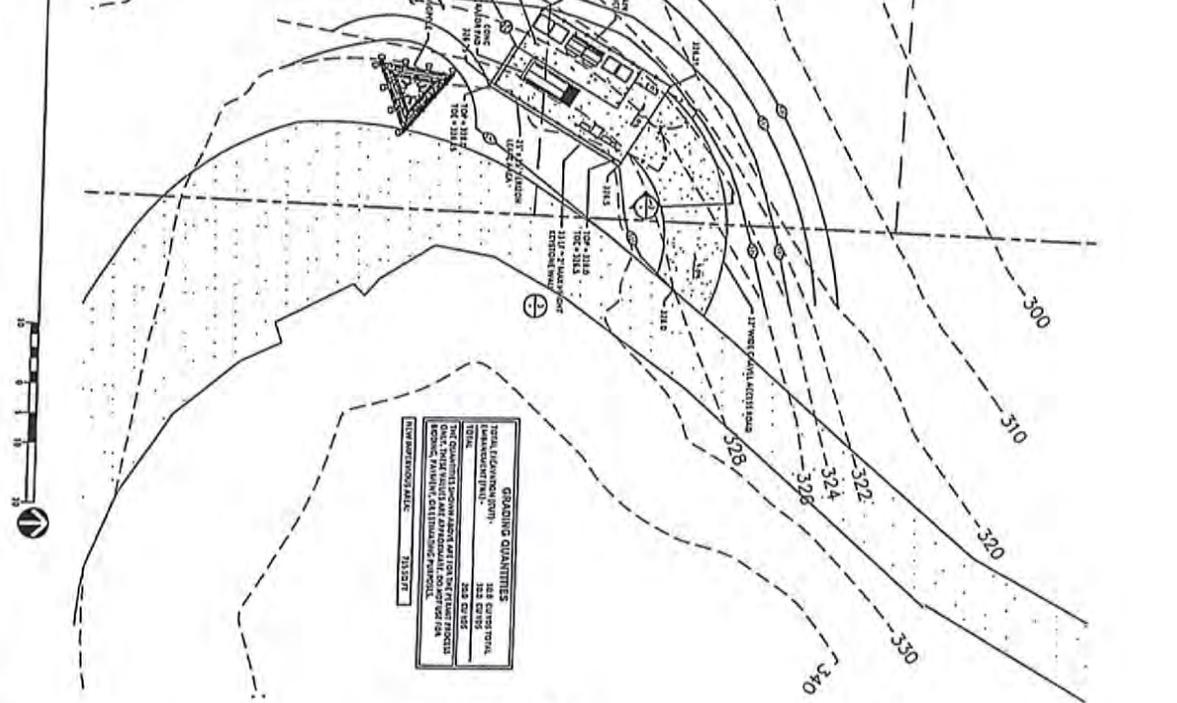
3 TEMPORARY CONSTRUCTION ENTRANCE



1. THE EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION.
2. THE EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
3. THE EROSION CONTROL MEASURES SHALL BE REMOVED UPON COMPLETION OF CONSTRUCTION.
4. THE EROSION CONTROL MEASURES SHALL BE REINSTALLED IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.

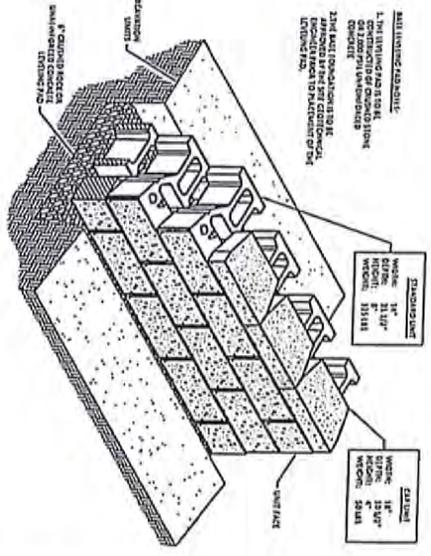
	<p>ORI-CITY PARK (NEW BUILD)</p> <p>1633 RARELY PARK ROAD AUSTIN, TX 78703</p>	<p>PROJECT NUMBER C-2</p>	<p>SHEET NUMBER C-2</p>	<p>PROJECT NUMBER</p>		<p>ENGINEERING</p> <p>300 AIR FORCE BOULEVARD DALLAS, TEXAS 75246 TEL: (214) 771-1000 FAX: (214) 771-1000 OR PROJECT NUMBER: 16111311</p>	<p>PROJECT MANAGER: PJ</p> <p>PREPARED BY: JS</p> <p>APPROVED BY: CAC</p>
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1 GRADING AND DRAINAGE PLAN
SCALE: 1" = 30'



GRADING QUANTITIES	
TOTAL DRAINAGE (CY)	128.8 CUBIC YARDS
TOTAL GRADING (CY)	228.2 CUBIC YARDS
TOTAL CUT (CY)	228.2 CUBIC YARDS
TOTAL FILL (CY)	0.0 CUBIC YARDS
NOTE: QUANTITIES ARE APPROXIMATE AND SUBJECT TO CHANGE. ALL QUANTITIES ARE BASED ON THE GRADING PLAN AND SHALL BE VERIFIED BY THE FIELD SUPERVISOR.	
DATE: 11/15/11	BY: JMS/STP

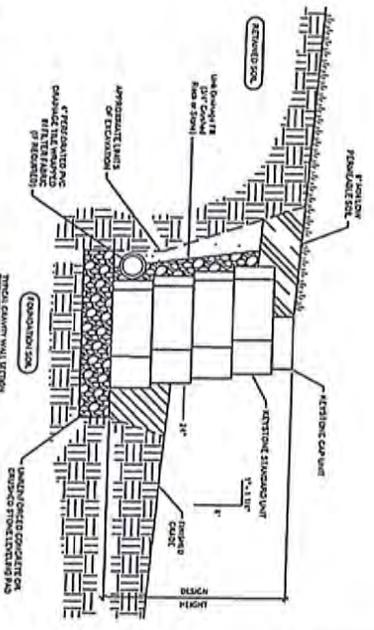
4 KEystone MANUFACTURE STANDARD DETAIL
SCALE: 3/4" = 1'-0"



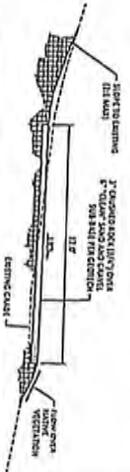
- ALL FINISHES ARE AS SHOWN:**
- 1. THE FINISHES ARE AS SHOWN ON THE DRAWING AND SHALL BE VERIFIED BY THE FIELD SUPERVISOR.
 - 2. THE FINISHES ARE AS SHOWN ON THE DRAWING AND SHALL BE VERIFIED BY THE FIELD SUPERVISOR.
 - 3. THE FINISHES ARE AS SHOWN ON THE DRAWING AND SHALL BE VERIFIED BY THE FIELD SUPERVISOR.

ITEM	DESCRIPTION	QUANTITY	UNIT
1	STANDARD	128.8	CY
2	GRADING	228.2	CY
3	CUT	228.2	CY
4	FILL	0.0	CY

3 KEystone MANUFACTURE STANDARD DETAIL
SCALE: 3/4" = 1'-0"



2 CROSS SECTION
SCALE: 3/4" = 1'-0"



	<p>ENGINEERING</p> <p>200 N. W. 10th St., Suite 200 Phoenix, AZ 85003 Phone: (602) 778-1234 Fax: (602) 778-1234 62 Project Number: 1101234</p>	<p>PROJECT MANAGER JY</p> <p>PREPARED BY JY</p> <p>APPROVED BY DC</p> <p>DATE 11/15/11</p>	<p>OR-CITY PARK (NEW BUILD) 630 RIVLEY PARK ROAD ATLANTA, OR 8700</p>	
	<p>SHEET NAME GRADING AND DRAINAGE PLAN</p>	<p>SHEET NUMBER C-3</p>	<p>PROJECT NUMBER</p>	



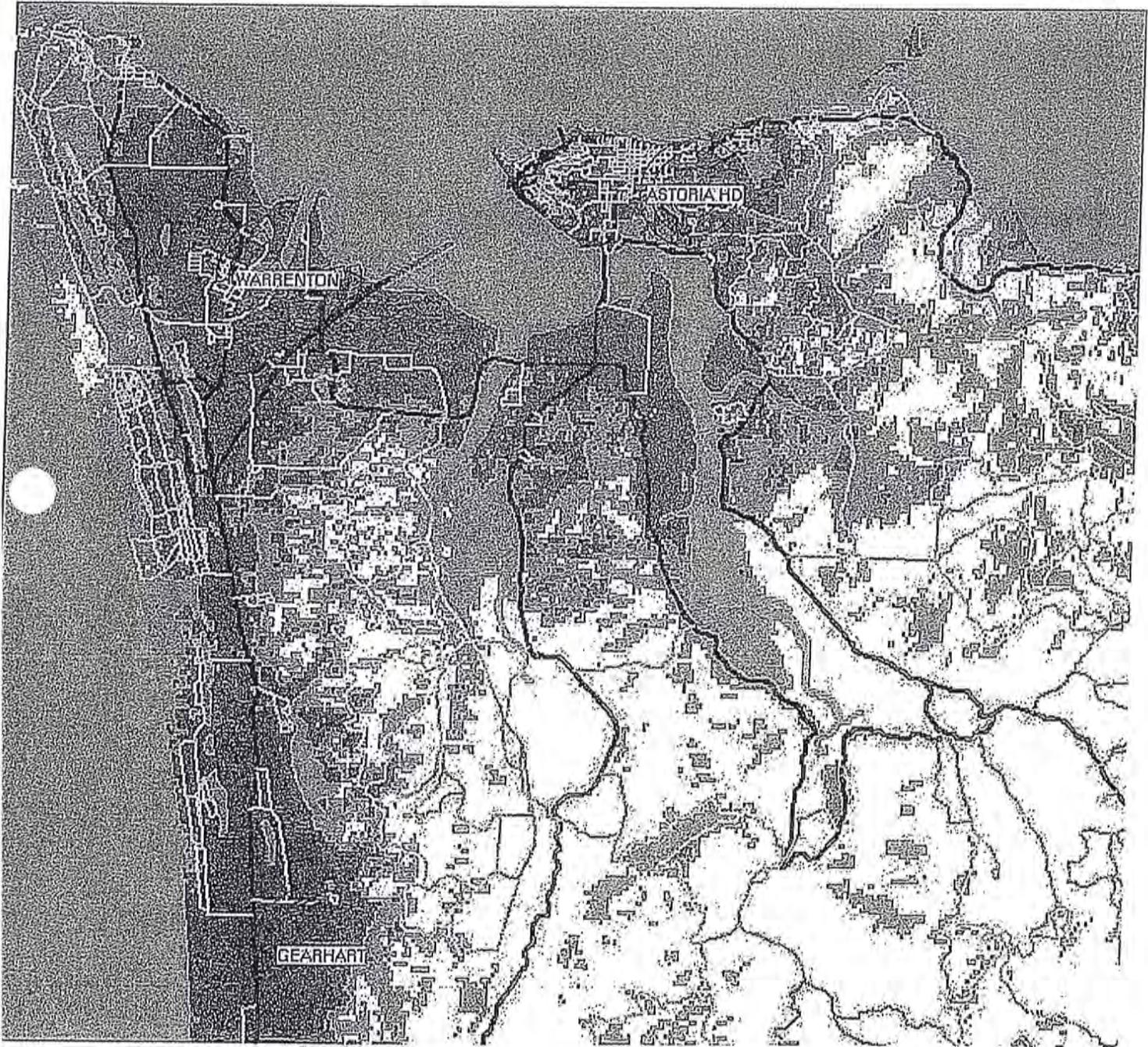
RF Propagation Maps

For Site "OR1 City Park"

Map Disclaimer

These maps show approximately where there is wireless coverage based on our own internal data. The maps are not a depiction of actual service or rates availability. The mapped territory contains areas with no service. Voice clarity and reception may vary near coverage boundaries. Wireless service is subject to network and transmission limitations, including cell site unavailability, particularly in remote areas. Customer equipment, weather, topography, and other environmental considerations associated with radio technology also affect service. Additionally, service may vary significantly within buildings depending on location or building structure.

Exhibit 1 – OR1 City Park current Coverage



Existing Sites:
OR1 Warrenton
OR1 Astoria HD (near Astoria Column)
OR1 Gearhart

High RF Signal (≥ -80 dBm)
Moderate RF Signal (≥ -90 dBm)
Weak RF Signal (≥ -100 dBm)

*Exhibit 2 – OR1 City Park without Coverage
(Inclusive of removal of Astoria HD site near the Column)*

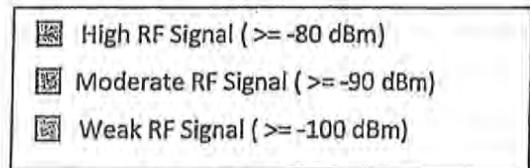
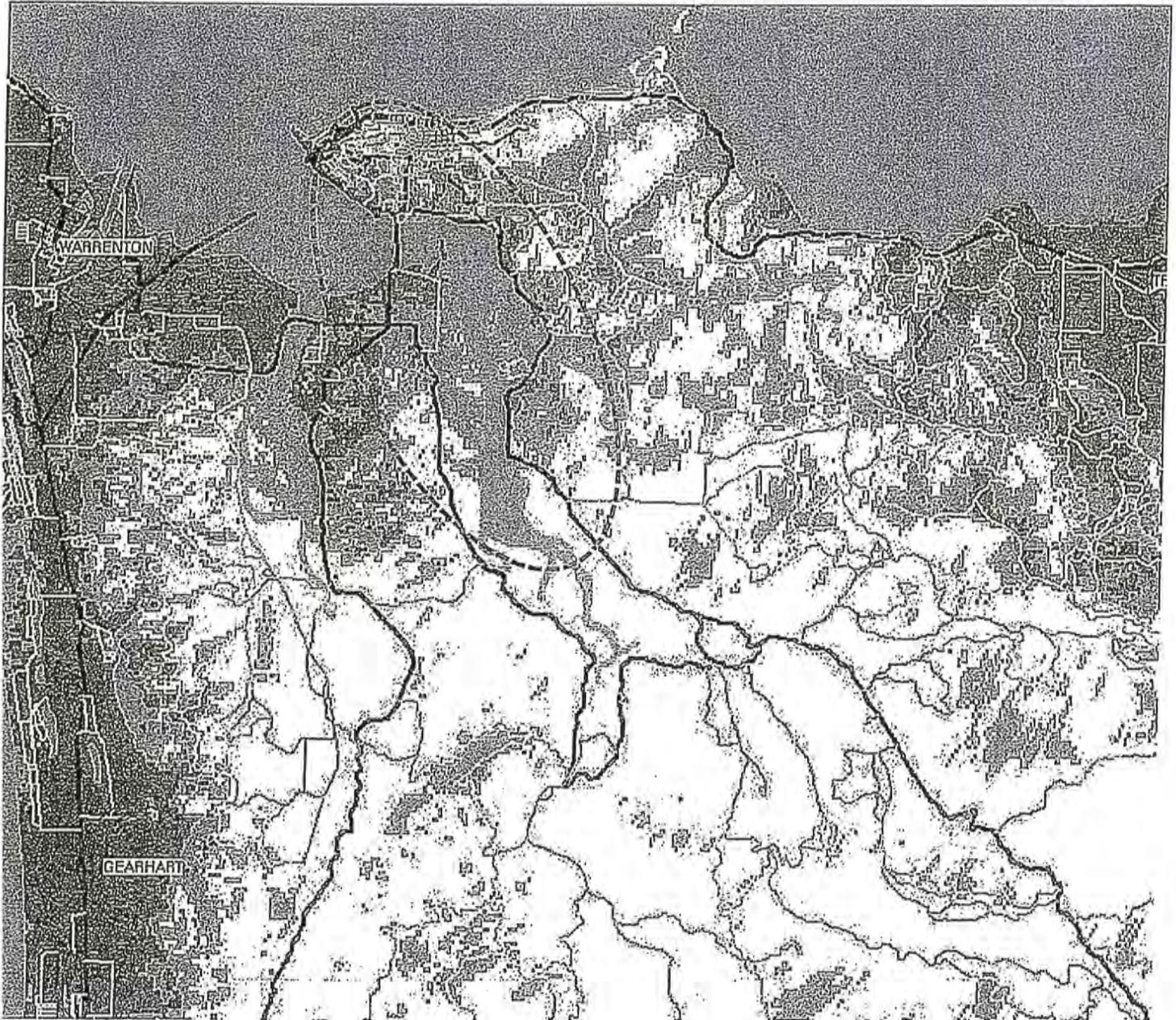
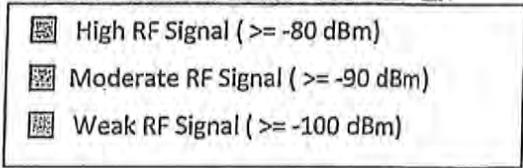
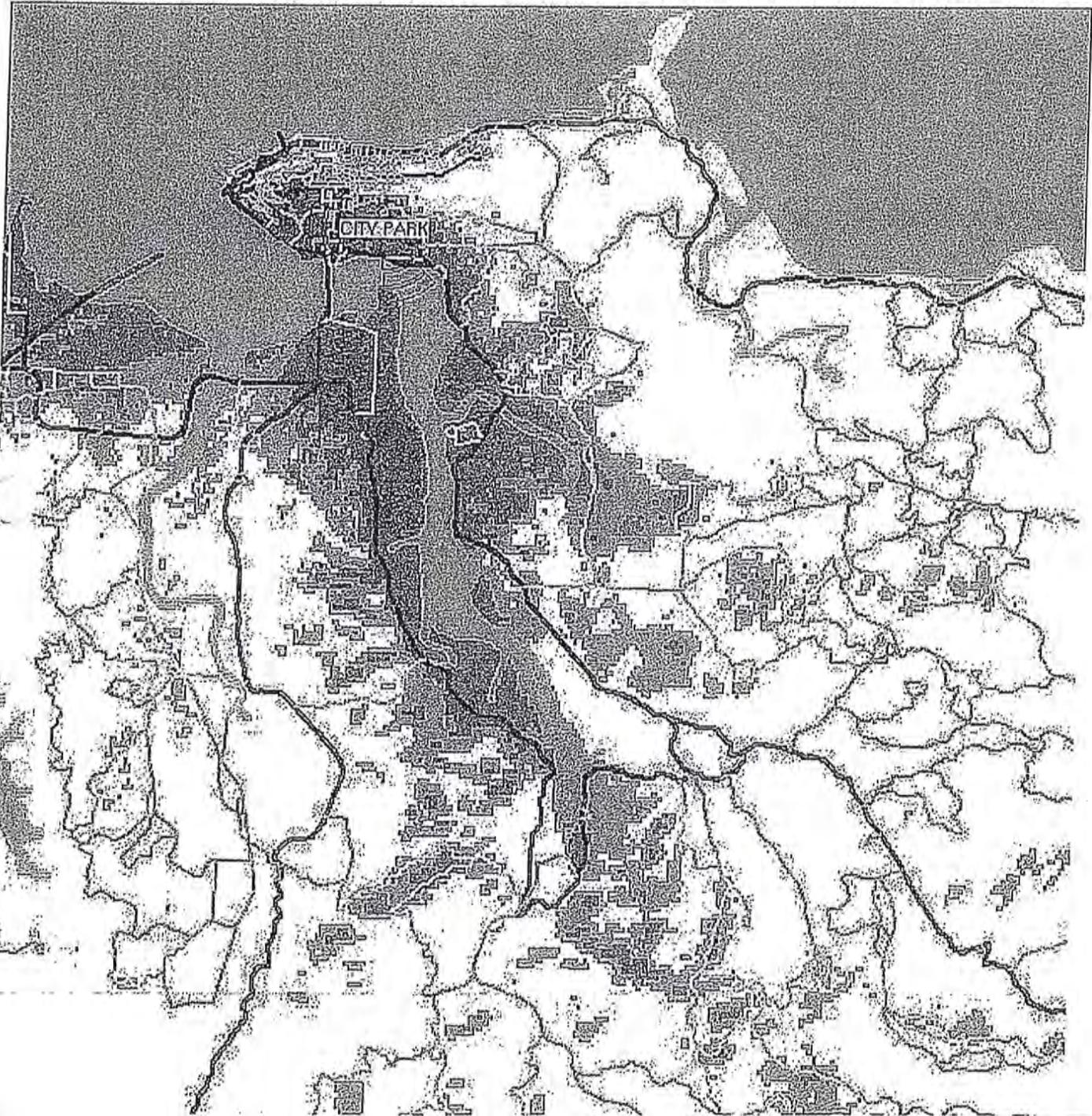


Exhibit 3 – OR1 City Park Coverage Only



*Exhibit 4 – OR1 City Park Coverage Only
(close up view)*

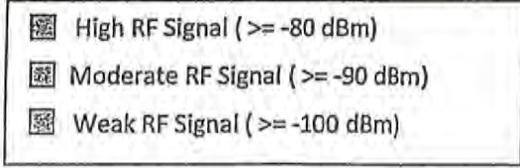
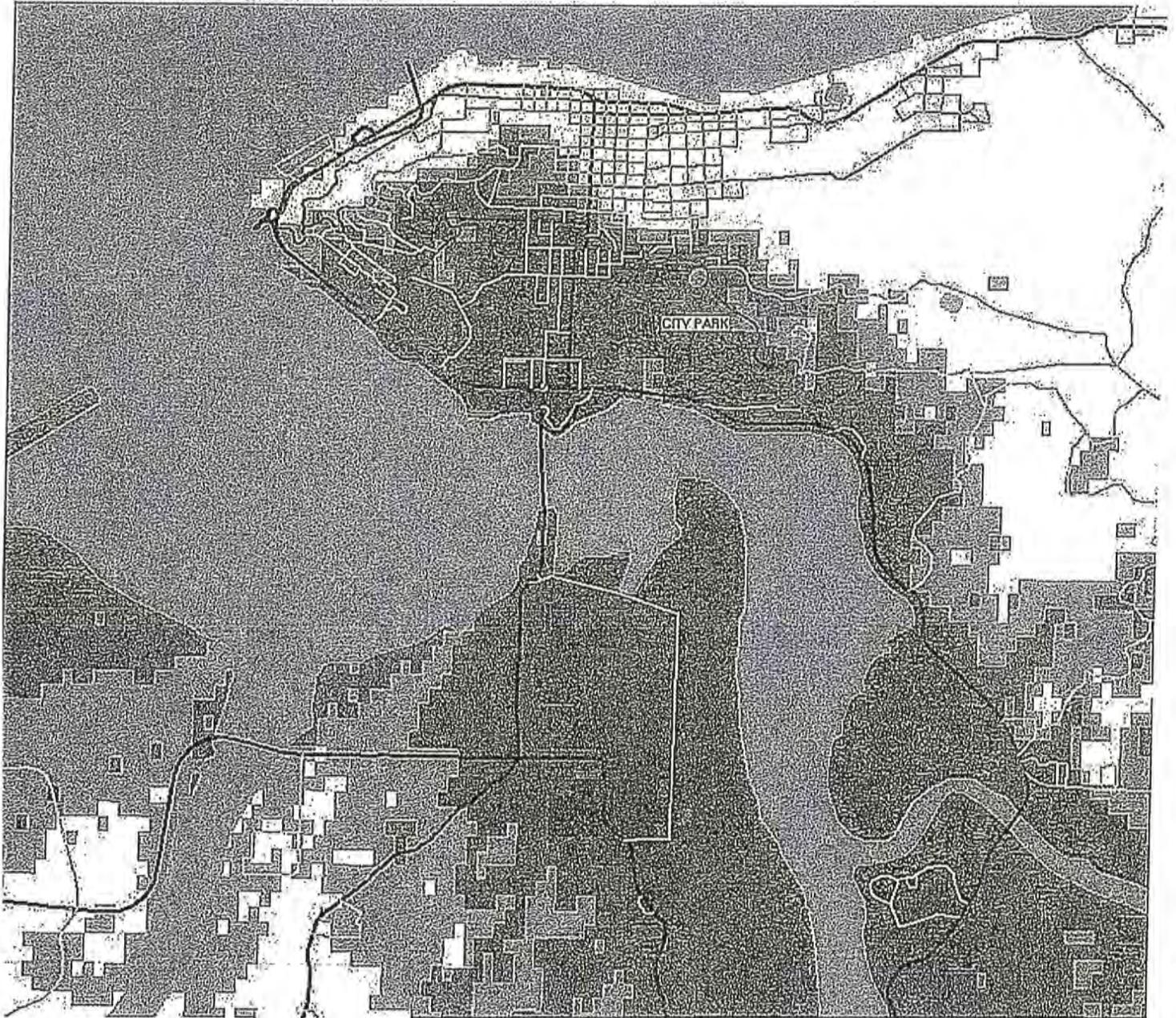
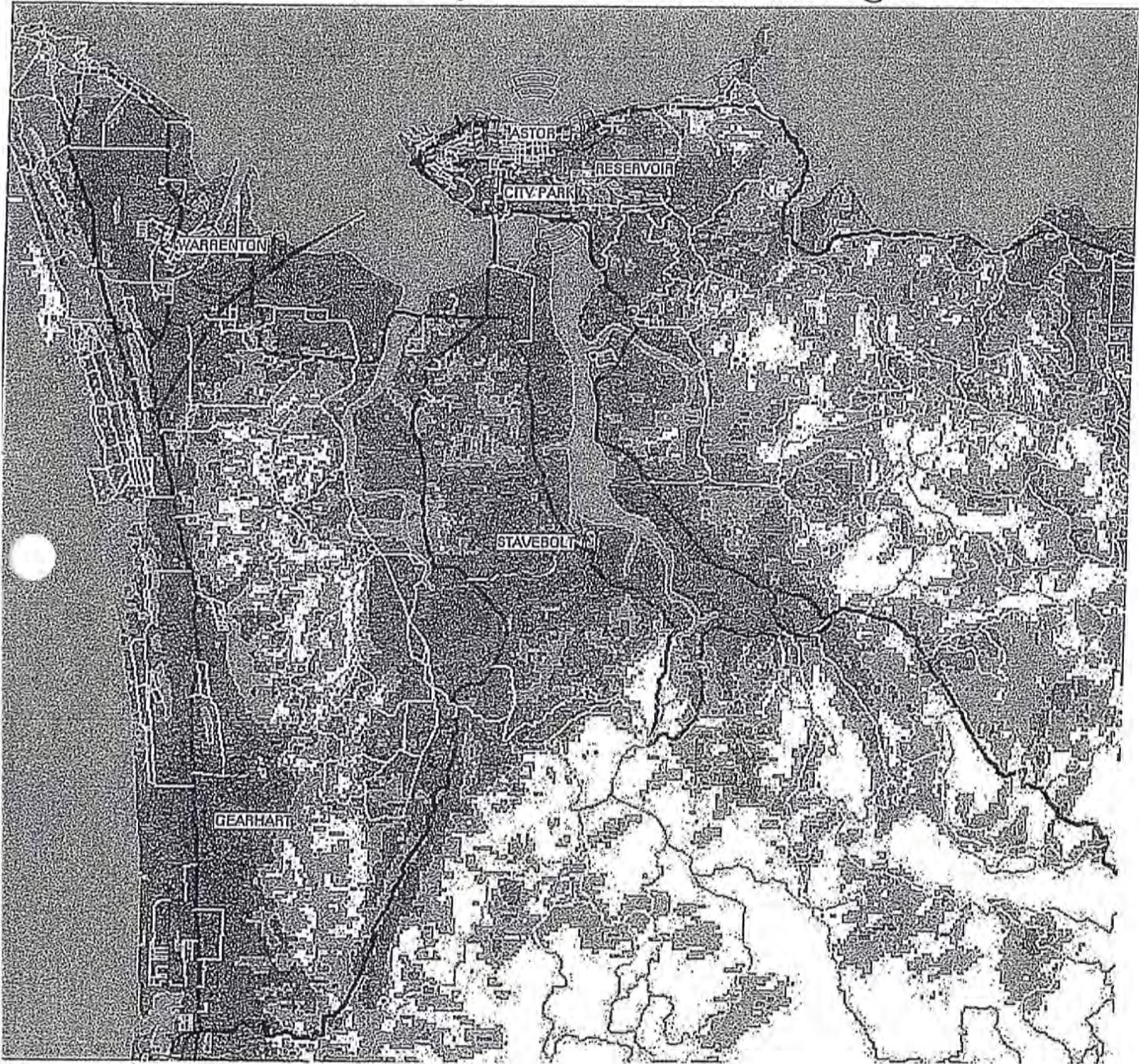


Exhibit 5 – OR1 City Park Network Integration



Existing Sites:

- OR1 Warrenton
- OR1 Gearhart

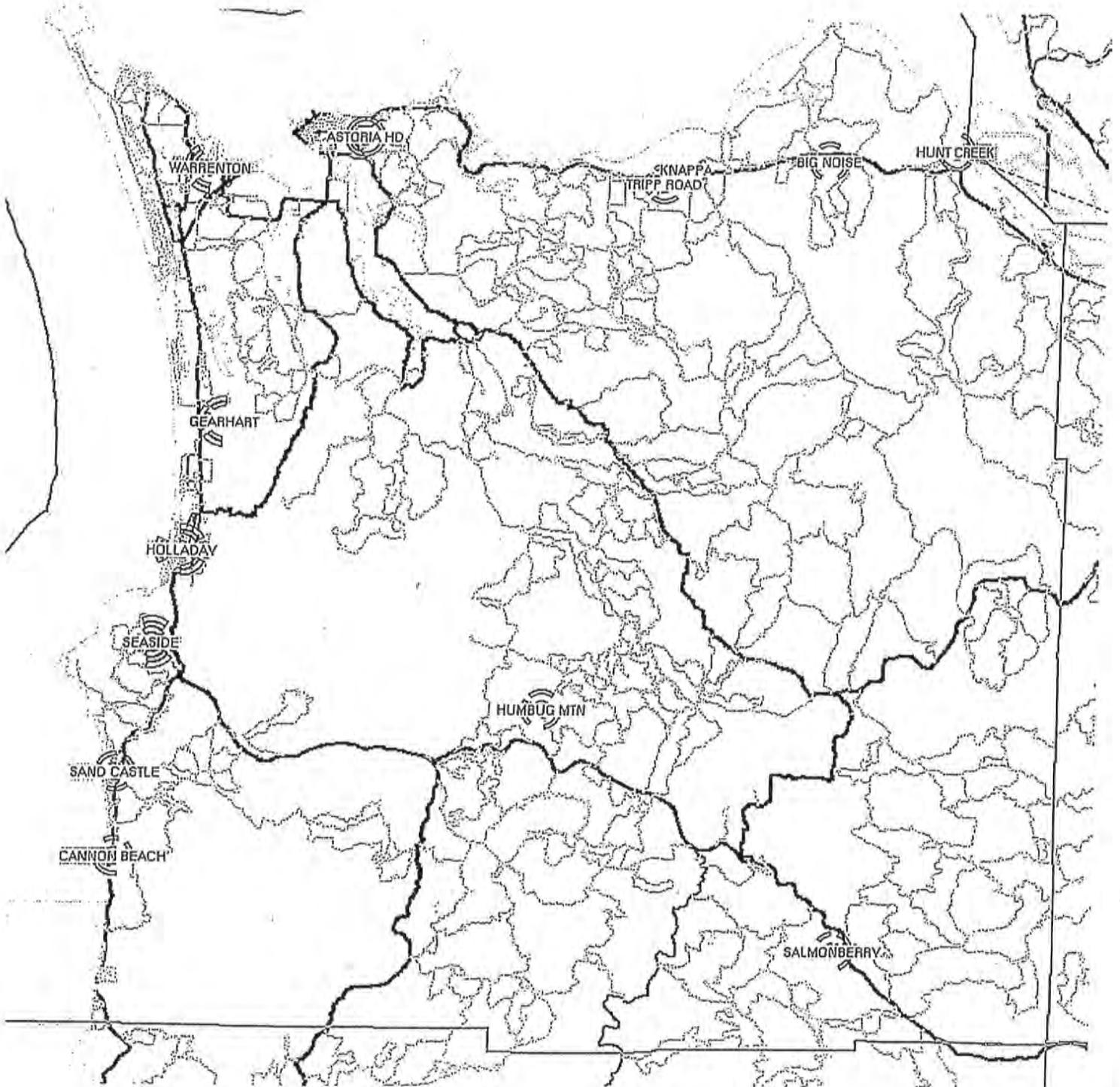
Proposed Sites:

- OR1 City Park (Site proposed herein)
- OR1 Reservoir
- OR1 Astor
- OR1 Stavebolt

- High RF Signal (≥ -80 dBm)
- Moderate RF Signal (≥ -90 dBm)
- Weak RF Signal (≥ -100 dBm)

Location Map

*All Existing Clatsop County Sites
Owned and/or operated by Verizon Wireless.
(Propagation not shown for clarity)*





CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

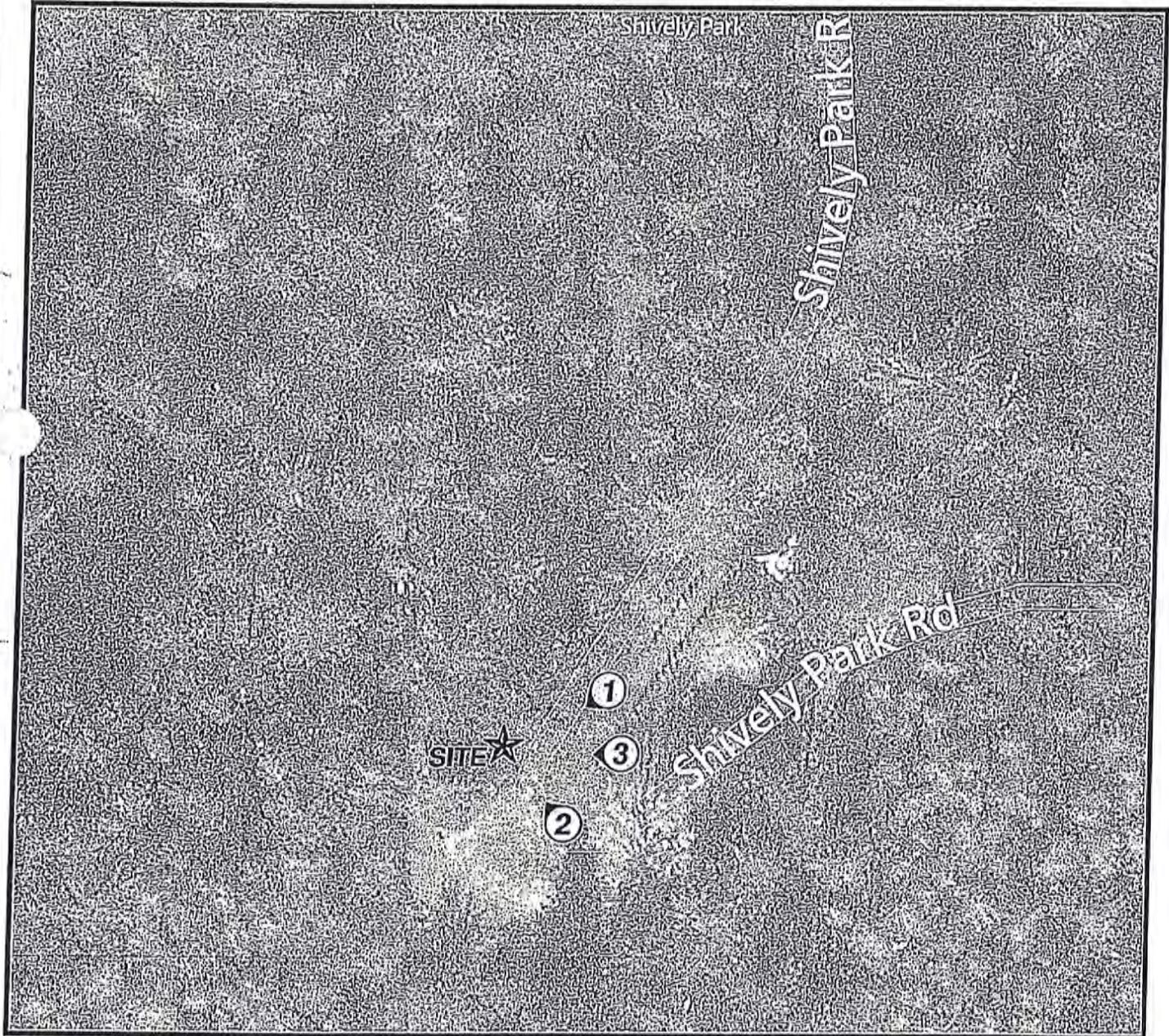


PHOTO SIM LOCATION MAP



CAMP+
ASSOCIATES

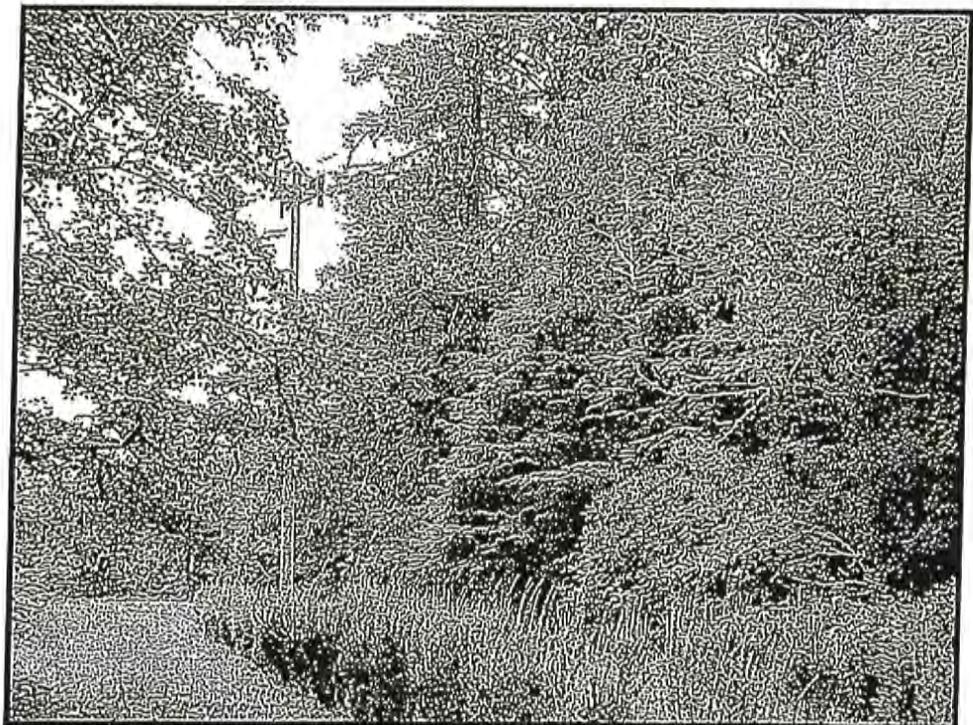
OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #1 LOOKING SOUTHWEST



CURRENT



PROPOSED

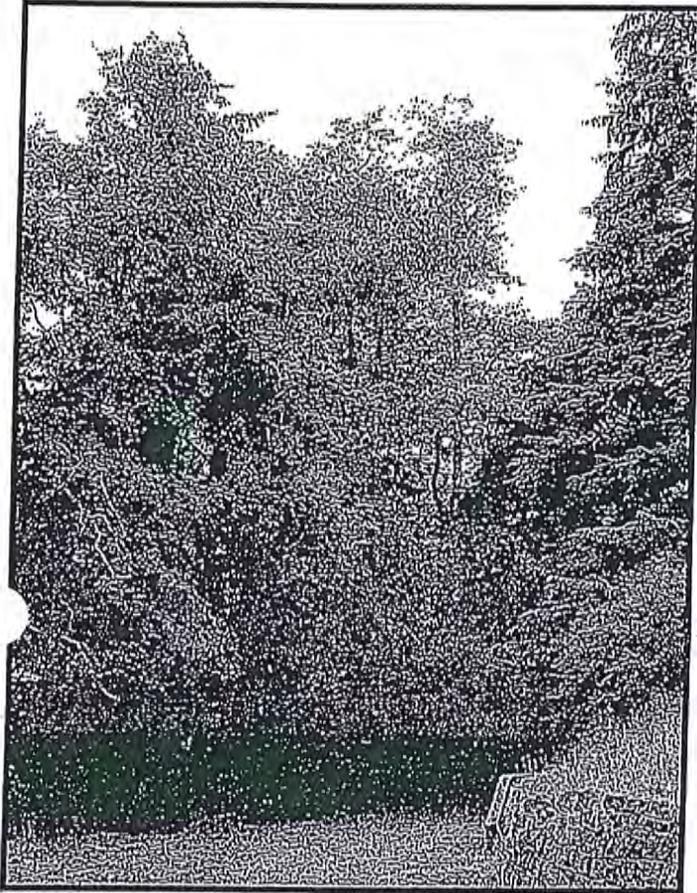


CAMP+
ASSOCIATES

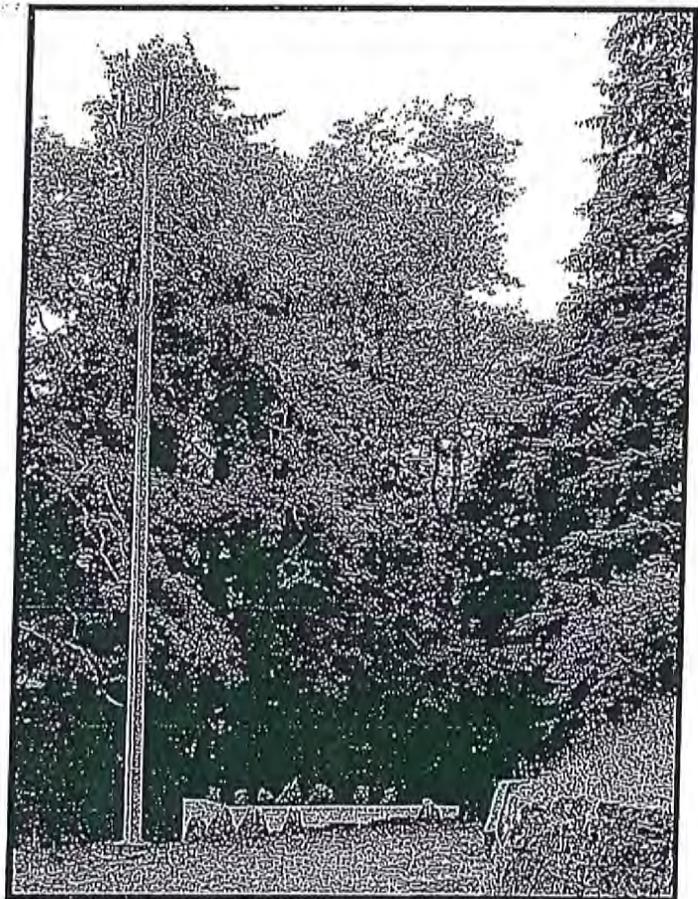
OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #2 LOOKING NORTHWEST



CURRENT



PROPOSED

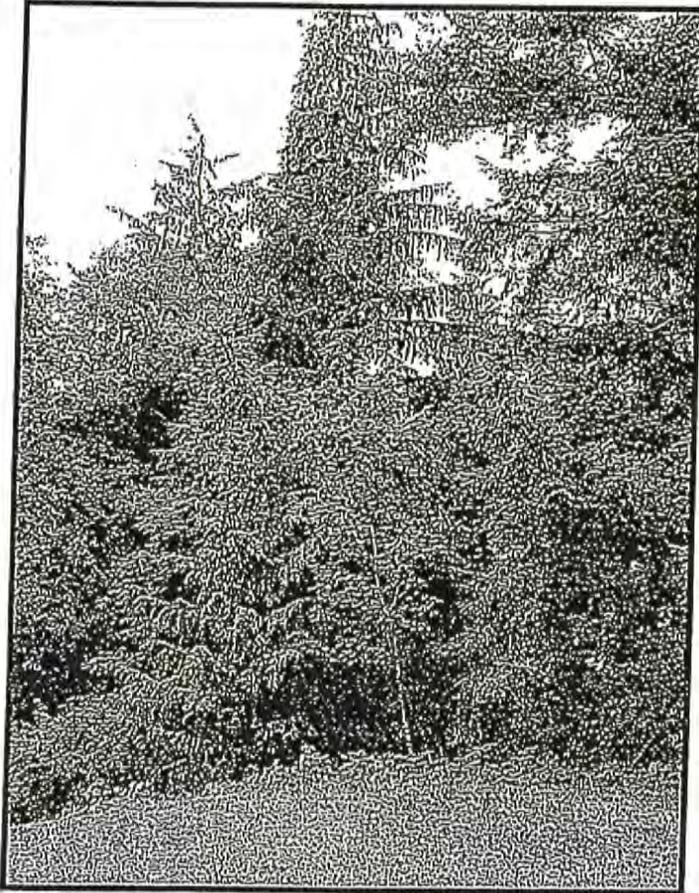


CAMP+
ASSOCIATES

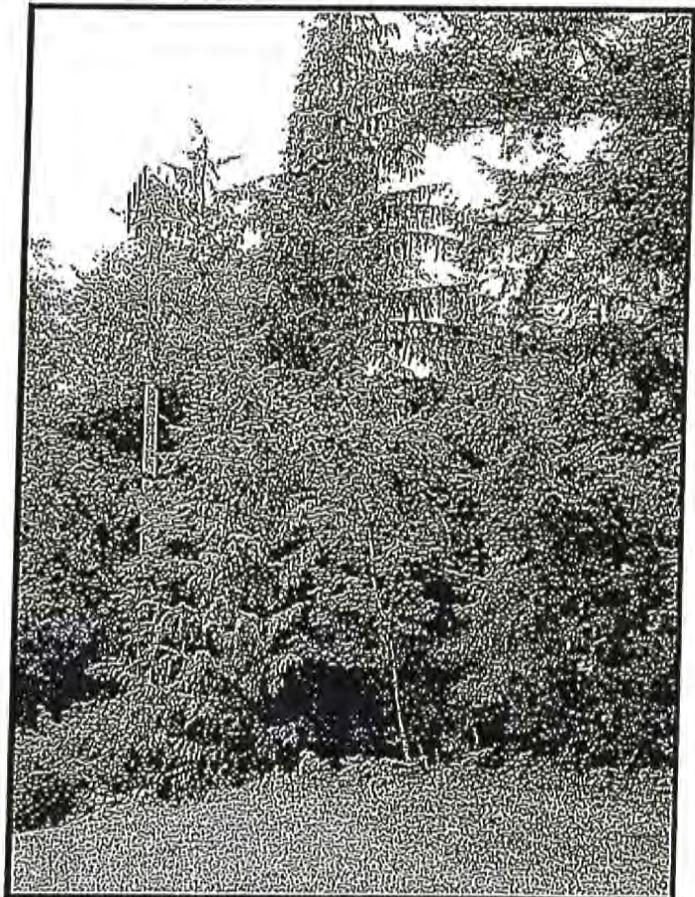
OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #3 LOOKING WEST



CURRENT



PROPOSED



CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

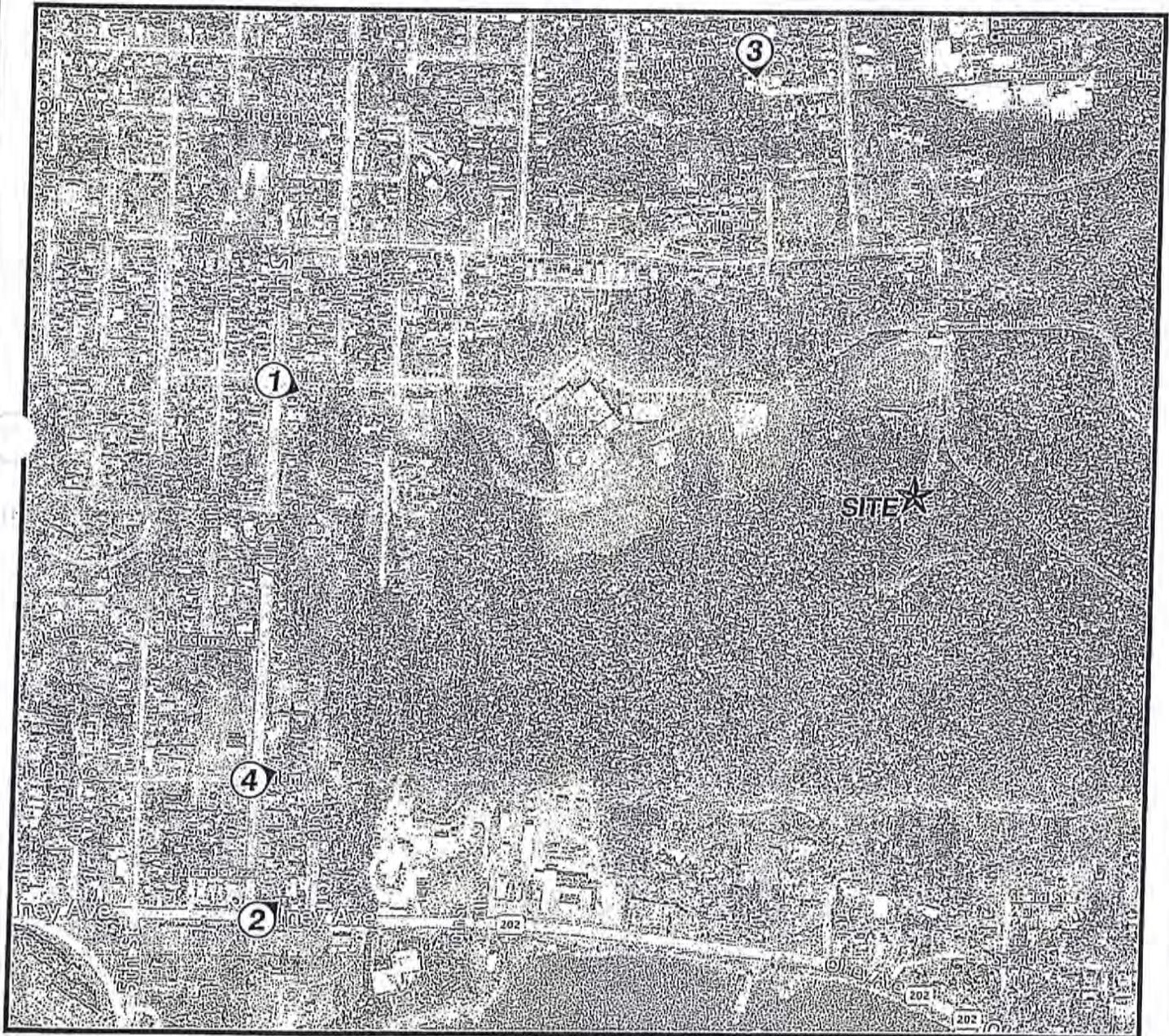


PHOTO SIM LOCATION MAP

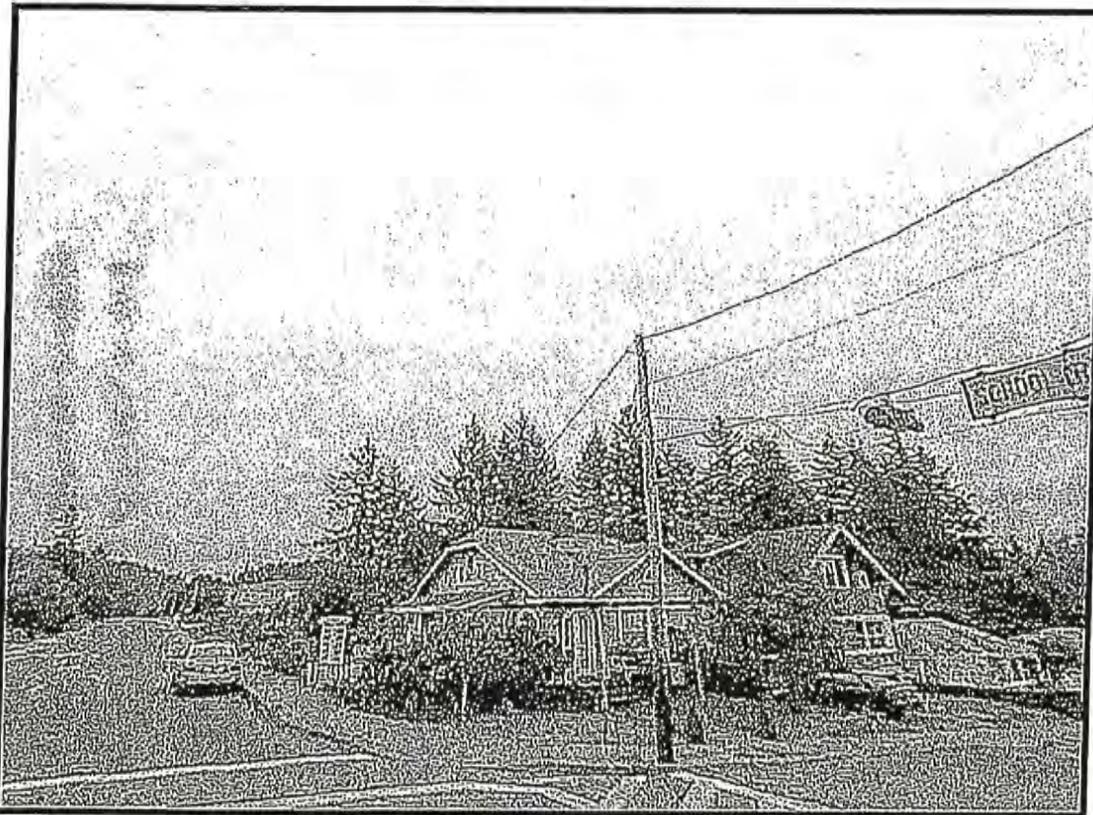


CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #1 LOOKING EAST



CURRENT - TOWER NOT SEEN



CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #2 LOOKING NORTHEAST



CURRENT - TOWER NOT SEEN

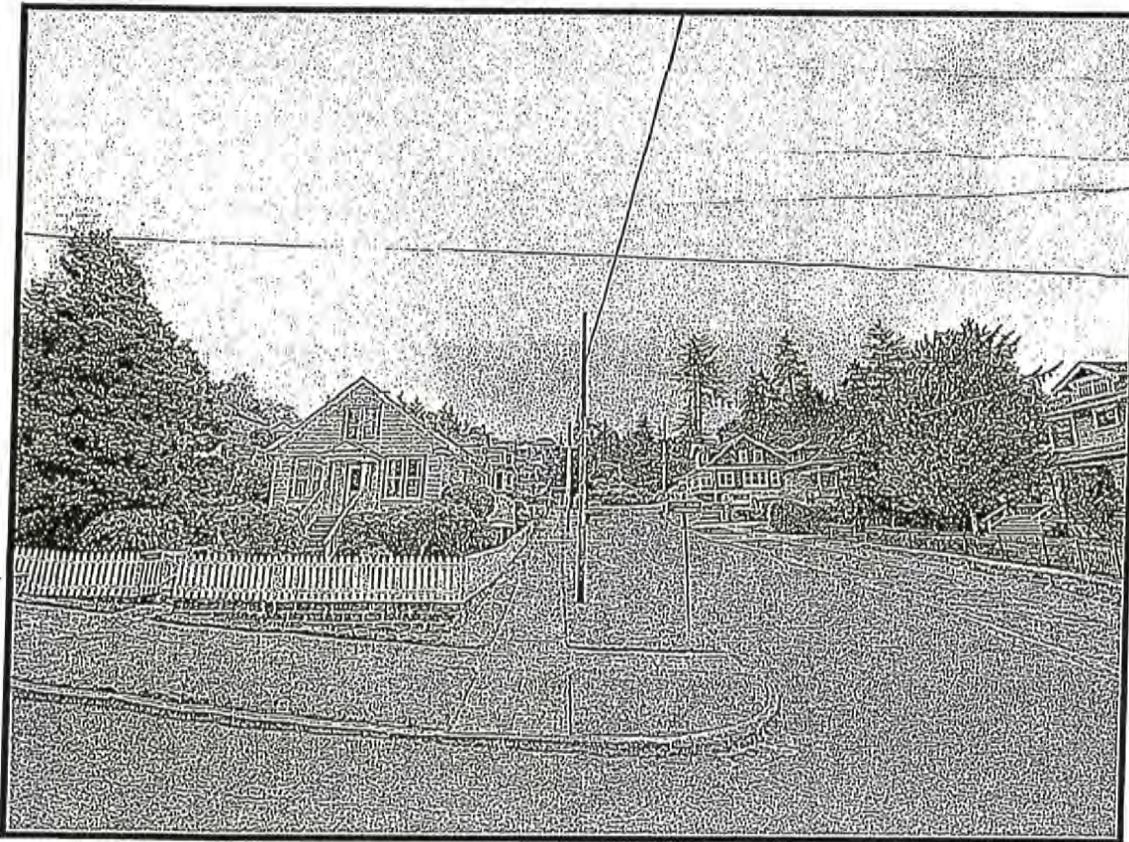


CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #3 LOOKING SOUTH



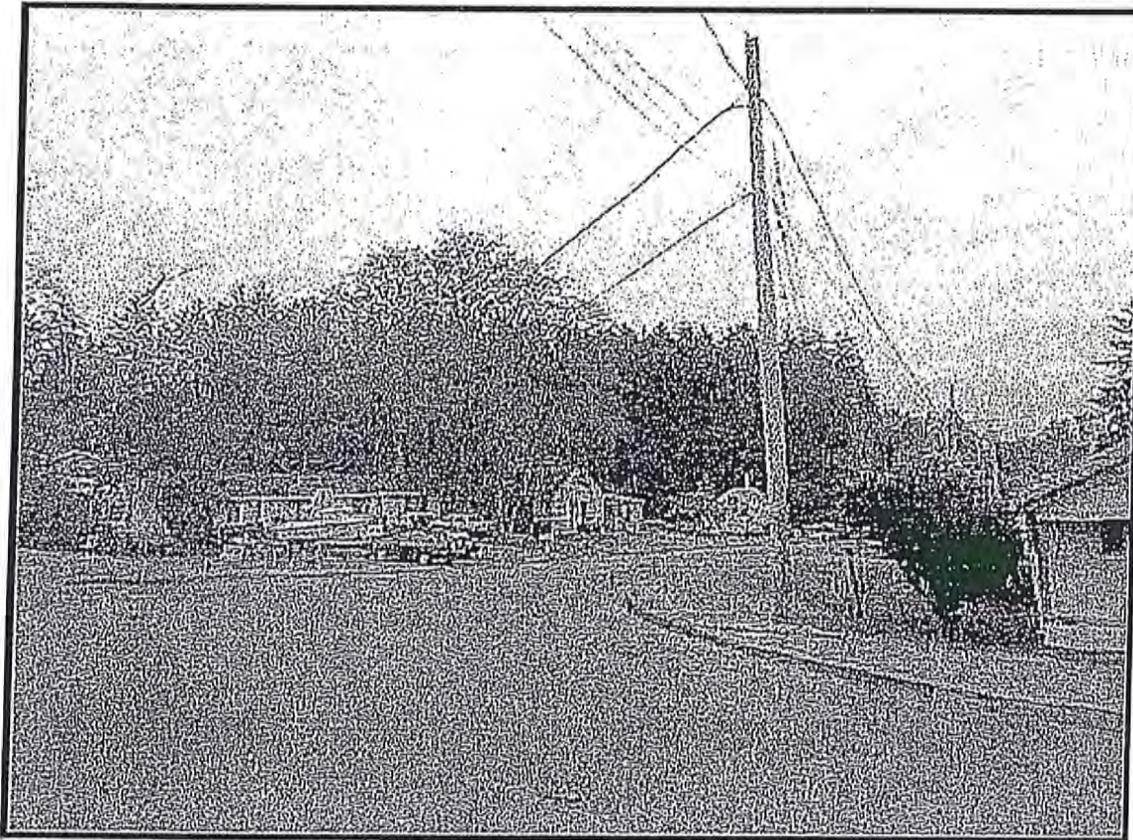
CURRENT - TOWER NOT SEEN



OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #4 LOOKING NORTHEAST



CURRENT - TOWER NOT SEEN



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-ANM-3227-OE

Issued Date: 01/15/2015

Jim O'Dowd
 Verizon Wireless
 180 Washington Valley Rd
 Bedminster, NJ 07921

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower OR 1
Location:	Astoria, OR
Latitude:	46-10-55.92N NAD 83
Longitude:	123-47-57.25W
Heights:	617 feet site elevation (SE)
	150 feet above ground level (AGL)
	767 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 07/15/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (310) 725-6591. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ANM-3227-OE.

Signature Control No: 236479859-240207357
Tamera Burch
Technician

(DNE)

Attachment(s)
Frequency Data

cc: FCC

Frequency Data for ASN 2014-ANM-3227-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W



Oregon

John A. Kitzhaber, MD, Governor



March 4, 2015

Verizon Wireless
10570 SE Washington St.
Suite 211
Portland, OR 97216

3040 25th Street, SE
Salem, OR 97302-1125
Phone: (503) 378-4880
Toll Free: (800) 874-0102
FAX: (503) 373-1688

Subject: Oregon Department of Aviation comments regarding proposed construction of a monopole 150' in height located in Astoria, Oregon.

Aviation Reference: 2015-ODA-055-OE

The Oregon Department of Aviation (ODA) has conducted an aeronautical study of these proposed new structure(s) and has determined that notice to the FAA is required. The structure does not exceed Obstruction Standards of OAR 738-70-0100.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. Any changes to the original application will void this determination. Any future construction or alteration to the original application will require a separate notice from ODA.

This determination will expire (12) months from the date of this letter if construction has not been started.

Mitigation Recommendation:

- We do not object with conditions to the construction described in this proposal. This determination does not constitute ODA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.
- Marking and lighting are necessary for aviation safety. We recommend it be installed and maintained in accordance with FAA Advisory Circular AC70/7460-1K Change 2
- The proposed obstruction should to be lower to a height that is no longer a hazard to the airport primary and horizontal surface FAA FAR 77
- The proposed obstruction should be relocate outside the airport primary and horizontal surface FAA FAR 77

Sincerely,

John P. Wilson Jr, Airport Operation & Tall Structure Specialist.



Oregon

John A. Kitzhaber, MD, Governor



3040 25th Street, SE
Salem, OR 97302-1125
Phone: (503) 378-4880
Toll Free: (800) 874-0102
FAX: (503) 373-1688

August 26, 2015

Sherri Williams
Administrative Assistant
City of Astoria
Community Development Department
Astoria City Hall
1095 Duane Street
Astoria, OR 97103

SUBJECT: WCF15-03 / V15-03 / NC15-03 Wireless Communication Facility

This letter is in response to City's notice of application(s) for a 150-foot wireless communication monopole, located at 1580 Shively Park Road (Map T8N-R9W Section 17 Tax Lot 1200 & Map 17CA Tax Lot 600). After a preliminary review of the proposed application the Oregon Department of Aviation has the following comments and recommendations:

- Prior to issuance of a building permit the applicant must file and receive a determination from the Oregon Department of Aviation and the FAA as required by OAR 738-070-0060 on FAA Form 7460-1 Notice of Proposed Construction or Alteration to determine if this monopole is a hazard to aviation safety. Safety mitigation measures may be required, such as markings and lighting meeting FAA design standards.

Thank you for allowing ODA to comment on this development proposal. If you have any questions or need further information please feel free to contact me at 503-378-2529 or Jeff.Caines@aviation.state.or.us or Heather Peck – Projects and Planning Manager at 503-378-3168 or Heather.Peck@aviation.state.or.us.

Sincerely,

Jeff Caines, AICP
Aviation Planner



Oregon

John A. Kitzhaber, MD, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE, Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org

February 24, 2015

RECEIVED
FEB 27 2015

BY: _____



Mr. R. Todd Baker
Terracon Consultants
21905 64th Avenue West, Suite 100
Mount Terrace, WA 98043

RE: SHPO Case No. 15-0150
TCNS File# 0006645866, Terracon OR1 City Park Telecom Project
New Tower
1530 Shively Park Road (8N 9W 17), Astoria, Clatsop County

Dear Mr. Baker:

We have reviewed the materials submitted on the project referenced above, and we concur that the Area of Potential Effect includes six properties (including one National Register-listed Historic District) that are eligible for or listed in the National Register of Historic Places. We also concur with the finding of no adverse effect for the proposed project.

This letter refers to above-ground historic resources only. Comments pursuant to a review for archaeological resources will be sent separately.

Unless there are changes to the project, this concludes the requirement for consultation with our office under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800) for above-ground historic resources. Local regulations, if any, still apply and review under local ordinances may be required. Please feel free to contact me if you have any questions, comments or need additional assistance.

Sincerely,

Jason Allen, M.A.
Historic Preservation Specialist
(503) 986-0579
jason.allen@oregon.gov

From: [Yogi Sandstrom](#)
To: [Sharon Gretch](#)
Subject: FW: Shively park
Date: Monday, July 13, 2015 10:14:25 AM

We can discuss later.

Yogi Sandstrom

LEXCOM Powered by Md7
Project Manager
m 503.739.5501

yogi.sandstrom@lexcomcorp.com

[Check out md7.com](http://md7.com)

From: Yundt, Arden
Sent: Friday, July 10, 2015 11:29 AM
To: Grant, Sarah
Cc: 'Yogi Sandstrom'
Subject: RE: Shively park

Hey guys,

In regard to new build site POR City Park, here is the reason we chose to build a tower at the southern end of the hilltop at Shively Park instead of collocating on the building at the corner of 16th St. and James St. (adjacent to Astoria Reservoir Number Two).

We are proposing to build a 150' tower on the southwestern end of the hilltop at an elevation of roughly 330 ft AMSL. This allows us to cover the southern and southwestern parts of Astoria as well as the Cooperage Slough valley with excellent line of sight and great signal strength. The crest of the hill to the north is at roughly 350 ft AMSL. Farther north is the building at the corner of 16th St. and James St. At a ground elevation of roughly 280 feet the building would need to be over 220 feet tall in order to meet the POR City Park coverage objective. Otherwise the hill blocks RF propagation to the South... shadowing southern Astoria and significantly decreasing the signal strength to the Cooperage Slough valley. Taking these details into account makes the decision between these two options very easy: the tower on the southern end of the hilltop is the only viable option.

Thank you,

Arden Yundt
RF Engineering
Pacific Northwest Region
5430 NE 122nd Ave.
Portland, OR 97230-1069

The Verizon Wireless logo, featuring a checkmark symbol above the word "verizon" in a bold, lowercase sans-serif font, followed by the word "wireless" in a smaller, lowercase sans-serif font.

From: Grant, Sarah
Sent: Friday, July 10, 2015 10:20 AM
To: Yundt, Arden
Cc: 'Yogi Sandstrom'
Subject: FW: Shively park

Per our conversation if you could call Adam to explain the elimination of the concrete building/reservoir 2 location *within Shively Park* and why the coverage objectives are not met within that specific location within the park. Feel free to leave him a message, or put it in writing if you prefer

From: Adam Haas [<mailto:AdamHaas@convergecomm.com>]
Sent: Thursday, July 09, 2015 3:38 PM
To: Grant, Sarah
Subject: RE: Shively park

That's great. I look forward to talking tomorrow. Adam



Adam Haas
Principal
Converge Communications
10425 SW Hawthorne Lane
Portland, OR 97225
Tel: 503-206-7154
Cell: 503-997-5584
Fax: 503-297-1081
www.convergecomm.com

APPEAL AP15-02

BY

RON ZILLI

OF

VARIANCE V15-03

TABLE OF CONTENTS

NOTICE OF APPEAL NO. AP15-02
BY
RON ZILLI
ON
VARIANCE PERMIT V15-03

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PUBLIC NOTICES	44
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NOTICE OF APPEAL

10-9-15 Notice of Appeal AP15-02 dated October 9, 2015 by Ron Zilli of
Variance Request V15-031



CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
 COMMUNITY DEVELOPMENT

CITY OF ASTORIA

OCT 9 2015

BUILDING CODES

No. AP 15-02

Fee: \$250.00

pd
10-9-15
4pm

NOTICE OF APPEAL

Property Address: 1580 Shively Park Road, Astoria OR 97103

Lot ~~17CA~~ & 1-8 Block 18 Subdivision Central Astoria
 Map T8N R9W Section 17 Tax Lot 1200 & 600 & Vacated Portion of
 Appellant Name: Ron Zilli *17CA* *TL 600* Zone IN Nile St.

Appellant Mailing Address: 1444 16th Street, Astoria OR 97103

Cell Phone: 503-741-1098 Home Phone: 503-338-6058 Email: r.f.zilli@gmail.com

Issue Being Appealed: Variance (V15-03) by Verizon Wireless LLC.

Signature of Appellant: *Ron Zilli* Date: 10.9.15

Name of Appellant's Attorney (if any): N/A

Address of Appellant's Attorney (if any): N/A

This Appeal is filed with the City of Astoria, in accordance with Development Code Section 9.040, on a decision and/or ruling dated 9/16/15 by the Astoria Planning Commission

Commission (Department/Commission/Committee/City Official)

Specific Criteria Appealed: See attached additional sheets

The specific grounds relied upon for review: See attached additional sheets

(If additional space is needed, attach additional sheets.)

For office use only: <i>9/30/15 & revised</i>			
Application Received:	<i>10-9-15</i>	Standing to Appeal	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Appeal Criteria:			
Application Complete:		Permit Info Into D-Base:	<i>10/15/15</i>
Labels Prepared:	<i>10/23/15</i>	Tentative Meeting Date:	<i>11-16-15</i>
120 Days:			

- SW/CDD/FORMS/APPEAL
- 1) WCF will have adverse impact to the area.
 - 2) Photo simulations do not show the actual dimensions & visual impacts
 - 3) Camouflage & concealment technology proposed are inadequate
 - 4) Future re-location facilities were not shown or considered
- 1-

Variance Appeal

RE: Variance (V15-03) at 1580 Shelvey Park Road.

I am writing to appeal the Astoria Planning Commission's (APC) approval of a Variance for Verizon Wireless to construct a 150' tall monopole and enclosed equipment building in historic Shively Park.

In my review of the proposed WCF I have concluded there is sufficient evidence to determine it does not conform to the standards of the applicable Development Code and should not be permitted in the Historic Landmark site based on the following facts:

1. Development Code Section 2.855, Height of Structure in the IN Zone, states that "No structure will exceed a height of 45 feet above grade."
 - a. The cell tower mock-up images in the staff report are not an accurate representation of the visual impact of the WCF. The height of the cell tower in the photo mock-ups is approximately half the actual size of the proposed tower. Please refer to Enclosure 1 for a more accurate mock-up image of the actual size of the cell tower.
 - b. The APC was shown deceptive mock-up images of the cell tower's visual impact. Because of this misrepresentation of the actual visual impact, they were unable to accurately weigh and consider the significant adverse impact to the scenic, natural and historic resources affected, including existing buildings, structures, and features within the historically designated site.
 - c. The proposed WCF structure and building facility does use adequate concealment technology and camouflage. To meet the standard in the section, the WCF must be reasonably difficult for the naked eye to detect or observe.
 - d. The proposed WCF is in a portion of the park that has a very natural setting. From my personal experience, this area receives more frequent Low-intensity recreation use than the Community Hall or picnic area. The construction of a 150' tall vertical tower and the end of the clearing on a ridge creates a substantial adverse visual impact that will not be difficult for the naked eye to detect or observe.
 - e. Staff acknowledge in their presentation (can be heard on the audio recording) that the WCF would be clearly visible. Despite this blatant awareness that it was incompatible with this historic landmarks setting in the IN Zone, staff still recommended the Variance be approved.

- f. I feel the staff's recommendation for approval was biased by the City's "partnering" in the whole effort to get the existing tower off the Astoria Column site.
- g. The proposed lease agreement with Verizon requires they allow other providers to collocate at the facility in the historic landmark site. Since the full development (additional collocated equipment on the tower) was not depicted in the illustrations used by the APC to assess the full visual impacts of the project, the actual adverse impact was not adequately considered. A depiction of the anticipated full occupancy of the WCF should have been presented and weighed by the APC when making their decision for a Variance.
- h. When weighed and considered as a whole, the proposed WCF creates a significant adverse impact to the scenic, natural and historic resources affected, including existing buildings, structures, and features within the historically designated site. Therefore, the Variance should be not have been approved by the APC.

Enclosure:

- 1) Photo Mock-up showing the actual visual impact of the proposed WCF

ORDERS AND FINDINGS OF FACT

9-16-15 Order and Findings of Fact for approval of Variance Request
V15-03 by the Astoria Planning Commission on September 16,
2015 with mailing list4

8/23/15 Staff Report and Findings of Fact with mailing list submitted to
the Astoria Planning Commission for September 16, 2015
meeting.....18

BEFORE THE ASTORIA PLANNING COMMISSION
OF THE CITY OF ASTORIA

THE MATTER OF A VARIANCE)

FOR THE FOLLOWING PROPERTY: MAP T8N-R9W)
SECTION 17 TAX LOT 1200 AND MAP 17CA, TAX LOT 600;)
UNPLATTED LOTS & LOTS 1-8; BLOCK 18; CENTRAL ASTORIA &)
VACATED PORTION OF NILE STREET;)
1580 SHIVELY PARK ROAD, ASTORIA OR 97103)

ZONING: IN, INSTITUTIONAL)

APPLICANT: SARAH GRANT, VERIZON WIRELESS LLC DBA)
VERIZON WIRELESS, 5430 NE 122ND AVENUE, PORTLAND OR 97317)

ORDER NO. V15-03

The above named applicant applied to the City for Variance V15-03 from the maximum 45' height and 150' setback to construct a 150' wireless communication facility at 1580 Shively Park Road, Astoria, Oregon 97103.

A public hearing on the above entitled matter was held before the Astoria Planning Commission on September 16, 2015; and the Astoria Planning Commission closed the public hearing and rendered a decision at the September 16, 2015 meeting.

The Astoria Planning Commission orders that this application for a Variance Request V15-03 is approved and adopts the findings of fact and conclusions of law attached hereto.

The effective date of this approval is 15 days following the signing of this order, subject to any attached conditions. A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

This decision may be appealed to the City Council by the applicant, party to the hearing, or a party who responded in writing by filing an appeal with the City within 15 days of this date (Section 9.040).

The permit will be void after two years unless substantial construction has taken place, or use has begun. However, the Planning Commission may extend the permit for an additional one year upon request by the applicant.

DATE SIGNED: SEPTEMBER 16, 2015

DATE MAILED: 9-18-15

ASTORIA PLANNING COMMISSION

President

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STAFF REPORT AND FINDINGS OF FACT

August 23, 2015

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, SPECIAL PROJECTS PLANNER



SUBJECT: VARIANCE REQUEST (V15-03) BY VERIZON WIRELESS AT 1580 SHIVELY PARK ROAD

I. BACKGROUND SUMMARY

A. Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230

Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370

B. Owner: City of Astoria
1095 Duane Street
Astoria OR 97103

C. Location: 1580 Shively Park Road; Map T8N R9W Section 17, Tax Lot 1200 and Section 17CA, Tax Lot 600; Lots 1 to 8, Block 18, Central Astoria, and vacated portion of Nile Street

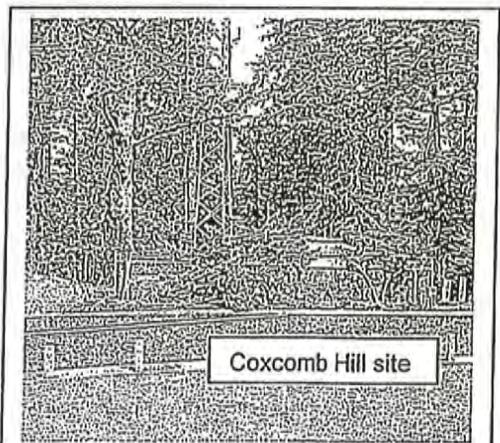
D. Zone: IN Zone, Institutional

E. Lot Size: approximately 12.4 acres (proposed area to be used approximately 1,120 square feet)

F. Proposal: To construct a wireless communication facility with 150' tall monopole and enclosed equipment building with an approximate 90' to 100' setback which exceeds the maximum 45' height and is less than the required 150' setback

II. BACKGROUND INFORMATION

Verizon Wireless currently operates a wireless communication facility on an existing lattice tower on the north side of Coxcomb Hill Drive (Criege Circle) within the Astor Park/Astoria Column area owned by the City. The City shares use of the facility for its emergency services communications. The facility includes a lattice tower, wood pole, and utility building.

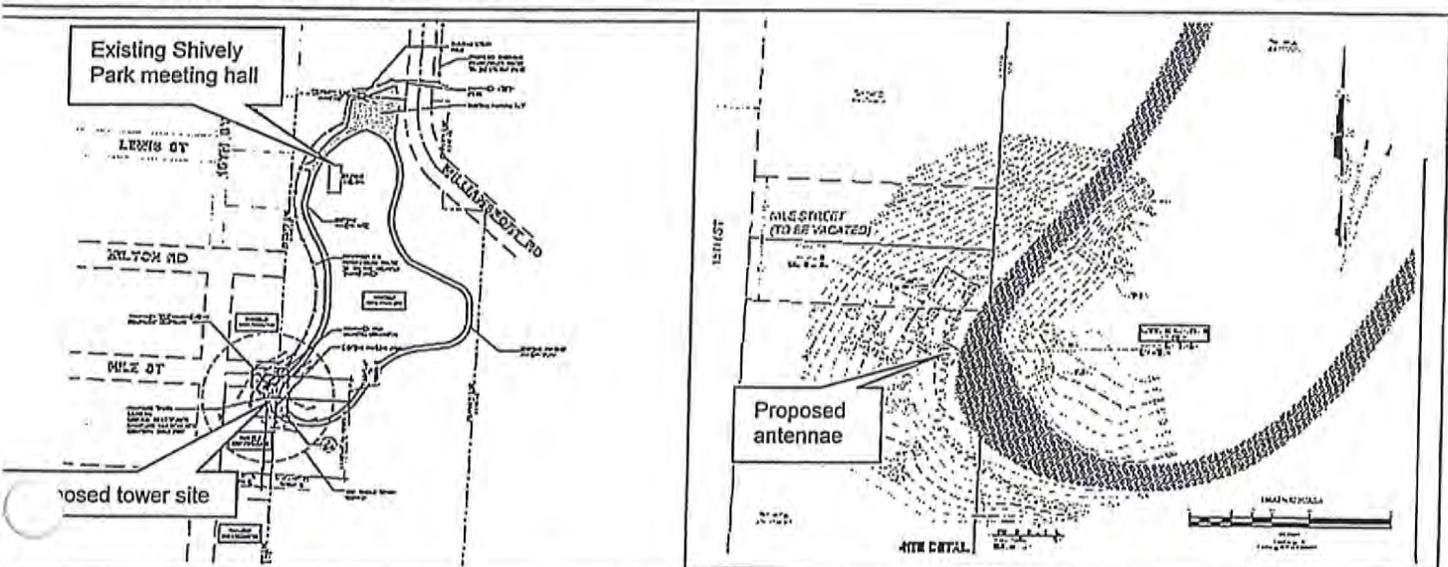


The existing lattice tower cannot structurally accommodate new communication facilities necessary for Verizon Wireless to provide full service. Currently, the central portion of Astoria has "poor to non-existent" coverage by the existing Verizon facility. The applicant is proposing to increase cell coverage for Astoria with the new facility.

The lattice tower at Coxcomb Hill has existed since 1991 prior to adoption of the Wireless Communications Facility Ordinance, and does not conform to the existing code standards. Therefore, it is classified as an existing, non-conforming facility. The tower was originally constructed by GTE Mobile Net which is now part of Verizon Wireless. The existing tower was evaluated to determine if it could structurally and technically accommodate the increase in wireless communication services and the needed upgrade of the City's emergency communication service. It was determined that the existing tower would not meet structural requirements and a new tower would need to be constructed. It was therefore determined that the facility should be relocated to another site to accommodate the WCF and improve the aesthetics of the Astoria Column Park. The Friends of the Column, City, and Verizon identified alternate locations that would provide emergency communications as well as cell service to replace what is provided by the tower at the Column. Staff has been working with the consultant hired by the Friends of the Column and Verizon representatives on the various aspects of this project for several years. Investigation of the viability of several other sites was completed. Due to the need for a high elevation location with limited obstructions, and the City's desire for minimal visual impact of the tower, two sites on City-owned properties were selected. One site is located in the Land Reserve urban forest near Reservoir 3 (east of the Column) would include both private and public facilities. The other site is within the forested area in Shively Park.

At its August 3, 2015 meeting, the City Council approved the negotiated lease for the proposed sites on City-owned property and for the City Manager to sign the land use permit applications to begin the public review process.

All references in the Findings of Fact to the proposed wireless communication "facility" includes the installation of the associated equipment building, enclosure, and buried cable without specific notation.



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 500 feet, excluding rights-of-way, pursuant to Section 15.090 on August 21, 2015. A notice of public hearing was published in the Daily Astorian on September 9, 2015 pursuant to Section 9.020. A display ad was published in the Daily Astorian on September 9, 2015 pursuant to Section 15.090.2.b.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. Section 15.065.B.6.a & b, Height, states that *"in addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:*

- a. *WCF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- b. *If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.*

Section 2.855, Height of Structures in the IN Zone, states that *"No structure will exceed a height of 45 feet above grade."*

Finding: The facility is proposed to be 150' to meet the coverage needs of Verizon for the south area of Astoria. A Variance is required. The proposal has been reviewed and approved by FAA and OR Department of Aviation.

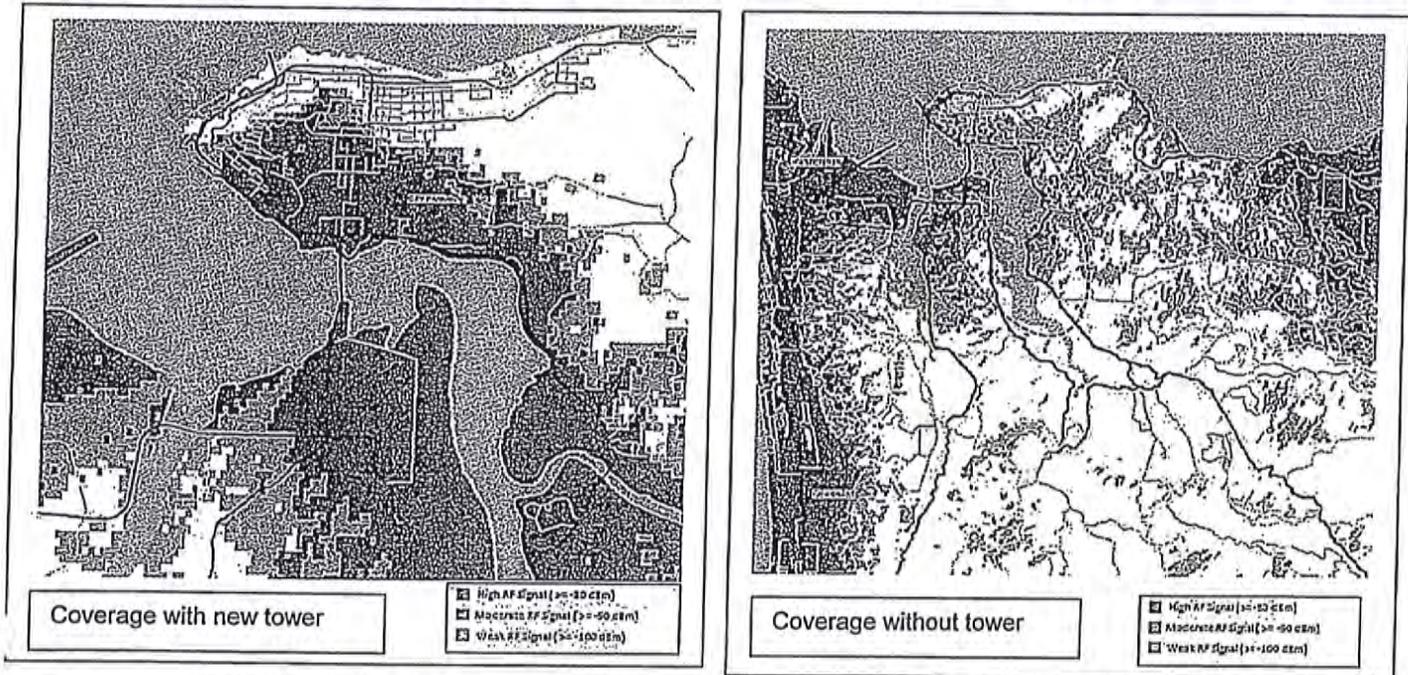
B. Section 15.065.B.6.c, Height, states that *"in addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:*

- c. *In reviewing Variance requests to the above described height limits, the following shall be considered:*
 - 1) *The proposed structure and facility uses concealment technology; and*
 - 2) *It is demonstrated that a greater height is required to provide the necessary service."*

Finding: The south side of Astoria is deficient in its 3G and 4G LTE coverage and Verizon has proposed an upgrade to those services. The existing facility at Coxcomb Hill is not structurally able to accommodate the needed equipment and therefore a new tower is required. The site on Coxcomb Hill is highly visible adjacent to the Astoria Column which has high visitation. The Friends of the Column and the City have determined that a different location would provide better concealment and wireless coverage.

The proposed location within Shively Park would be within the heavily forested area and only visible from a few places within the Park. The natural forest landscaping provides some concealment. The facility must be located in an area where the radio frequency broadcast will provide adequate coverage within the area with gap in coverage. Radio frequencies travel in a straight line and diminish

as they travel further away from antennas. Therefore, the facility is best located near the center of the desired coverage area. In selecting a site, the natural high terrain provides better coverage but the facility must be tall enough to provide that coverage to the targeted area. The applicant has submitted the technical data to support the location and height requirement. The City has worked with Verizon and hired an independent consultant, Converge Communications, to provide technical expertise to the City in reviewing these and other documents related to the Verizon proposals.



With the natural forest camouflage and the data on coverage of services, it appears that the 150' height is required to provide the needed services to Astoria.

C. Section 15.065.B.9.a & b, Setback, states:

- "a. *Antenna support structures, excluding those utility poles and similar structures which are located within the right-of-way, and excluding equipment enclosures, shall be located no closer to a structure on the subject property, or from the property line of the subject property, than a distance equal to the total height of the structure measured from finished grade, or the distance of "worst-case scenarios", as recommended in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000, whichever is greater. However, utility poles and similar structures which are located within the right-of-way, and equipment enclosures are subject to recommendations in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000.*
- b. *All WCF equipment enclosures shall be set back from property lines according to the requirements of the Zone."*

Section 2.845, Yards in the IN Zone states "The minimum yard requirements in an IN Zone will be as follows:

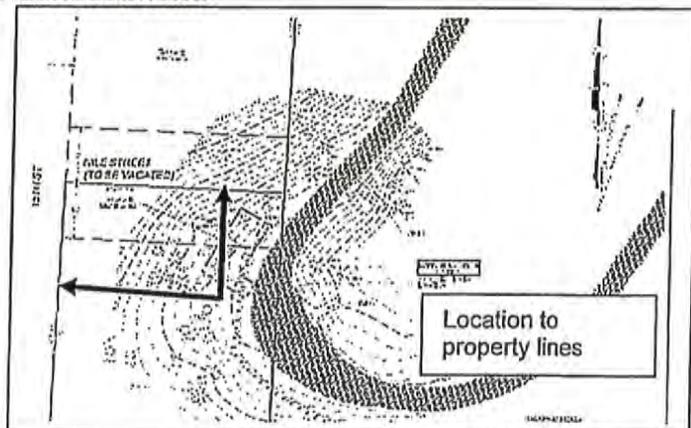
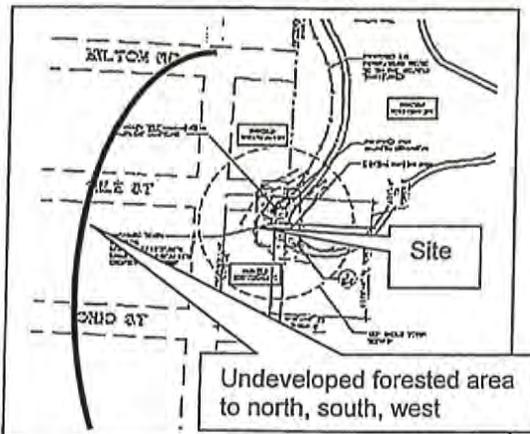
1. The minimum front yard will be 20 feet.
2. The minimum side yard will be five (5) feet, except on corner lots, the side yard on the street side will be 15 feet.
3. The minimum rear yard will be 20 feet, except on corner lots, the rear yard will be five (5) feet."

Finding: The pole is not located adjacent to a right-of-way. Shively Park Road is a roadway within the Park and is not a dedicated right-of-way. The facility will be located within the larger Park boundary and will meet the required setbacks of the zone. The 150' tall pole will be approximately 90' from the north property line adjacent to County owned parcel to the north, and approximately 100' from the west property line adjacent to the Astoria School District property to the west. A Variance is required from the 150' setback requirement.

D. Section 15.065.B.9.c, Setback, states:

- "c. A setback requirement to a property line may be reduced, through Variance approval. A Variance to the setback requirement shall be in accordance with the requirements of Article 12, and the following additional criteria:
- 1) It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts."

Finding: The 150' tall pole will be approximately 90' from the north property line adjacent to County owned parcel to the north, and approximately 100' from the west property line adjacent to the Astoria School District property to the west. This area is undeveloped and while there are platted rights-of-way, they are not improved and are unlikely to be constructed in the future due to the steep terrain. As noted above, the location within the forested Park area provides natural concealment of the facility except for a few places within the Park near the tower. Since the forested area is a key element to the concealment of the tower at this location, the applicant would be required to replant trees should they be destroyed by any means during the life of the facility under the applicant's lease (Condition 1). The location takes advantage of the high elevation for needed coverage, and the steep terrain with tall trees for concealment.



E. Development Code Section 12.030(A) states *"the granting authority may grant a variance from the requirements of this Chapter, if on the basis of the application, investigation and the evidence submitted by the applicant, all four (4) of the following expressly written findings are made:"*

1. Section 12.030.A.1 states that *"the request is necessary to prevent unnecessary hardship.*

Relevant factors to be considered in determining whether a hardship exists includes:

- a. *Physical circumstances related to the property involved;*
- b. *Whether a reasonable use, similar to like properties, can be made of the property without a variance;*
- c. *Whether the hardship was created by the person requesting the variance;*
- d. *The economic impact upon the person requesting the variance if the request is denied."*

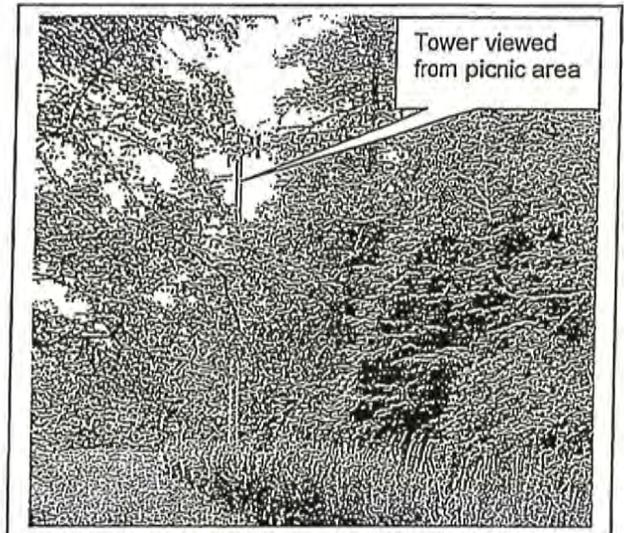
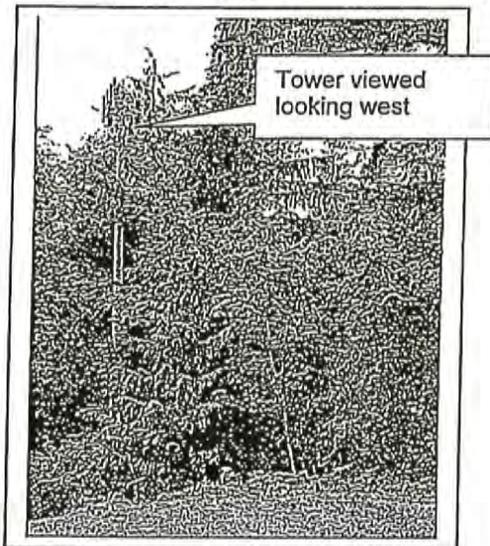
Finding: The existing site at Coxcomb Hill needs to be removed to provide better service to Astoria and reduce the visual impact at the current location. With the growing dependency of citizens on wireless communication, there is a need for continued and better service. In order to provide this service coverage to the south side of Astoria, a location on a high elevation in the general vicinity of Shively Park and Niagara hill top is needed. As noted above, the applicant has submitted the technical data to support the request and that data has been reviewed by an independent consultant hired by the City. The hardship was not solely created by the applicant as other sites were analyzed prior to the selection and the City worked with the applicant to find a suitable location. While Verizon is a private, for-profit company and the facility will allow them to sell their services to the citizens, the real hardship without this variance would be to the customers as there would not be sufficient coverage for wireless communication services to the south area of Astoria. Therefore, the individual and business impact on the local economy would be detrimental.

2. Development Code Section 12.030.A.2 states that *"development consistent with the request will not be substantially injurious to the neighborhood in which the property is located.*

Relevant factors to be considered in determining whether development consistent with the request is substantially injurious to the neighborhood include:

- a. *The physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards;*
- b. *The incremental impacts occurring as a result of the proposed variance."*

Finding: The site is located in an isolated area surrounded by forests. There is no need for additional trees. The immediate site is heavily landscaped and the applicant proposes additional landscaping. Photo simulations of the proposed facility are attached showing that the tower would only be visible from a limited area within the Park.



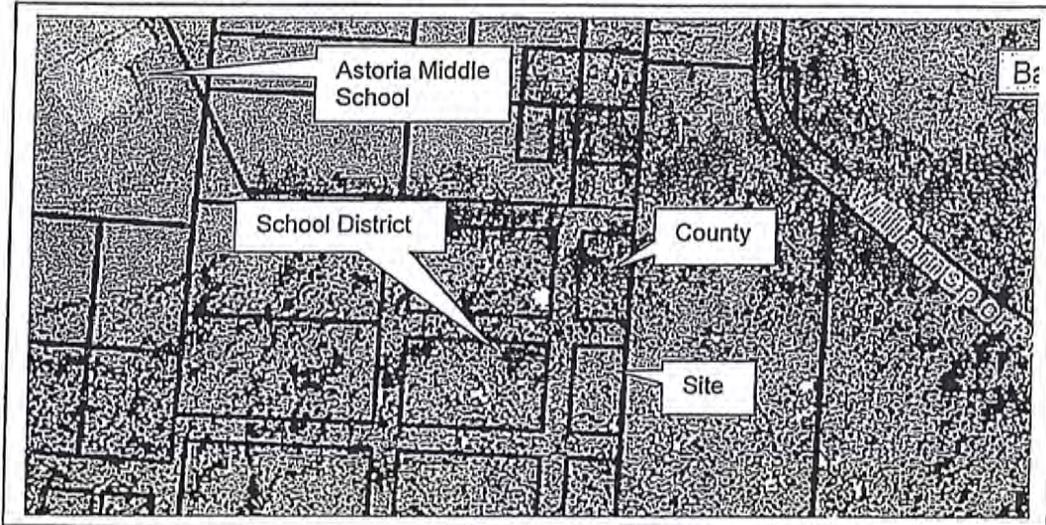
The site would not create noise or traffic. It is located on the gated Shively Park Road and there would be one or two trips per month for general maintenance of the facility. The applicant has tested the site soil to verify that it can accommodate the facility and it will be engineered accordingly.

The City WCF Code requires co-location of WCF facilities. Additional towers should not be needed as this facility will be constructed to allow for co-location by other providers should they want to provide services to this area. Therefore, by allowing this tower at the proposed height and location, it would eliminate the need for other towers in this portion of the City.

3. Section 12.030.A.3 states that *"the request is necessary to make reasonable use of the property."*

Finding: Use of the property is a City Park. A WCF can be located on any property but the desire for concealment and reduced visual impact make a forested area location ideal. The WCF technology requires an elevated location with a tower height for specific line of sight to provide the needed services to the citizens. The applicants considered several locations around the Niagara hill top area and within Shively Park. The proposed location was found to be the most ideal to meet the coverage needed, have limited visual impact, and have a terrain and soil that could accommodate the facility. The reduction in setbacks from the property lines is needed to locate the facility on the best engineered area for the facility foundation. To locate the facility to meet the required 150' setback from property lines would result in a tower that would be taller and would be more in the sight line of the picnic area which would be more of a visual impact.

The 150' tall pole will be approximately 90' from the north property line adjacent to County owned parcel to the north, and approximately 100' from the west property line adjacent to the Astoria School District property to the west. This area is undeveloped and while there are platted rights-of-way, they are not improved and are unlikely to be constructed in the future due to the steep terrain. The facility would not be near a developed area.



4. Section 12.030.A.4 states that *"the request is not in conflict with the Comprehensive Plan."*
 - a. Section CP.010.1 & 2, Natural Features, states that
 - "1. The physical capabilities and limitations of the land will be the basis for the type of development that is permitted.
 2. The City will cooperate to foster a high quality of development through the use of flexible development standards, cluster or open space subdivisions, the sale or use of public lands, and other techniques. Site design which conforms with the natural topography and protects natural vegetation will be encouraged. Protection of scenic views and vistas will be encouraged."

Section CP.015.1, General Land and Water Use Goals states that *"It is the primary goal of the Comprehensive Plan to maintain Astoria's existing character by encouraging a compact urban form, by strengthening the downtown core and waterfront areas, and by protecting the residential and historic character of the City's neighborhoods. It is the intent of the Plan to promote Astoria as the commercial, industrial, tourist, and cultural center of the area."*

Section CP.250.1, Historic Preservation Goals, states that *"The City will: Promote and encourage, by voluntary means whenever*

possible, the preservation, restoration and adaptive use of sites, areas, buildings, structures, appurtenances, places and elements that are indicative of Astoria's historical heritage."

Finding: The proposal is to remove the non-conforming, substandard tower from Coxcomb Hill adjacent to the Astoria Column and construct a new facility in Shively Park to better serve the citizens on the south side of Astoria. This would remove the visual impact of the existing tower in a historic, high visitation area. While the proposed location is also a designated historic park, the proposed tower would be in a secluded site and be less visible, and provide better coverage. Other possible locations would be less desirable as they would be a visual intrusion into the residential neighborhoods and would not take advantage of the natural terrain provided in Shively Park. The facility will be built into the hillside with little impact to the topography.

- b. Section CP.200.5, Economic Development Goal 1 and Goal 1 Policies, states *"Goal: The City of Astoria will strengthen improve, and diversify the area's economy to increase local employment opportunities. Policy: Provide a supportive environment for new business."*

Section CP.205, Economic Development Goal 6, states *"Goal: Maintain a system of public facilities and services capable of supporting existing and future industry, and commercial development."*

Finding: Existing wireless communication services to the south area of Astoria are less than adequate. Verizon proposes to upgrade those services with a tower located in Shively Park. Citizens rely on WCF and there is a growing trend for home industries and/or businesses that are computer based. In order to support these cottage industries and future economic growth in this field, WCF service is need throughout the City. Location of a tower in Shively Park would provide the needed facilities to support this growth while also providing citizens with upgraded communication opportunities.

Finding: The request is not in conflict with the Comprehensive Plan.

V. CONCLUSION AND RECOMMENDATION

The request, in balance, meets all the applicable review criteria. Staff recommends approval of the request with the following condition:

1. The applicant shall replant trees should they be destroyed by any means during the life of the facility under the applicant's lease.
2. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

The applicant should be aware of the following requirements: The applicant shall obtain all necessary City and building permits prior to the start of operation.



CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
COMMUNITY DEVELOPMENT

Fee: Administrative Permit \$150.00
 (or) Planning Commission \$250.00

v 15-03

PL by
 WCF15-03

VARIANCE APPLICATION

Property Address: 1580 Shively Park Road, Astoria, OR 97103

unplatted lots &
 Lot Lots 1-8

Block 18

Subdivision Central Astoria & vacated portion of Nile St.

Map 17
17CA

Tax Lot 809170001200
600

Zone Institutional

Applicant Name: Verizon Wireless (VAW), LLC dba, Verizon Wireless, Sarah Grant

Mailing Address: 5430 NE 122nd Avenue, Portland, OR 97317

Phone: _____ Business Phone: _____ Email: _____

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street, Astoria, OR 97103

Representative: Lexcom Development, Sharon Gretch, 541-515-8263, sharon.gretch@lexcomcorp.com

Business Name (if applicable): _____

Signature of Applicant: _____ Date: _____

Signature of Property Owner: OK per 8/3/15 City Council. Date: 8/4/15

Existing/Proposed Use: Park / Wireless Communications Facility

What Development Code Requirement do you need the Variance from? (Describe what is required by the Code and what you are able to provide without a Variance.)

A variance to height, 16.065(B)(6)(b), is being requested. See attached, pages 16/17 for criteria response.

maximum 45' height, to construct a 150' wireless communication facility and 150' setback.

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

For office use only:

Application Complete:	<u>8/4/15</u>	Permit Info Into D-Base:	<u>8/17/15</u>
Labels Prepared:	<u>8/17/15</u>	Tentative APC Meeting Date:	<u>9/23/15</u>
120 Days:			

ATTACHMENTS

WIRELESS COMMUNICATIONS FACILITY 1580 SHIVELY PARK ROAD

WCF15-03
V15-03
NC15-03

Application, 8-4-15

Statement of Compliance for Proposed Wireless Facility, 7-20-15

FCC License

Non-Ionizing Electromagnetic (NEIR) Report, January 2015

Architectural Drawings

RF Propagation Maps

Location Map of All Sites

Photo Simulations

Federal Aviation Administration Determination, 1-15-15

Oregon Department of Aviation Determination, 3-4-15

Oregon Department of Aviation Letter, 8-26-15

State Historic Preservation Office Section 106 NEPA Review Determination, 2-24-15

Email from Lexcom on site selection, 7-13-15

Bruce C Jones
Friends of the Astoria Armory
45th Street
Astoria OR 97103



V15-03
Verizon Wireless (VAW)
Db a Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230

Craft 3
c/o Walt Postlewait
Chief Lending Officer
P.O. Box 826
Ilwaco WA 98624

Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370

+ WCF Agencies (attached)

Dan Stein
P.O. Box 417
Astoria OR 97103

Kristin Hanthorn, Lt
Clatsop County Sheriff's Office
Parole & Probation Division
P.O. Box 540
Astoria OR 97103
McAndrew Burns
Executive Director
Clatsop County Historical Society
P.O. Box 88
Astoria OR 97103

Robert J. Magie

Greg Newenhof
77 17th Street
Astoria OR 97103

Donna Quinn
donnaq@cannerypierhotel.com

Port of Astoria
10 Pier 1 # 308
Astoria OR 97103

Tom Highland
ODOT Aeronautics Division
3040 25th Street SE
Salem OR 97302-1125

Clatsop County Taxation
800 Exchange Street # 210
Astoria OR 97103

Jeff Rusiecki
911 Coordinator
APD
jrusiecki@astoria.or.us

OR Dept of Aviation
aviation.mail@state.or.us
3040 25th St. SE Salem, OR
97302-1125

Adriana.J.Knies@uscg.mil
Sector Columbia River
Public Affairs Officer

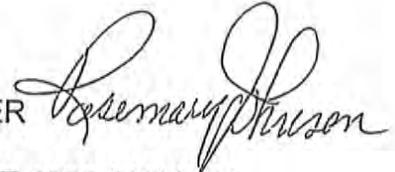
NOTICE OF DECISION MAILED

STAFF REPORT AND FINDINGS OF FACT

August 23, 2015

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, SPECIAL PROJECTS PLANNER



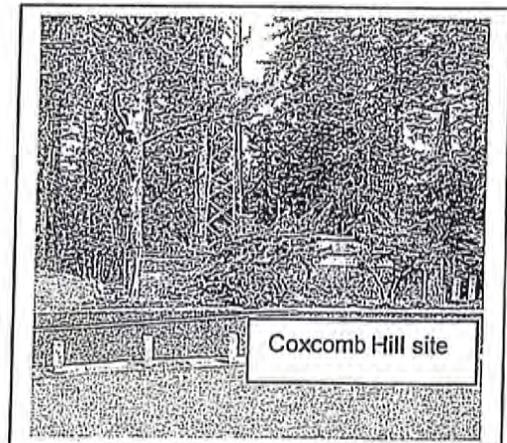
SUBJECT: WIRELESS COMMUNICATION FACILITY (WCF15-03) AT 1580 SHIVELY PARK ROAD

I. BACKGROUND SUMMARY

- A. Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230
- Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370
- B. Owner: City of Astoria
1095 Duane Street
Astoria OR 97103
- C. Location: 1580 Shively Park Road; Map T8N R9W Section 17, Tax Lot 1200 and Section 17CA, Tax Lot 600; Lots 1 to 8, Block 18, Central Astoria, and vacated portion of Nile Street
- D. Zone: IN Zone, Institutional
- E. Lot Size: approximately 12.4 acres (proposed area to be used approximately 1,120 square feet)
- F. Proposal: To construct a wireless communication facility with 150' tall monopole and enclosed equipment building

II. BACKGROUND INFORMATION

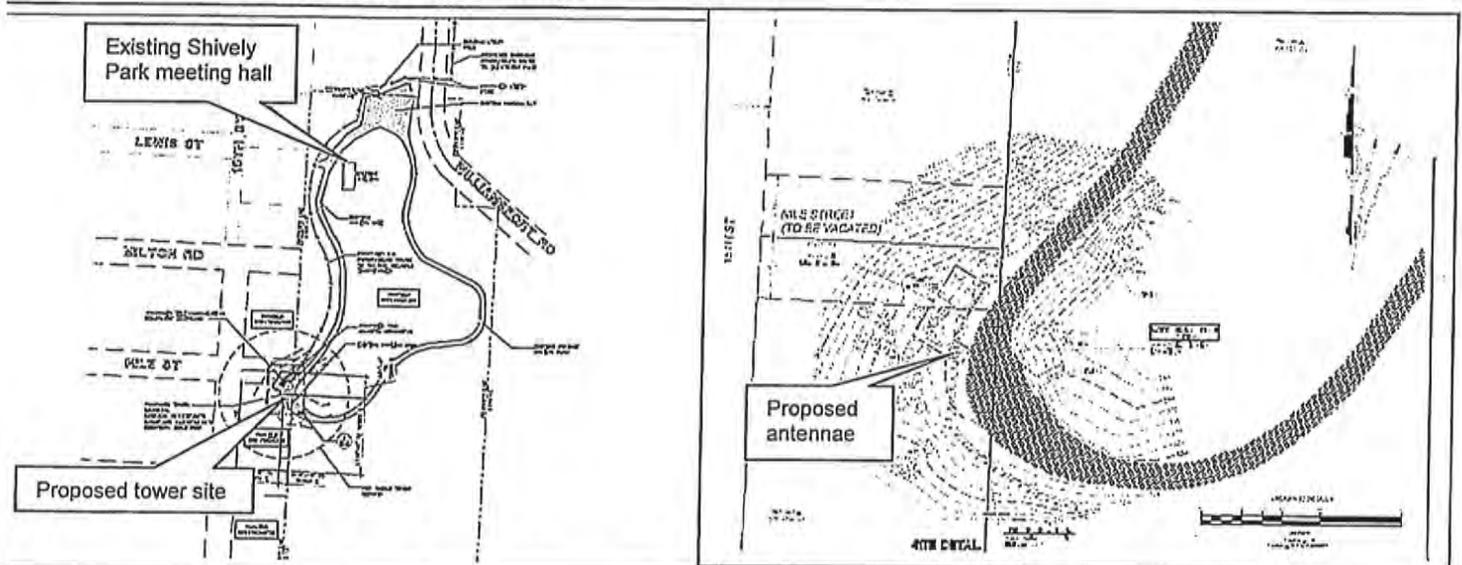
Verizon Wireless currently operates a wireless communication facility on an existing lattice tower on the north side of Coxcomb Hill Drive (Criege Circle) within the Astor Park/Astoria Column area owned by the City. The City shares use of the facility for its emergency services communications. The facility includes a lattice tower, wood pole, and utility building.



The existing lattice tower cannot structurally accommodate new communication facilities necessary for Verizon Wireless to provide full service. Currently, the central portion of Astoria has "poor to non-existent" coverage by the existing Verizon facility. The applicant is proposing to increase cell coverage for Astoria with the new facility. The lattice tower at Coxcomb Hill has existed since 1991 prior to adoption of the Wireless Communications Facility Ordinance, and does not conform to the existing code standards. Therefore, it is classified as an existing, non-conforming facility. The tower was originally constructed by GTE Mobile Net which is now part of Verizon Wireless. The existing tower was evaluated to determine if it could structurally and technically accommodate the increase in wireless communication services and the needed upgrade of the City's emergency communication service. It was determined that the existing tower would not meet structural requirements and a new tower would need to be constructed. It was therefore determined that the facility should be relocated to another site to accommodate the WCF and improve the aesthetics of the Astoria Column Park. The Friends of the Column, City, and Verizon identified alternate locations that would provide emergency communications as well as cell service to replace what is provided by the tower at the Column. Staff has been working with the consultant hired by the Friends of the Column and Verizon representatives on the various aspects of this project for several years. Investigation of the viability of several other sites was completed. Due to the need for a high elevation location with limited obstructions, and the City's desire for minimal visual impact of the tower, two sites on City-owned properties were selected. One site is located in the Land Reserve urban forest near Reservoir 3 (east of the Column) would include both private and public facilities. The other site is within the forested area in Shively Park.

At its August 3, 2015 meeting, the City Council approved the negotiated lease for the proposed sites on City-owned property and for the City Manager to sign the land use permit applications to begin the public review process.

All references in the Findings of Fact to the proposed wireless communication "facility" includes the installation of the associated equipment building, enclosure, and buried cable without specific notation.



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 500 feet, excluding rights-of-way, pursuant to Section 15.090 on August 21, 2015. A notice of public hearing was published in the Daily Astorian on September 9, 2015 pursuant to Section 9.020. A display ad was published in the Daily Astorian on September 9, 2015 pursuant to Section 15.090.2.b.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 15.035.A.1, Permitted Locations of Wireless Communication Service Facilities, Permitted Zones, lists the permitted zones for a WCF.

Section 2.840.11, Uses Permitted Outright in the IN Zone, lists "*utilities*" as an outright use.

Finding: The proposed use is allowed within the IN Zone.

- B. Section 15.035.B.2.a, Preferred Location, Siting, and Designs in Priority Order, states that a Conditional Use Review is required for "*Location on New Antenna Support Structure*"

Finding: The proposal is to construct a new tower. The proposal shall be reviewed as a conditional use before the Planning Commission.

- C. 15.045.A, Collocation and Use of Alternative Antenna Support Structures for Wireless Communication Service Facilities, Collocation Design Required, states that "*All antenna support structures shall be designed and constructed so as to not preclude collocation.*"

Finding: The structure is designed to accommodate collocation in the future.

- D. 15.045.B, Collocation Required, states that "*Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission.*"

If an applicant proposes to construct a new antenna support structure, evidence shall be submitted by the applicant to demonstrate the following:

1. *That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the service provider's engineering requirements to provide service; OR*
2. *That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the service provider's engineering requirements to provide service; OR*

3. *That existing support structures and alternative antenna support structures do not have sufficient structural strength to support the service provider's engineering requirements to provide service; OR*
4. *That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference, or NIER field interference with nearby antennas or antenna arrays, or vice-versa; OR*
5. *That there are other limiting factors, such as inadequate space for an equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable."*

Finding: Verizon and the City worked together to identify potential sites for the facility. No existing tower is available to service the south side of Astoria except the existing tower at Coxcomb Hill. There are no tall structures within the search ring for this service area. Utility poles in this area are only 20'to 35' tall. The Fred Lindstrom Park area with park lighting poles was too low in elevation to meet the coverage needs of Verizon. No acceptable collocation sites were identified.

- E. Section 15.065, Standards and Review Criteria, states that *"all applications for Wireless Communication Service Facilities shall demonstrate compliance and conformity with the following requirements. The burden of proof is on the applicant to demonstrate such compliance and conformity. The Community Development Director may release an applicant from a requirement when it is determined that the requirement is not applicable to the request."*

Section 15.065.A.1, Owner and Applicant Responsibilities, states that *the owner and applicant of the Wireless Communication Service Facility and his or her successors and assigns at all times shall have the following responsibilities:*

- a. *The owner shall respond in a reasonable and timely manner to a request for information from a potential collocation applicant. In responding to such a request, the owner and potential collocation applicant shall furnish to each other all non-proprietary information necessary to enable the potential collocation applicant and the owner to determine the feasibility of collocation.*
- b. *The owner and potential collocation applicant shall negotiate in good faith for shared use of the owner's Wireless Communication Service Facility."*

Finding: While shared use of the site is possible, the collocation requirement for other applicants does not apply since there are no applicants at this time. The site is owned by the City of Astoria. City Council approved signing the application as property owner on 8-3-15, and the City has entered into a lease agreement with Verizon for use of the site.

F. Section 15.065.A.2, Environmental and Historic Resource Protection, states that *all Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:*

- a. *The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;”*

Finding: The Astor Park and Astoria Column are designated on the National Register of Historic Places. The Friends of the Column have plans to improve the park and relocation of the existing non-conforming WCF tower is a goal and will bring that site into compliance with the Historic Properties regulations. The proposed site at Shively Park is designated as historic and therefore subject to the requirements of Code of Federal Regulations Section 106. The applicant has submitted a letter from State Historic Preservation Office (SHPO) dated 2-24-15 with a NEPA finding of “no adverse impact.”

The site is not within the Shoreland Overlay area nor within the Sensitive Bird Habitat Overlay.

- “b. *Alteration or disturbance of natural vegetation and topography shall be minimized;”*

Finding: Verizon has worked with Parks and Recreation Director Angela Cosby to identify the minimal vegetation to be removed to accommodate the facility. The tower will be 150’ tall and will be within the existing tree area. The equipment building will be constructed slightly below street grade to take advantage of the existing topography as part of the screening of the facility.

G. Section 15.065.A.3, Noise, states that *“no testing of back-up power generators shall occur between the hours of 6:00 PM and 7:00 AM. Emergency operation of back-up power generators is permitted at any time.”*

Finding: Back-up power generators are indicated on the plans and will be operated in accordance with the above standards.

H. Section 15.065.A.4, Permits Required, requires the following permits:

- “a. *A Building Permit issued by the City is required for each Wireless Communication Service Facility. A building permit will not be issued until all land use approvals have been obtained; until any associated*

conditions have been met; and until all other applicable local, State, and Federal approvals have been secured and complied with, including but not limited to Astoria Development Code, Article 6 Historic Properties, and Section 106 requirements as set forth by the State Historic Preservation Office (SHPO)."

Finding: The applicant has completed the Section 106 Review. The applicant has submitted a "New Construction" (NC) permit application for review by the City Historic Landmarks Commission (HLC). The HLC will review the permit at their September 15, 2015 meeting. Approval of the WCF permit is conditioned upon approval of the NC permit by HLC (Condition 1). A building permit application shall be submitted and will only be issued after all other permits have been obtained.

- "b. No Wireless Communication Service Facility shall be constructed or operated within the City limits until all necessary City, State, and Federal approvals have been secured. Evidence of approvals shall be provided to the City."*

Finding: Verizon Wireless has submitted approvals from Federal Aviation Administration dated 1-15-15, and from Oregon Department of Aviation dated 3-4-15. The FCC license (FRN 0003800307, expires 6-26-2017) is attached. Construction shall not begin until all permits have been obtained (Condition 1).

- I. Section 15.065.A.5, Prohibited Structures, states that *"lattice and guyed wire towers and support structures and speculation ("spec") support structures are prohibited in all zones except as noted in Section 5.b.."*

Finding: The applicant is proposing to construct a monopole and there will be no guyed wires.

- J. Section 15.065.A.6.a, Radio Frequency Standards, states that *"the applicant shall provide evidence that the Wireless Communication Service Facility is in compliance with FCC standards and that the Wireless Communication Service Facility will not cause interference with the reception of area television, radio, or emergency communication broadcasts. If at any time, the City finds that the Wireless Communication Service Facilities interfere with such reception, the applicant shall mitigate the interference. If the applicant does not mitigate the interference to the City's satisfaction, the City may revoke or modify the permit."*

Finding: The applicant has submitted a copy of the FCC license indicating compliance with FCC standards. No comments were received from City departments for this specific request. This criteria requires that the applicant "mitigate the interference to the City's satisfaction". It is the recommendation of the Astoria Police Chief for all wireless transmitters that the interference be mitigated within 24 hours of notification of an agency to Verizon Wireless that there is interference to emergency communications (Condition 2). The

applicant has submitted the Non-Ionizing electromagnetic Exposure Analysis and Engineering Certification (NIER), dated January 2015, indicating compliance.

- K. Section 15.065.A.7, Security, states that *"the applicant shall insure that sufficient anti-climbing measures have been incorporated into the WCF, as needed, to reduce potential for trespass and injury."*

Finding: The WCF will have a 6' fence around the facility and all climbing pegs used during construction will be removed upon completion.

The Fire Department will require a Knox Lock Box be secured to the fence with an access key provided in the event a fire or other type of emergency requires immediate access to Fire Department personnel. The final location of the secured Knox Box shall be determined by the Fire Chief upon a site visit and shall be installed prior to operation of the site (Condition 7). An application for a Knox Lock box may be obtained from the Fire Department during normal business hours.

- L. Section 15.065.A.8, Technical Expert Support, states that *"the Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required."*

Finding: The City has determined that an independent expert is not necessary. However, it should be noted that the City did hire Converge Communications, a WCF consulting firm to assist the City in the review of potential sites, development of lease agreements, and with the technical review of documents.

- M. Section 15.065.B.1, Preferred Location, Siting, and Designs in Priority Order, states *"See Section 15.035.B of the Wireless Communication Facility Code."*

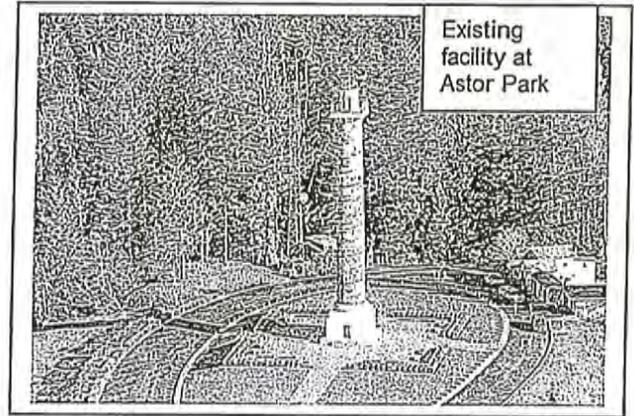
Finding: As noted above, the proposed location is a new facility and requires a conditional use permit. The site is located in the IN Zone which is a "permitted zone" for a WCF.

- N. Section 15.065.B.2, Adverse Impact, states that *WCF shall not create a substantial adverse impact on the view from any public park, natural scenic vista, historic property (locally designated or on National Register), major scenic and view corridor, or residential area. In determining the potential substantial adverse impact of the proposed facility upon scenic, natural, historic, and cultural resources or vicinity, the following points shall be considered:*

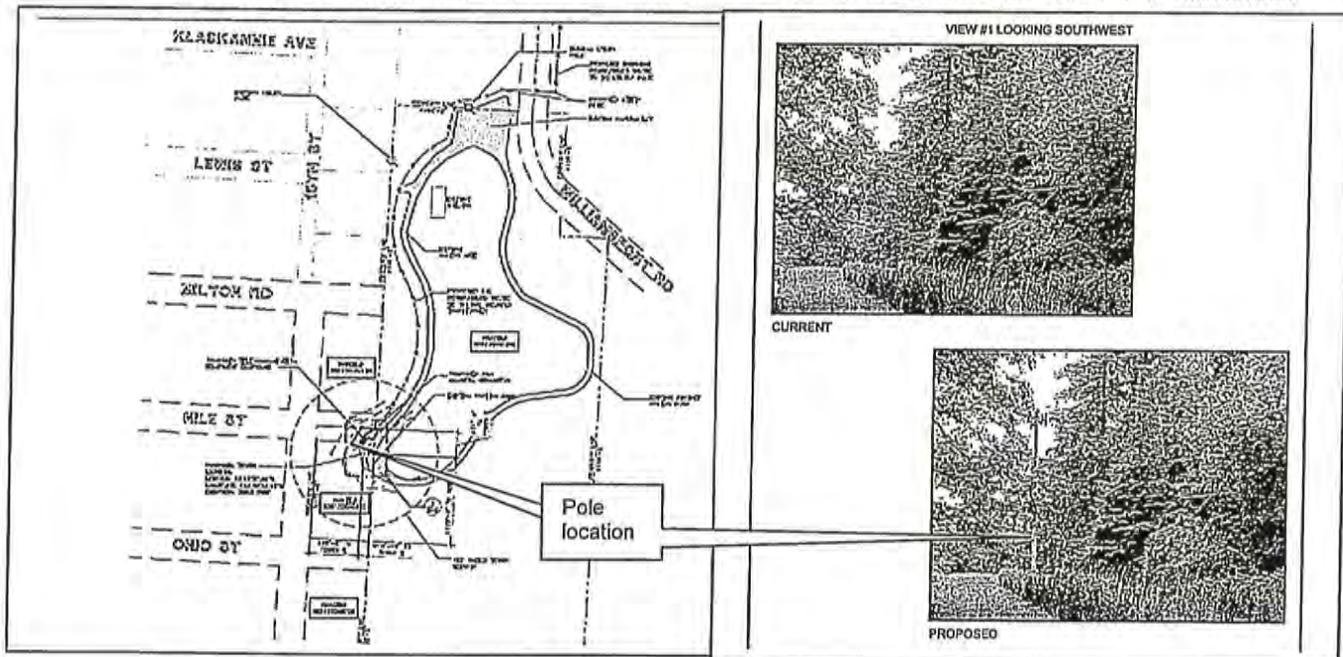
- a. *The extent to which the proposed WCF is visible from the viewpoint(s) of the impacted resource or vicinity.*

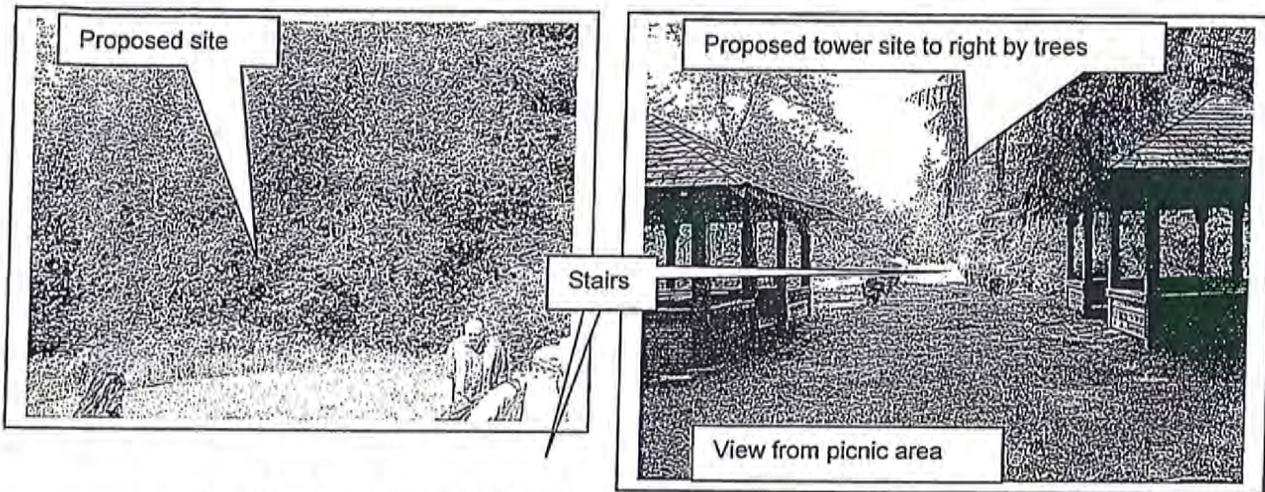
- b. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.
- c. The amount of vegetative screening.
- d. The distance of the proposed facility from the impacted resource or vicinity.
- e. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.

Finding: The existing facility is located adjacent to a historic landmark (Astoria Column) and is highly visible from this historic park. The proposal to relocate the tower for better coverage and less impact to a historic structure has resulted in the selection of a new site that is also designated as historic. As part of the agreement with the City, the facility at the Column will be removed (Condition 3).

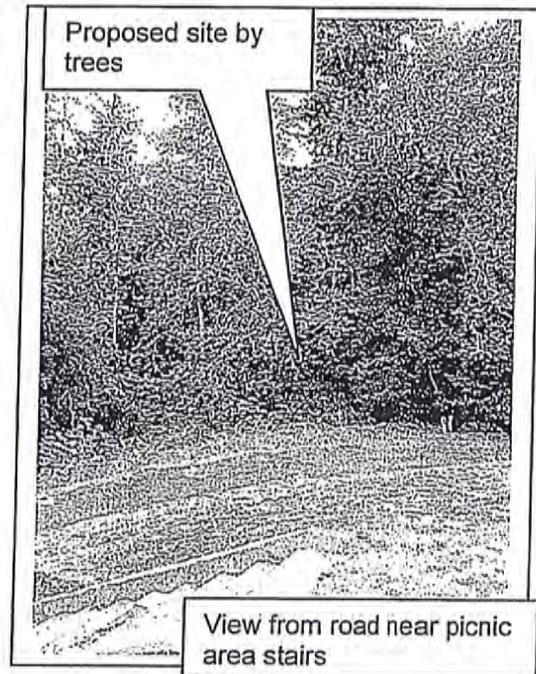


However, the location within Shively Park will be along the back road and not at the entrance to the Park. The facility will be screened from view by existing trees and the installation of new landscaping and fencing. It will sit below the level of the upper picnic area of the Park and will not be highly visible from this structure and area. Photo simulations have been submitted and are attached.





The 150' high monopole would be located within the tree area on the western edge of the park and not in direct alignment of the picnic area view corridor. While the location is within a designated historic and park area, it is approximately 500' from Shively Hall and approximately 175' from the picnic area. It would not be visible from Shively Hall nor from all but a few yards of the road/pathway around the park. Deciduous trees in this area range up to 120' tall and firs up to 150' tall. The dense vegetation of trees and its location on the back corner of the park reduces the visual impact to a minimum. Other acceptable locations would not provide the same level of service and would be much more visible from greater distances as there would not be a forested area to help screen it from view.



Since the forested area is a key element to the compatibility of the tower at this location, the applicant would be required to replant trees should they be destroyed by any means during the life of the facility (Condition 8).

- O. Section 15.065.B.3, Use of Concealment Technology, states that *"all Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening."*

Finding: The method of concealment in this case is the use of the existing forest which hides the facility. Additional landscaping will be installed around the equipment building which will have a slatted chain link fence proposed to be painted grey. Due to the ground location with the darker underbrush background, the equipment enclosure should be painted a natural darker color such as dark brown or forest green (Condition 6). The pole is proposed to be painted grey to blend into the background sky.

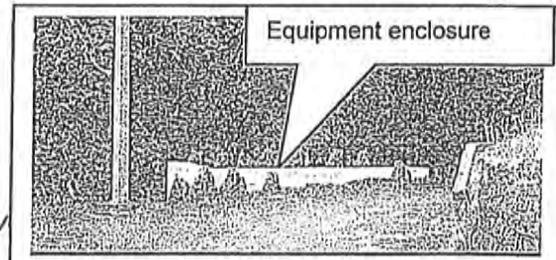
- P. Section 15.065.B.4, Access Driveways and Parking, states that *“all access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the Astoria Development Code and Astoria City Code.*
- a. *Existing driveways shall be used for access whenever possible.*
 - b. *New parking areas shall, whenever feasible, be shared with subsequent Wireless Communication Service Facilities and/or other permitted uses.”*

Finding: No additional roads or parking areas are proposed. This standard does not apply.

- Q. Section 15.065.B.5, Color and Material states:

- a. *All buildings, poles, antenna support structures, antennas, antenna arrays, and other associated components of each Wireless Communication Facility site shall be initially coated and thereafter recoated as necessary with a non-reflective neutral color in muted tones.*
- b. *The color selected shall be one that will minimize visibility of the WCF to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees, or grasslands shall be coated with colors matching those landscapes, while elements which rise above the horizon shall be coated a color that matches the typical overcast sky (i.e. white, light gray, etc.) or background color at that location.*
- c. *The color and coating shall be reviewed and approved by the Community Development Director or Astoria Planning Commission.*
- d. *Upon a clear showing by the applicant that compliance with the requirements of this section would void a manufacturer's warranty on any specific equipment, or that natural aging of the material would provide greater concealment, the Community Development Director or Astoria Planning Commission may waive the requirements of this section for such specifically identified equipment.”*

Finding: The facility is proposed to be non-reflective, earth tone color behind a 6' tall chain link fence. It is proposed to be powder coated in a grey tone to blend with the sky. While the tower would be tall and have a sky backdrop, the equipment enclosure is close to the ground with the darker underbrush color. The equipment enclosure should be painted a natural darker color such as dark brown or forest green (Condition 6).



R. Section 15.065.B.6, Height, states that *"in addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:*

- a. *WCF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- b. *If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.*
- c. *In reviewing Variance requests to the above described height limits, the following shall be considered:*
 - 1) *The proposed structure and facility uses concealment technology; and*
 - 2) *It is demonstrated that a greater height is required to provide the necessary service.*
- d. *Building or other structure-mounted Wireless Communication Service Facilities shall not project more than ten (10) additional feet above the highest point on the existing building or structure and shall not project higher than the height requirements of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- e. *WCF shall not penetrate imaginary surfaces around the Astoria Airport as defined by the Oregon Department of Aviation, unless a waiver is granted pursuant to Oregon Revised Statutes."*

Section 2.855, Height of Structures in the IN Zone, states that *"No structure will exceed a height of 45 feet above grade."*

Finding: The facility is proposed to be 150' to meet the coverage needs of Verizon for the south area of Astoria. A Variance is required (Condition 4). The proposal has been reviewed and approved by FAA and OR Department of Aviation. The applicant has submitted a Variance application for the additional height which will be considered by the APC at the same meeting as the WCF review.

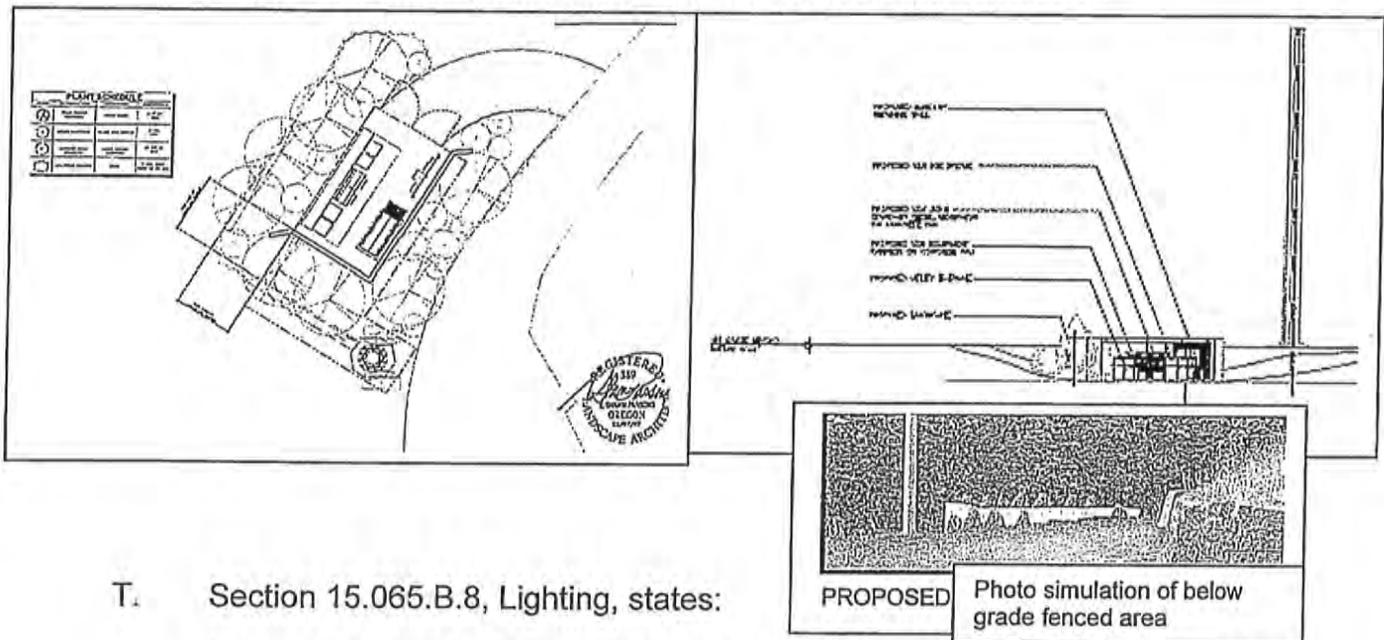
S. Section 15.065.B.7, Landscape and Screening, states that *"all Wireless Communication Service Facility sites shall be improved with existing native vegetation, suitable landscaping and/or fencing installed to screen the facility, where necessary. To this end, all of the following requirements shall be implemented for all Wireless Communication Service Facilities which are installed on antenna support structures:*

- a. *A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, shall be submitted as part of the application.*
- b. *Any proposed or required fenced area is to be surrounded, where feasible, by a landscaped strip of sufficient width and height to create a visual screen.*
- c. *Planted vegetation shall be of the evergreen variety.*
- d. *The landscape plan shall be subject to review and approval of the Community Development Director or Astoria Planning Commission.*
- e. *The fence shall be a maximum of six (6) feet in height.*

- f. The fenced area is to be surrounded by evergreen shrubs (or similar type of evergreen landscaping). Required landscaping shall be located outside of the fenced area.
- g. The fence shall, where feasible, be installed and maintained around the entire perimeter of the site and surround the WCF and the equipment shelter.
- h. If the Community Development Director determines that a fence surrounding antenna support structures located in a public right-of-way or adjacent to existing structures is not feasible, such structures may be exempted from the fencing requirements of this Section.
- i. Chain link fences shall be painted or coated with a non-reflective color.
- j. Electric, barbed wire, and concertina wire fences are prohibited."

Section 2.850, Landscaped Open Area in the IN Zone, states "A minimum of 10 percent of the total lot area will be maintained as a landscaped open area."

Finding: The proposed location is within the Shively Park forested area with mature natural screening. The applicant has submitted a landscape plan indicating additional landscaping to screen the site. A chain link fence will enclose the facility and will be a non-reflective earth tone color.



T. Section 15.065.B.8, Lighting, states:

- a. A Wireless Communication Service Facility shall only be illuminated as necessary to comply with FAA or other applicable State and Federal requirements. Documentation from such State and Federal agencies describing required compliance measures is required.
- b. Exterior lighting shall not glare onto adjacent properties.
- c. Strobe lights are prohibited.

Finding: FAA and ODA lighting requirements will need to be installed. The applicant shall keep tower lighting to the minimum required. No strobe lights are proposed and shall not be installed. The equipment building will have

downcast maintenance lighting on a timer. Light shall not glare into the Park picnic area and shall be kept to a minimum (Condition 5).

U. Section 15.065.B.9, Setback, states:

- "a. *Antenna support structures, excluding those utility poles and similar structures which are located within the right-of-way, and excluding equipment enclosures, shall be located no closer to a structure on the subject property, or from the property line of the subject property, than a distance equal to the total height of the structure measured from finished grade, or the distance of "worst-case scenarios", as recommended in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000, whichever is greater. However, utility poles and similar structures which are located within the right-of-way, and equipment enclosures are subject to recommendations in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000.*
- b. *All WCF equipment enclosures shall be set back from property lines according to the requirements of the Zone.*
- c. *A setback requirement to a property line may be reduced, through Variance approval. A Variance to the setback requirement shall be in accordance with the requirements of Article 12, and the following additional criteria:*
- 1) *It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts."*

Section 2.845, Yards in the IN Zone states *"The minimum yard requirements in an IN Zone will be as follows:*

1. *The minimum front yard will be 20 feet.*
2. *The minimum side yard will be five (5) feet, except on corner lots, the side yard on the street side will be 15 feet.*
3. *The minimum rear yard will be 20 feet, except on corner lots, the rear yard will be five (5) feet."*

Finding: The pole is not located adjacent to a right-of-way. Shively Park Road is a roadway within the Park and is not a dedicated right-of-way. The facility will be located within the larger Park boundary and will meet the required setbacks of the zone. The 150' tall pole will be approximately 90' from the north property line adjacent to County owned parcel to the north, and approximately 100' from the west property line adjacent to the Astoria School District property to the west. This property is undeveloped. A Variance is required from the 150' setback requirement (Condition 4).

V. Section 15.065.B.10, Signs, states that *"the use of any portion of a Wireless Communication Service Facility for signs other than warning or equipment*

information signs is prohibited. For emergency purposes, equipment information limited to the WCF provider(s) name and contact phone number shall appear at the facility in a discreet yet visible location, either on the equipment cabinet or supporting structure."

Finding: No new signs are proposed.

W. Section 15.065.B.11, Storage, states:

- a. *WCF storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only) and shall be placed underground where feasible or be sited (i.e., depressed, or located behind earth berms) to minimize their profile.*
- b. *WCF storage facilities shall be no taller than one story (15 feet) in height and shall be designed to look like a building or facility typically found in the surrounding area.*
- c. *On-premises storage of material or equipment shall not be allowed other than that which is necessary to the use, operation, and maintenance of the WCF."*

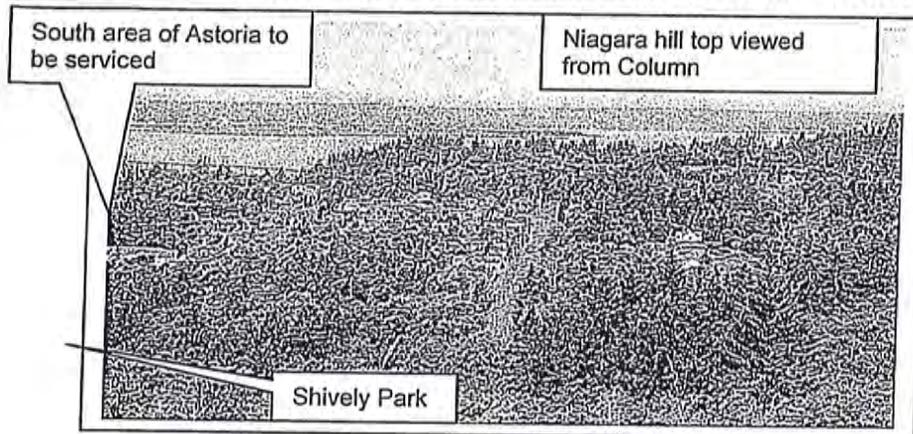
Finding: No material or equipment is proposed to be stored on the site.

X. Section 11.030.A, Basic Conditional Use Standards, states that "Before a conditional use is approved, findings will be made that the use (except for housing development) will comply with the following standards:

1. *The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."*

Finding: WCF locations require specific criteria to accommodate the technology. The site must be high enough to give the needed coverage to a large area and cannot have high, sight obscuring structures to interrupt the coverage line of sight. The applicant wants to increase the service to Astoria and specifically provide better service to the south area of the City. Coxcomb Hill and the Niagara Avenue hilltop are the only two locations that meet the technical needs of a WCF without the need for multiple intersecting locations. Due to the technical aspect of WCF industry, the City hired Converge Communications to assist with all negotiations and review of materials submitted by Verizon to help protect the City's best interest. The City worked with Converge Communications and Verizon to locate a suitable site to relocate the existing Coxcomb Hill facility. Several locations on Niagara Avenue hilltop were considered. However, after much analysis of the sites, it was determined that the

Shively Park location provided the best coverage with the least visual impact to the community. Other possible locations would have resulted in a 150' pole within a residential area with little natural vegetative screening and would not have provided the same level of service. While the proposed location is within a City Park, the site is at the back western corner of the Park and not highly visible. The location is appropriate.



- "2. *An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.*"

Finding: The site is secluded and accessible from Shively Park Road which is a gated roadway within the Park. The WCF will be unmanned with possibly one or two trips per month for maintenance purposes. With limited site visits, and the passive nature of the facility, the site does not pose any safety concerns and is suitable for the propose WCF.

- "3. *The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.*"

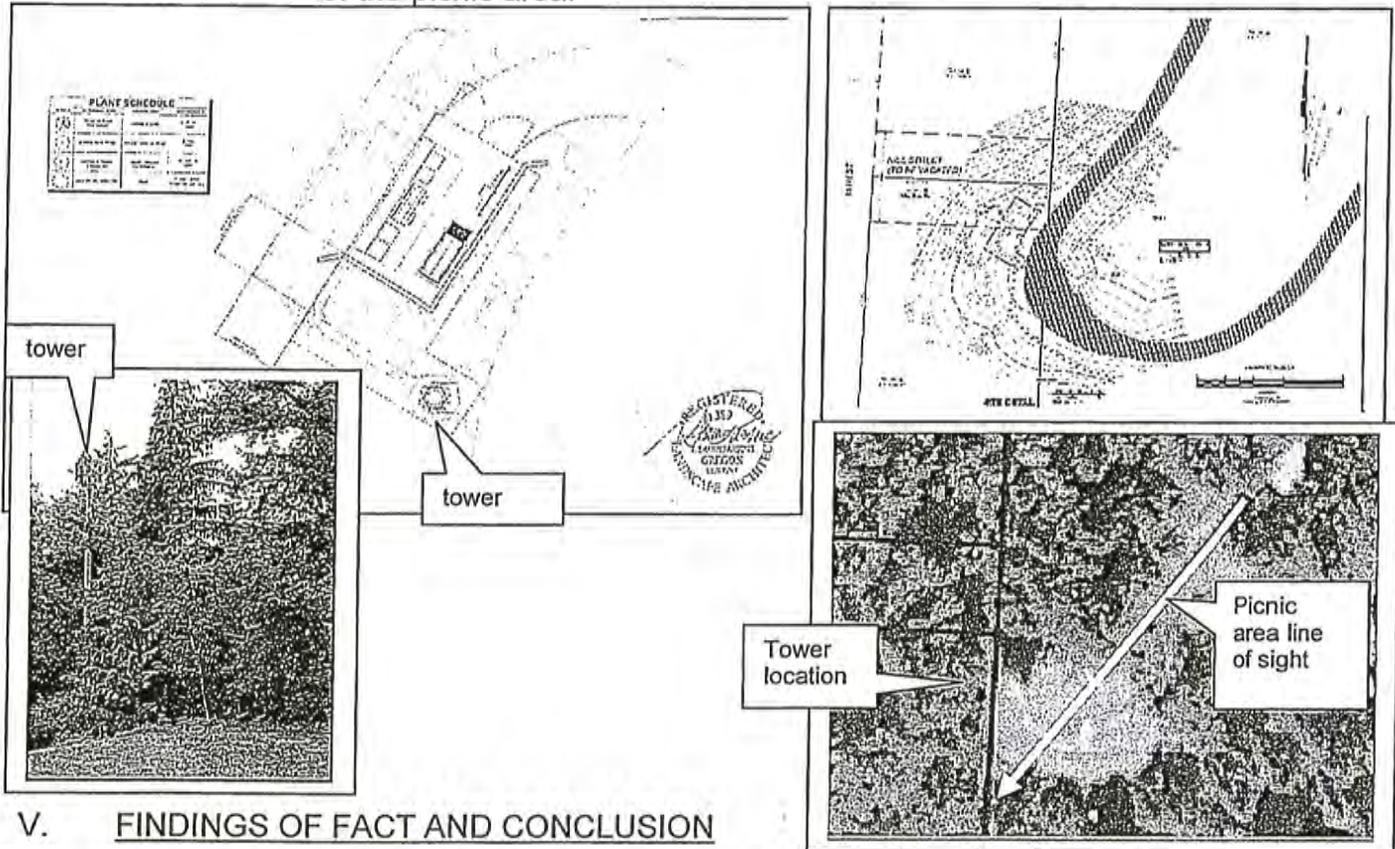
Finding: The facility will only need electricity and no other services. The WCF will not overburden the services.

- "4. *The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.*"

Finding: The applicant has conducted engineering tests and core drillings on the site to verify that the site is capable of handling the facility. The site is not within 100' of a known geologic hazard area.

- “5. The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.”

Finding: The existing trees and proposed landscaping will serve as a natural buffering of the facility. The property completely surrounding the site is forested. The closest adjacent use is the Shively Park picnic area and the tower will be located to the side and not in the direct line of sight of the picnic area.



V. FINDINGS OF FACT AND CONCLUSION

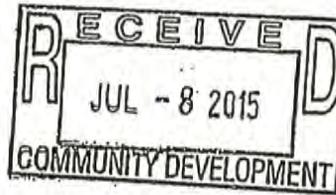
Based on the findings of fact above and those submitted with the application, the request meets the applicable review criteria. Staff recommends the Planning Commission approve the permit with the following conditions:

1. The applicant shall obtain all necessary City and building permits prior to construction.
2. Any interference to emergency communications shall be mitigated within 24 hours of notification of an agency to Verizon Wireless that there is interference to emergency communications.
3. The WCF at Astoria Column shall be removed by the applicant in accordance with the requirements listed in the lease agreement with the City.
4. The applicant shall obtain Variance approval for the height and setback of the facility.

5. All lighting shall be kept to a minimum and shall be downcast and not glare into adjacent properties or the Park picnic area.
6. The equipment buildings, chain link fence, and slats shall be painted a natural dark color such as dark brown or forest green.
7. A Knox Lock Box shall be secured to the fence with an access key provided in the event a fire or other type of emergency requires immediate access to Fire Department personnel. The final location of the secured Knox Box shall be determined by the Fire Chief upon a site visit and shall be installed prior to operation of the site.
8. The applicant shall replant trees buffering view of the facility should they be destroyed by any means during the life of the facility under the applicant's lease.



CITY OF ASTORIA
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 COMMUNITY DEVELOPMENT



No. WCF 15-03

Deposit: \$3,000.00

Pl. by Lexcom

WIRELESS COMMUNICATION FACILITY APPLICATION

Property Location: Address: 1580 Shively Park Road, Astoria, OR 97103

unplatted lots & Lots 1-8

Block 18

Subdivision Central Astoria & vacated portion of Nile St.

Map 17
17CA

Tax Lot 809170001200
17CA 600

Zone Institutional

Applicant Name: Verizon Wireless (VAW), LLC dba, Verizon Wireless

Mailing Address: 5430 NE 122nd Avenue, Portland, OR 97317

Phone: _____ Business Phone: _____ Email: _____

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street, Astoria, OR 97103

Representative: Lexcom Development, Sharon Gretch, 541-515-8263, sharon.gretch@lexcomcorp.com

Business Name (if applicable): _____

Signature of Applicant: *Sharon Gretch*

Date: 2/13/15

Signature of Property Owner: *AK per 8/3/15 City Council*

Date: 8/4/15

Existing Use: Park

Proposed Use: Unmanned Wireless Communication Facility

to construct a 150' high wireless communication facility

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 13th of the month to be on the next month's agenda. A Pre-Application meeting with the Associate Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended. *The Community Development Director shall determine the classification and appropriate process for any application. Applicant shall submit three (3) copies of a complete application and plans; the fee; and other required information in accordance with Article 15.*

For office use only:

Application Complete:	<u>8/4/15</u>	Permit Info Into D-Base:	<u>8/13/15</u>
Labels Prepared:	<u>8/13/15</u>	Tentative APC Meeting Date:	<u>9/22/15 C</u>
120 Days:			

ATTACHMENTS

**WIRELESS COMMUNICATIONS FACILITY
1580 SHIVELY PARK ROAD**

**WCF15-03
V15-03
NC15-03**

Application, 8-4-15

Statement of Compliance for Proposed Wireless Facility, 7-20-15

FCC License

Non-Ionizing Electromagnetic (NEIR) Report, January 2015

Architectural Drawings

RF Propagation Maps

Location Map of All Sites

Photo Simulations

Federal Aviation Administration Determination, 1-15-15

Oregon Department of Aviation Determination, 3-4-15

Oregon Department of Aviation Letter, 8-26-15

State Historic Preservation Office Section 106 NEPA Review Determination, 2-24-15

Email from Lexcom on site selection, 7-13-15

Bruce C Jones
Friends of the Astoria Armory
455 45th Street
Astoria OR 97103

Craft 3
c/o Walt Postlewait
Chief Lending Officer
P.O. Box 826
Iwaco WA 98624

+ Linza
See attached

9-10-75
Mail
Email
Web
SR & AG

V15-03 *Wrenon*

Verizon Wireless (VAW)
Dba Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230

Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370

Frank & Margery Linza
P.O. Box 422
Astoria OR 97103

Ellen Levy
420 Floral
Astoria OR 97103

Cheryl Allen
P.O. Box 1071
Astoria OR 97103

Dennis Cranson
403 Floral
Astoria OR 97103

Cherry & William Chadney
350 Floral
Astoria OR 97103

Allan Maki
372 Floral
Astoria OR 97103

Tom Gill
467 Floral
Astoria OR 97103

Susan Pritchard
453 Floral
Astoria OR 97103

McCaulif
446 Floral
Astoria OR 97103

Allen & Sharleen Zuern
412 Floral
Astoria OR 97103

Thomas & Marga Stanley
416 Floral
Astoria OR 97103

Thomas & Karen Gill
407 Floral
Astoria OR 97103

Gary
404 Floral
Astoria Or 97103

Cliff & Marlene Heck
376 Floral
Astoria OR 97103

MINUTES

9-16-15	Minutes of the Astoria Planning Commission meeting of September 16, 2015 approving Variance Request V15-03.....	39
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ITEM 4(e):

WCF15-03 Wireless Communication Facility WCF15-03 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless construct a 150' high wireless communication facility at 1580 Shively Park Road in the IN Institutional zone.

ITEM 4(f):

V15-03 Variance V15-03 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless from the maximum 45' height and 150' setback to construct a 150' wireless communication facility at 1580 Shively Park Road in the IN, Institutional zone.

President Pearson asked if anyone objected to the jurisdiction of the Planning Commission to hear these matters at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Fitzpatrick reiterated his prior declaration; that he has owned Verizon stock in the past and may again in the future. While he does not currently own Verizon stock, he and his wife are Verizon customers and own shares in their competitors, AT&T and Century Link. The numbers of shares he has, does, and may own are small. This will not affect his decision and he believed he could vote impartially.

President Pearson asked Staff to present the Staff reports for WCF15-03 and V15-03.

Planner Johnson reviewed the written Staff reports for both requests. One letter was received, from Ron Zilli, which was made available at the dais. Staff recommended approval of both requests with the conditions listed in the Staff reports.

President Pearson opened the public hearing and called for a presentation by the Applicant.

Sharon Gretch, 31649 Sexton Road, Philomath OR 97370, said this site is one of three required to replace the tower at the Column. The tower will be nestled into a bunch of trees at the far end of the Park and accessed via Shively Park Road. The lease area is 18 feet by 40 feet and the equipment will sit at a lower level, which will require a retaining wall surrounded by a 6-foot chain link fence with brown slats. The 10-foot landscape buffer will include additional trees and native plants. The ground equipment will be a natural brown color. The tower will be a monopole, 150 feet tall, and painted a non-reflective shade of grey to blend in with the sky and trees. The mature trees near the tower are of a similar height and bulk, ranging from 120 to 150 feet tall and are a blend of deciduous and conifers. In a PowerPoint presentation, she showed the coverage that will be provided by this tower. Once this tower is integrated with the network, Astoria will be covered with high RS signal, which is a tremendous improvement in coverage. The tower is a passive use that will create one or two visits a month from a technician to maintain the facilities. Verizon is using the minimum height necessary to achieve its coverage objective; any height lower than 150 feet will severely impact their coverage ability for the area. A significant amount of landscaping at ground level will help minimize the view. This secluded location was chosen to minimize the visual impact outside of the Park. Verizon conducted an off-site visual study to find out what would be visible from surrounding areas outside of the Park. She showed examples of the views from various locations, noting the facility cannot be seen due to topography and tree cover.

Vice President Innes asked what an ice bridge was. Ms. Gretch explained that the cables coming out of the equipment run to the tower. The ice bridge is a shield that goes over the cables to protect them.

President Pearson called for any testimony in favor of, impartial to, or opposed to the applications. Hearing none, he closed the public hearing and called for Commission discussion and deliberation and closing comments of Staff.

Planner Johnson said over the last 10 years, multiple sites were considered, both private and City-owned. The City will lease the sites to Verizon. She confirmed for Commissioner Easom that the trees at the site are a combination of deciduous and evergreen trees. He suggested the bottom of the tower be painted green or brown to blend in with the trees. Staff explained that Verizon has found dark colored towers do not wear very well and

the light grey blends in better, even in the forested areas. This issue was discussed at the Historic Landmarks Commission meeting. Darker colors draw more attention to the tower.

Vice President Innes said she liked that Verizon will be required to replace any damaged or blown down trees that camouflage the tower. However, replacement trees will likely be lower than any trees blown down. Planner Johnson agreed any time trees are removed, new trees take years to grow back, but least the trees will be replanted. If there is a catastrophic storm like the one in 2007, trees will be replanted so that they eventually grow back. There will not be an immediate mitigation.

President Pearson said he supported the applications as presented. He believed the monopole would create the least impact and the site is one of the more remote sites at the Park. The tower will not be seen from the parking lot or playground and it will be difficult to see from the community.

Commissioner Spence noted that Mr. Zilli's letter of objection stated he was concerned about the view from the picnic area. However, Page 9 of the Staff report states, "the 150-foot high monopole would be located within the tree area on the western edge of the Park and not in direct alignment of the picnic area view corridor. While the location is within a designated historic and park area, it is approximately 500 feet from Shively Hall and approximately 175 feet from the picnic area." He believed this issue had been adequately addressed and supported Staff's Findings.

Commissioner Moore said a lot of work and attention to detail had been put into this project. He supported the requests.

Commissioner Fitzpatrick said he recognized concerns about the Park and believed no one wanted to see a monopole there. However, he also recognized Astoria has a need. He has followed this project over the last 10 years and knew that a lot of work had been done. The Parks Department, Police Department, and City Staff have put a lot of time into the project. He trusted that this was the best location with a minimal impact and was in favor of the requests.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Wireless Communication Facility WCF15-03 by Verizon Wireless; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance V15-03 by Verizon Wireless; seconded by Commissioner Spence. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

CORRESPONDENCE & MISCELLANEOUS DOCUMENTS

9-24-15 Letter to Ron Zilli notifying of the Planning Commission decision to approve Variance Request V15-03, dated September 24, 201541

9-24-15 Memo to File from Administrative Assistant Sherri Williams describing a discussion with Ron Zilli, dated September 24, 201542

9-18-15 Letter addressed to ‘Interested Parties’ informing of the Astoria Planning Commission decision to approve the Variance Request V15-03, dated September 16, 2015.....43



CITY OF ASTORIA
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COMMUNITY DEVELOPMENT

September 24, 2015

TO: Ron Zilli
FROM: Planning Division
RE: NOTICE OF DECISION
Astoria Planning Commission Variance
File No. V15-03 and WCF15-03 by Verizon Wireless

This letter is to inform you of the decision of the Astoria Planning Commission concerning a request for a Variance V15-03 from the maximum 45' height and 150' setback to construct a 150' wireless communication facility and WCF15-03 Wireless Communication Facility at 1580 Shively Park Road in Astoria in the IN, Institutional zone. The property can be specifically identified on Clatsop County Assessor's Tax Map 80917 Tax Lot 1200 and Map 17CA, Tax Lot 600. The decision of the Astoria Planning Commission is to approve both requests.

Copies of the decision of the Astoria Planning Commission is enclosed for your information.

Any person with standing may appeal the Astoria Planning Commission decision and request a public hearing before the City Council by filing a completed Notice of Appeal with the Community Development Department within 15 days of the date this letter is hand-delivered. The appeal deadline is 5:00 p.m., October 9, 2015. The notice should include all requested information and should state the reasons for the appeal. A fee is required to cover the cost of the appeal. If no appeal is filed within the 15-day period, the decision of the Astoria Planning Commission becomes final. Approval shall be void after two years, on September 16, 2017 unless the purpose for which the application was submitted has been vested.

If you have any questions, please call the Planning Division at (503) 338-5183.

Sincerely,

THE CITY OF ASTORIA


Sherri Williams,
Administrative Assistant

Enclosures: Order V15-03, Order WCF15-03

MEMO TO FILE:

9/24/15

Re: NC15-02, V15-03, WCF15-03

I spoke with Ron Zilli this afternoon. He may appeal the above files. He brought a thumb drive in and I downloaded HLC minutes 9/15/15 and APC minutes 9/16/16. While preparing for this, I pulled his files just to double-check which files he referenced in his letters and realized that he not only submitted a letter for NC15-02 but also a letter for V15-03 and WCF15-03. I did not send him order for V15-03 or WCF15-03. After speaking with Rosemary, I made copies of each of those two orders and prepared a 'cover letter' for each issue, stating "... Notice of Appeal with the Community Development Department within 15 days of the date this letter is hand-delivered. The appeal deadline is 5:00 p.m. October 9, 2015. ..."

I explained the above to Mr. Zilli and noted the date to him verbally. I also stated that the appeal date for the New Construction file is different and is as stated in that letter that he did receive.

I also gave Mr. Zilli an Appeal application, noted the \$250 fee. When he called on the phone and asked what the fee was, I told him I thought it was \$400. We discussed the fee being less than what I told him on the phone.

I cautioned Mr. Zilli about talking with his City Councillor (Cindy Price) about this issue because the appeal will be heard by the Council. He said he spoke to her to voice his opinion about the \$400 fee and how it was cost prohibitive for citizens. He said he would call her and let her know the correct fee and that it is a fair price (I think that were his words).

Mr. Zilli asked if there were any costs incurred as a result of the relocating this cell tower. He said Cindy Price has told him there was. I said that I was not aware of anything other than planning staff time. Mr. Zilli came in at almost 5:00 pm and asked for a records request. He completed the form to the Finance Department & City Manager. He left it with me and I forwarded it to City Manager's office on Friday, September 25th.

Allessi



CITY OF ASTORIA
Founded 1811 • Incorporated 1856
COMMUNITY DEVELOPMENT

September 18, 2015

TO: Interested Parties
FROM: Planning Division
RE: NOTICE OF DECISION
Astoria Planning Commission Variance
File No. V15-03 and WCF15-03 by Verizon Wireless

This letter is to inform you of the decision of the Astoria Planning Commission concerning a request for a Variance V15-03 from the maximum 45' height and 150' setback to construct a 150' wireless communication facility and WCF15-03 Wireless Communication Facility at 1580 Shively Park Road in Astoria in the IN, Institutional zone. The property can be specifically identified on Clatsop County Assessor's Tax Map 80917 Tax Lot 1200 and Map 17CA, Tax Lot 600. The decision of the Astoria Planning Commission is to approve both requests.

Copies of the decision of the Astoria Planning Commission is enclosed for your information.

Any person with standing may appeal the Astoria Planning Commission decision and request a public hearing before the City Council by filing a completed Notice of Appeal with the Community Development Department within 15 days of the Date of Decision. The appeal deadline is 5:00 p.m., October 2, 2015. The notice should include all requested information and should state the reasons for the appeal. A fee is required to cover the cost of the appeal. If no appeal is filed within the 15-day period, the decision of the Astoria Planning Commission becomes final. Approval shall be void after two years, on September 16, 2017 unless the purpose for which the application was submitted has been vested.

If you have any questions, please call the Planning Division at (503) 338-5183.

Sincerely,

THE CITY OF ASTORIA

Sherri Williams,
Administrative Assistant

Enclosures: Order V15-03, Order WCF15-03

PUBLIC NOTICES

9-9-15 Affidavit of Notice of Public Hearing for the September 16,
2015 Astoria Planning Commission meeting44

8-21-15 Notice of Public Hearing for the September 16, 2015 Astoria
Planning Commission meeting, with mailing list.....45

8-21-15 Notice of Public Hearing emailed to Legal Ads, Daily Astorian
for the September 16, 2015 Planning Commission meeting.....50

State Of Oregon

County Of Clatsop } ss.

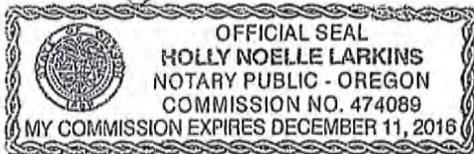
Affidavit of PUBLICATION

I, Kimberly A. Flaigg being duly sworn, depose and say that I am the principal clerk of the manager of the DAILY ASTORIAN, a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the aforesaid county and state; the Legal Notice: AB4896 Public Notice a printed copy of which is hereto attached, was published in the entire issue of said newspaper for one successive and consecutive time(s) in the following issues: September 9th, 2015

[Handwritten signature of Kimberly A. Flaigg]

Signed and attested before me on the 9th day of September, 2015, by:

[Handwritten signature of Holly Noelle Larkins]



Notary Public for the State of Oregon, Residing at Astoria, Oregon, Clatsop County.

Pd. \$167.52 9-29-15
Check # 85800

Copy Of Advertisement

AB4896
CITY OF ASTORIA
NOTICE OF PUBLIC HEARING

The City of Astoria Planning Commission will hold a public hearing on Wednesday, September 16, 2015 at 6:30 p.m., in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Conditional Use CU15-04 by Bruce C. Jones to allow indoor family entertainment at The Armory, 1636 Exchange in the MH, Maritime Heritage zone.
2. Wireless Communication Facilities WCF15-02 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless to construct a 150' high wireless communication facility at 3850 Reservoir Road in the LR, Land Reserve zone.
3. Variance V15-02 by Sarah Grant from the maximum 45' height to construct a 150' high wireless communication facility at 3850 Reservoir Road in the LR, Land Reserve zone.
4. Wireless Communication Facility WCF15-03 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless construct a 150' high wireless communication facility at 1580 Shively Park Road in the IN Institutional zone.
5. Variance V15-03 by Sarah Grant from the maximum 45' height and 150' setback to construct a 150' wireless communication facility at 1580 Shively Park Road in the IN, Institutional zone.

For information, call or write the Community Development Department, 1095 Duane St., Astoria OR 97103, phone 503-338-5183.

The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours prior to the meeting.

The Astoria Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA
Sherri Williams, Administrative Assistant

Published: September 9th, 2015

YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A
PROPOSED LAND USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA

CITY OF ASTORIA
NOTICE OF PUBLIC HEARING

Mail	8/11/15
Email	
Web	

The City of Astoria Planning Commission will hold a public hearing on Wednesday, September 16, 2015 at 6:30 p.m., at the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Conditional Use CU15-04 by Bruce C. Jones to allow indoor family entertainment at The Armory, 1636 Exchange (Map T8N-R9W Section 8DB, Tax Lot(s) 1400; Lot(s) 1, 2, 3, 4, Block 120, Shively) in the MH, Maritime Heritage zone. Development Code Standards 2.890-2.902, Articles 9 and 11, and Comprehensive Plan Sections CP.005-CP.025, CP.057-CP.058 and CP.190-CP.210 are applicable to the request.
2. Wireless Communication Facilities WCF15-02 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless to construct a 150' high wireless communication facility at 3850 Reservoir Road (Map T8N-R9W Section 16, Tax Lot(s) 100; Block 158, Adairs South Astoria Addition to Port of Upper Astoria) in the LR, Land Reserve zone. Development Code Standards 2.870-2.880, Articles 9 and 15, and Comprehensive Plan Sections CP.005-CP.025, and CP.100-CP.105 are applicable to the request.
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4. Wireless Communication Facility WCF15-03 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless construct a 150' high wireless communication facility at 1580 Shively Park Road (Map T8N-R9W Section 17; Tax Lot 1200 and Map 17CA, Tax Lot 600; Lot(s) Unplatted Lots & Lots 1-8, Block 18, Central Astoria & Vacated Portion of Nile Street) in the IN Institutional zone. Development Code Standards 2.835-2.860, Articles 6, 9, and 15, and Comprehensive Plan Sections CP.005-CP.025, CP.060-CP.065, and CP.240-CP.255 are applicable to the request.
5. Variance V15-03 by Sarah Grant from the maximum 45' height and 150' setback to construct a 150' wireless communication facility at 1580 Shively Park Road (Map T8N-R9W Section 17; Tax Lot 1200 and Map 17CA, Tax Lot 600; Lot(s) Unplatted Lots & Lots 1-8, Block 18, Central Astoria & Vacated Portion of Nile Street) in the IN, Institutional zone. Development Code Standards 2.835-2.860, Articles 6, 9, 12, and Comprehensive Plan Sections CP.005-CP.025, CP.060-CP.065, and CP.240-CP.255 are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost and will be provided at reasonable cost. All

V15-03 Verizon (Stimely Park)

500' +

80917CA00500
ASTORIA SCHOOL DIST #1-C
Alameda
Astoria OR 97103

80917AB03402
CASE TONYA
90244 Shoreline Dr
Warrenton, OR 97146-7136

80917BD02500
CLATSOP COUNTY
Sirpa Duoos
820 Exchange #230
Astoria OR 97103

80917BD01900
DI BARTOLOMEO JOSEPH A
1525 16th St
Astoria, OR 97103-3745

80917DC00100
DUNCAN DUFFY
1798 SE Wall St
Astoria, OR 97103-5438

80917AB03403
FIERO SLADE J
3425 Hill Cir
Colorado Springs, CO 80904-1004

80917AB03400
GULLEFF BRADLEY A
1670 James St
Astoria, OR 97103

80917BD00800
KOSUTA CHRISTOPHER A
1432 15th St
Astoria, OR 97103

80917AB03600
ZILLI RONALD F/MICHELLE A
1444 16th St
Astoria, OR 97103-3726

Marsha Spellman
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Adam Haas, Principal
adamhaas@convergecomm.com

David Olson
cableworks.c21@gmail.com

Yogi Sandstrom, Construction Manager
yogi.sandstrom@lxcomcorp.com

Douglas Briedwell, RF Engineer III
douglas.briedwell@verizonwireless.com

Sharon Gretch, Planner
Sharon.gretch@lexcomcorp.com

Sarah Grant
Sarah.Grant@VerizonWireless.com

Floral Alameda Ngbhd Assoc
c/o Bruce Conner
P.O. Box 543
Astoria OR 97103

Leroy Aldolphson
Uniontown Neighborhood Assoc
c/o 165 W. Bond
Astoria OR 97103

JIM STOFFER
ALDERBROOK GROUP
jstoffer@charter.net E-MAIL

SUSAN MARSHALL
EMERALD HEIGHTS GRP
1 EMERALD DRIVE
ASTORIA OR 97103

ATTN: HOUSING OFFICER
COMMANDING OFFICER
USCG AIRSTA ASTORIA
2185 SE 12TH PLACE
WARRENTON OR 97146-9693

Planning & Development Manager
Oregon Department of Transportation
Region 2 Headquarters
455 Airport Road SE Building B
Salem OR 97301-5395
E-MAIL

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ASTORIA OR 97103
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Jim Wolcott
Mill Pond Village Home Owners' Assoc
2735 Mill Pond Lane
Astoria OR 97103 E-MAIL

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Coastal Services Representative
DLCD
4301 Third Street, Room 206
Tillamook, OR 97141 E-MAIL

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editor@northcoastoregon.com

Sirpa Duoos E-MAIL
sduoos@co.clatsop.or.us

Eagle Ridge Home Owner Association
Mark Hedeem E-MAIL
Mark.hedeem@raymondjames.com

Columbia House Condominiums
1 3rd Street # 510
Astoria OR 97103

Sherri Williams

From: Sherri Williams
Sent: Friday, August 21, 2015 11:24 AM
To: 'marsha@convergecomm.com'; adamhaas@convergecomm.com; 'cableworks.c21@gmail.com'; 'yogi.sandstrom@lxcomcorp.com'; 'douglas.briedwell@verizonwireless.com'; 'Sharon Gretch'; 'sarah.grant@verizonwireless.com'
Subject: Public Notice

CITY OF ASTORIA
NOTICE OF PUBLIC HEARING

The City of Astoria Planning Commission will hold a public hearing on Wednesday, September 16, 2015 at 6:30 p.m., at the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

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2. Wireless Communication Facilities WCF15-02 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless to construct a 150' high wireless communication facility at 3850 Reservoir Road (Map T8N-R9W Section 16, Tax Lot(s) 100; Block 158, Adairs South Astoria Addition to Port of Upper Astoria) in the LR, Land Reserve zone. Development Code Standards 2.870-2.880, Articles 9 and 15, and Comprehensive Plan Sections CP.005-CP.025, and CP.100-CP.105 are applicable to the request.
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A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the Planner at 503-338-5183 for additional information.

The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours prior to the meeting.

All interested persons are invited to express their opinion for or against the request(s) at the hearing or by letter addressed to the Planning Commission, 1095 Duane St., Astoria OR 97103. Testimony and evidence must be directed toward the applicable criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue precludes an appeal based on that issue.

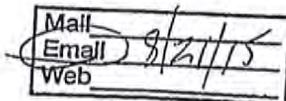
The Planning Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Planning Commission's decision is mailed. Appellants should contact the Community Development Department concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15 day period, the decision of the Planning Commission shall be final.

The public hearing, as conducted by the Planning Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those in opposition to the request, and deliberation and decision by the Planning Commission. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA

Sherri Williams
Administrative Assistant

MAIL: August 21, 2015



August 21, 2015

E-MAILED TO: LEGAL ADS, DAILY ASTORIAN VIA E-MAIL legals@dailyastorian.com
FROM: SHERRI WILLIAMS, COMMUNITY DEVELOPMENT, 338-5183
SUBJECT: PLEASE PUBLISH THE FOLLOWING PUBLIC NOTICE ONE TIME

CITY OF ASTORIA
NOTICE OF PUBLIC HEARING

The City of Astoria Planning Commission will hold a public hearing on **Wednesday, September 16, 2015 at 6:30 p.m.**, in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Conditional Use CU15-04 by Bruce C. Jones to allow indoor family entertainment at The Armory, 1636 Exchange in the MH, Maritime Heritage zone.
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5. Variance V15-03 by Sarah Grant from the maximum 45' height and 150' setback to construct a 150' wireless communication facility at 1580 Shively Park Road in the IN, Institutional zone.

For information, call or write the Community Development Department, 1095 Duane St., Astoria OR 7103, phone 503-338-5183.

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The Astoria Planning Commission reserves the right to modify the proposal or to continue the hearing on another date and time. If the hearing is continued, no further public notice will be provided.

CITY OF ASTORIA

PUBLISH: September 9, 2015

Sherris Williams, Administrative Assistant

APPLICATIONS

8-4-15	Variance Application V15-03 by Verizon Wireless (VAW), LLC dba, Verizon Wireless, from the maximum 45' height and 150' setback to construct a 150' wireless communication facility at 1580 Shively Park Road, deemed complete August 4, 2015	51
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CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
COMMUNITY DEVELOPMENT

v 15-03

Fee: Administrative Permit \$150.00
 (or) Planning Commission \$250.00

VARIANCE APPLICATION

Rel by
 WCF15-03

Property Address: 1580 Shively Park Road, Astoria, OR 97103

unplatted lot's &
 Lot Lots 1-8

Block 18

Subdivision Central Astoria E vacated portion of Nile St.

Map 17
17CA

Tax Lot 809170001200
600

Zone Institutional

Applicant Name: Verizon Wireless (VAW), LLC dba, Verizon Wireless, Sarah Grant

Mailing Address: 5430 NE 122nd Avenue, Portland, OR 97317

Phone: _____ Business Phone: _____ Email: _____

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street, Astoria, OR 97103

Representative: Lexcom Development, Sharon Gretch, 541-515-8263, sharon.gretch@lexcomcorp.com

Business Name (if applicable): _____

Signature of Applicant: _____

Date: _____

Signature of Property Owner: OK per 8/3/15 City Council

Date: 8/4/15

Existing/Proposed Use: Park / Wireless Communications Facility

What Development Code Requirement do you need the Variance from? (Describe what is required by the Code and what you are able to provide without a Variance.)

A variance to height, 16.065(B)(6)(b), is being requested. See attached, pages 16/17 for criteria response.

on maximum 45' height, to construct a 150' wireless communication facility and 150' setback

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

For office use only:

Application Complete:	<u>8/4/15</u>	Permit Info Into D-Base:	<u>8/13/15</u>
Labels Prepared:	<u>9/17/15</u>	Tentative APC Meeting Date:	<u>9/23/15</u>
120 Days:			



CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
COMMUNITY DEVELOPMENT

*Fee: Administrative Permit \$150.00
 (or) Planning Commission \$250.00*

VARIANCE APPLICATION

Property Address: 1530 Shively Park Road, Astoria, OR 97103

Lot _____ Block _____ Subdivision _____

Map _____ Tax Lot 809170001200 Zone Institutional

Applicant Name: Verizon Wireless (VAW), LLC dba, Verizon Wireless, Sarah Grant

Mailing Address: 5430 NE 122nd Avenue, Portland, OR 97317

Phone: _____ Business Phone: _____ Email: _____

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street, Astoria, OR 97103

Representative: Lexcom Development, Sharon Gretch, 541-515-8263, sharon.gretch@lexcomcorp.com
 Business Name (if applicable): _____

Signature of Applicant: *Sarah Grant* Date: 2/13/15

Signature of Property Owner: _____ Date: _____

Existing/Proposed Use: Park / Wireless Communications Facility

What Development Code Requirement do you need the Variance from? (Describe what is required by the Code and what you are able to provide without a Variance.)

A variance to height, 16.065(B)(6)(b), is being requested. See attached, pages 16/17 for criteria response.

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

For office use only:

Application Complete:		Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	
120 Days:			

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 13th of the month to be on the next month's agenda. A Pre-Application meeting with the Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended.

Briefly address each of the following criteria: Use additional sheets if necessary.

12.030(A)(1) The request is necessary to prevent unnecessary hardship.

12.030(A)(2) Development consistent with the request will not be substantially injurious to the neighborhood in which the property is located.

12.030(A)(3) The request is necessary to make reasonable use of the property.

12.030(A)(4) The request is not in conflict with the Comprehensive Plan.

Astoria Development Code Section 12.030(B) states:

in evaluating whether a particular request is to be granted, the granting authority shall consider the following, together with any other relevant facts or circumstances.

1. Relevant factors to be considered in determining whether a hardship exists include:
 - a. Physical circumstances related to the property involved;
 - b. Whether a reasonable use, similar to like properties, can be made of the property without the variance;
 - c. Whether the hardship was created by the person requesting the variance;
 - d. The economic impact upon the person requesting the variance if the request is denied.
2. Relevant factors to be considered in determining whether development consistent with the request is substantially injurious to the neighborhood include:
 - a. The physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards.
 - b. The incremental impacts occurring as a result of the proposed variance.
3. A determination of whether the standards set forth in Section 12.030(A) are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in Section 12.030(B) (1) & (2) are not standards and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.

Prior variances allowed in the neighborhood shall not be considered by the granting authority in reaching its decision. Each request shall be considered on its own merits.

3. *The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.*
4. *The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.*
5. *The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.*

Response: The subject 12.4 acre parcel is zoned Institutional and the use proposed herein, Wireless Communication Facility, is permitted subject to a Conditional Use review. The scale of the proposed project, both the monopole and the ancillary equipment cabinets, are consistent with the scale of trees in the immediate area and the ground lease area will be fully landscaped to further minimize visual impact at ground level. The site is an unmanned, passive use requiring 1 to 2 trips per month for maintenance purposes. This monthly maintenance visit would have no impact on the existing vehicular access to and from the proposed site, or to pedestrian, bicycle and transit circulation. The facility requires only power and fiber and does not require water, sewer or surface water drainage. Further, this proposal would not produce any adverse noise, glare or noxious odors. As demonstrated herein, there are no existing structures in the vicinity that can accommodate this use and the site is well removed from any other development. The minimal footprint, 1,120 sq. feet, will have little impact on existing and projected uses on-site and will not interfere with normal park usage. The topography and physical characteristics of the site are ideal for the site as they provide natural camouflage for the facility. A core drilling was completed on site and is being evaluated to determine the type of foundation required for the site.

Article 12 – Variances

12.030. GENERAL CRITERIA.

Variances to a requirement of this Code, with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, and other quantitative requirements may be granted only if, on the basis of the application, investigation and evidence submitted by the applicant, findings are made based on the four factors listed below. Variances from off-street parking, sign requirements, and Flood Hazard Overlay Zone are not subject to General Criteria (refer to Sections 12.040, 12.050, and 12.055 as applicable).” (Amended by Ordinance 09-03, 8/3/09)

- A. *The granting authority may grant a variance from the requirements of this chapter, if on the basis of the application, investigation, and the evidence submitted by the applicant, all four (4) of the following expressly written findings are made:

 1. *The request is necessary to prevent unnecessary hardship; and*
 2. *Development consistent with the request will not be substantially injurious to the neighborhood in which the property is located; and*
 3. *The request is necessary to make reasonable use of the property; and*
 4. *The request is not in conflict with the Comprehensive Plan.**
- B. *In evaluating whether a particular request is to be granted, the granting authority shall consider the following, together with any other relevant facts or circumstances.*

1. *Relevant factors to be considered in determining whether a hardship exists include:*
 - a. *Physical circumstances related to the property involved;*
 - b. *Whether a reasonable use, similar to like properties, can be made of the property without the variance;*
 - c. *Whether the hardship was created by the person requesting the variance;*
 - d. *The economic impact upon the person requesting the variance if the request is denied.*
2. *Relevant factors to be considered in determining whether development consistent with the request is substantially injurious to the neighborhood include:*
 - a. *The physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards.*
 - b. *The incremental impacts occurring as a result of the proposed variance.*
3. *A determination of whether the standards set forth in Section 12.030(A) are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in Section 12.030(B) (1) & (2) are not standards and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.*
4. *Prior variances allowed in the neighborhood shall not be considered by the granting authority in reaching its decision. Each request shall be considered on its own merits.*

Response: Verizon Wireless is requesting a variance to the height limitation of 45-feet for new wireless facilities. This request is necessary as, at 45-feet, the site would sit below the existing tree cover and would not meet the requirements needed to replace the site at the Astoria Column and hand-off to the adjacent sites, Warrenton, Reservoir, Astor and Stavebolt. As detailed herein, the radio frequencies used in Verizon's systems are adversely affected by trees, diminishing the signal significantly. Therefore, antennas must be installed at or above tree height in order to provide high quality communications services in the desired coverage area. The minimum height required to clear the existing tree canopy is 150-feet.

Further, the site would not impact neighboring properties as wireless facilities are a passive use, requiring no on-site sewer or water services and creating no glare, noxious odors or significant traffic. As is demonstrated herein, the site is not in conflict with the Comprehensive Plan and could support the goals of the Plan by providing quality communication services that can support residential, commercial, industrial growth and enhance emergency 911 services.

- C. *No variance may be granted which will permit a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction.*

Response: This proposed use is permitted in the applicable zone and will not increase residential density.

VI. Conclusion

The Verizon proposal herein can meet all requirements of the City of Astoria Development Code (to the extent that they are not preempted by federal law). As such, it is respectfully requested that the City of Astoria approve this proposal as designed, subject only to standard conditions of approval.

ATTACHMENTS

WIRELESS COMMUNICATIONS FACILITY
1580 SHIVELY PARK ROAD

WCF15-03
V15-03
NC15-03

Application, 8-4-15

Statement of Compliance for Proposed Wireless Facility, 7-20-15

FCC License

Non-Ionizing Electromagnetic (NEIR) Report, January 2015

Architectural Drawings

RF Propagation Maps

Location Map of All Sites

Photo Simulations

Federal Aviation Administration Determination, 1-15-15

Region Department of Aviation Determination, 3-4-15

Region Department of Aviation Letter, 8-26-15

Nate Historic Preservation Office Section 106 NEPA Review Determination, 2-24-15

Mail from Lexcom on site selection, 7-13-15

Statement of Compliance for Proposed Wireless Facility

Verizon Wireless Site ID: OR1 City Park

Submitted to the City of Astoria

July 20, 2015

I. General Information

Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland, OR 97317

Representative: Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath, OR 97370
(541) 515-8263

Project Information:

Property Owner: City of Astoria
Site Address: 1530 Shively Park Road, Astoria
Parcel: 809170001200
Parcel Area: 12.4 acres
Zone Designation: Institutional
Existing Use: Park

Attachments List

00. Land Use Application signed by Applicant
 - a. Wireless Communication Facility Application
 - b. Variance Application – General (for height)
 - c. New Construction (Adjacent to Historic Property)
01. Statement of Compliance Narrative
02. Deed
03. FCC License
04. Non-Ionizing Electromagnetic Report (NIER)
05. Architectural Drawings
06. Propagation Maps
07. Location map of all sites
08. Photo Simulations
09. FAA / ODA Determinations
10. State Historic Preservation Office Determination

II. Project Overview

Lexcom Development is submitting an application on behalf of Verizon Wireless (VAW), LLC, dba Verizon Wireless and the property owner, City of Astoria. The site proposed herein is designed to improve the voice and data capacity for its customers living in the City of Astoria along and south of Lexington Avenue area and will be one of two towers designed to replace the existing tower located near the Column of Astoria.

The applicant proposes to construct a 150-foot tall monopole with up to a total of twelve panel antennas (eight initial, four future) and future microwave antennas. Ancillary ground equipment inclusive of radio equipment cabinets, generator and utility frame¹ will be located within a landscaped, 40' x 28' lease area. The site will be accessed via Shively Park Road. Further, the site has been designed for at least two additional carriers to minimize the proliferation of towers within the City.

The location of the proposed site maximizes coverage while minimizing visual impacts by utilizing existing topography and natural screening². The proposed antenna height, with an overall antenna tip height of 150-feet, is the minimum height necessary to provide the required coverage relative to nearby complementary wireless facilities.

This site can meet the City of Astoria's criteria for siting of new wireless telecommunication facilities, including height, setbacks and design as will be demonstrated herein. As shown throughout this application, Verizon's proposal is the least intrusive means of meeting coverage objectives. Verizon Wireless respectfully requests that the City of Astoria approve the facility as proposed herein.

III. Site Selection & Design

Verizon seeks to improve a significant coverage and capacity deficiency in its 3G and 4G LTE coverage in the City of Astoria. Wireless service is a critical today, with many people relying on their wireless devices for everything from information gathering to financial transactions to primary home phone service. The proposed location was chosen by Verizon Wireless to improve the quality of voice and data service as well as 911 services, for its customers living in the City of Astoria along and south of Lexington Ave. The site will also provide service to a large rural area southeast of the City³.

Verizon constructs wireless communication facilities at carefully selected locations. The need for service in this particular geographic area was determined by market demand, coverage requirements for a specific geographic area, and the need to provide continuous coverage from one site to another. Once the need for additional coverage or capacity was established, Verizon's RF engineers performed a study to determine the approximate site location and antenna height required to provide service in the desired coverage area. Using a computer modeling program that accounts for the terrain within the service area and other variables, such as proposed antenna height, available radio frequencies and wireless equipment characteristics, the engineers identified a "search ring," wherein a site could be located to fill the coverage gap. The engineers took the following objectives into consideration when

¹ See, *Architectural Drawings*, enclosed as Attachment 5.

² See, *Photo simulations*, enclosed as Attachment 8.

³ See, *RF Propagation Maps for site "ORI City Park", Exhibits 1 through 5*, enclosed as Attachment 6.

identifying the search ring:

1. Coverage. The antenna site must be located in an area where the radio frequency broadcasts will provide adequate coverage within the significant gap in coverage. The RF engineer must take into consideration the coverage objectives for the site as well as the terrain in and around the area to be covered. Since radio frequency broadcasts travel in a straight line and diminish as they travel further away from the antennas, it is generally best to place an antenna site near the center of the desired coverage area. However, in certain cases, the search ring may be located away from the center of the desired coverage area due to the existing coverage, the surrounding terrain, or other features which might affect the radio frequency broadcasts like buildings or sources of electrical interference.
2. Capacity. Capacity refers to the technological limitation of a wireless communication facility to provide communication. Mobile phones and wireless devices transmit to and receive radio frequency signal from antennae at wireless communication facilities. Antennae are capable of transmitting and receiving a finite amount of signal – the capacity. When capacity is reached, busy signals on phone result and data transmission is lost. Monitoring of each wireless facility is continuous and the data collected analyzed for planning to prevent overloading. Projections based on the data allow Verizon to plan, design, permit, and construct new facilities or modify existing wireless communication facility before reaching capacity.
3. Clutter. Verizon's antennas must "clear the clutter" in the area. The radio frequencies used in Verizon's systems are adversely affected by trees, buildings, and other natural and man-made obstacles. Radio frequencies do not penetrate mountains, hills, rocks or metal, and radio frequencies are diminished by trees, brick and wood walls, and other structures. Therefore, antennas must be installed above or close to the "clutter" in order to provide high quality communications services in the desired coverage areas. In addition, if the local code requires us to accommodate additional carriers on the structure, the structure must be even higher in order to allow the other carriers' antennas to clear the clutter as well.
4. Call Handoff. The antenna site must be located in an area where the radio broadcasts from this site will allow seamless call handoff with adjacent sites. "Call handoff" is a feature of a wireless communications system which allows an ongoing telephone conversation to continue uninterrupted as the user travels from the coverage area of one antenna site into the coverage area of an adjacent antenna site. This requires coverage overlap for a sufficient distance and/or period of time to support the mechanism of the handoff.
5. Quality of Service. Users of wireless communications services want to use their services where they live, work, commute and play, including when they are indoors. Verizon's coverage objectives include the ability to provide indoor coverage in areas where there are residences, businesses and indoor recreational facilities.
6. Radio Frequencies used by System. The designs of telecommunications systems will vary greatly based upon the radio frequencies that are used by the carrier. If the carrier uses radio frequencies that are in the 850 MHz to 950 MHz range, the radio signals will travel further and will penetrate buildings better than the radio frequencies in the 1900 MHz band. Thus, Verizon needs more antennas in a given area to support technologies that use the 1900 MHz band.
7. Land Use Classifications. Verizon's ability to construct a cell site on any particular property is affected by Oregon state law and Astoria city code.

Terrain data within the service area is entered into a modeling program along with a series of variables, such as proposed antenna height, available radio frequencies and wireless equipment characteristics. Using this information, Verizon's RF engineers identified an area of optimum location for and height of a new wireless communication facility antenna to maximize the coverage objective. When this technical analysis was completed, a search area map and a description of other requirements were provided to Verizon's site development specialists.

When designing an existing or new area for coverage or capacity, Verizon Wireless will first attempt to utilize an existing tower or structure for collocation at the desired antenna height. If an existing tower or structure is not available or not attainable because of space constraints or unreliable structural design, Verizon Wireless will propose a new tower. In this instance, our real estate group with the help of outside consultants did several searches and concluded there is no existing cell towers nearby for collocation, to meet the OR1 City Park objectives.

The following sites listed below represent the Verizon priority siting and alternate candidates reviewed within the search area. The analysis of site viability is included under, 'Summary'.

Verizon Priority Siting	Type of Property	Description	Summary
1)	Existing Structures	<i>Collocation on existing WCF towers</i>	There are no existing WCF towers within this desired search area on which to collocate.
		<i>Upgrade to existing WCF towers</i>	None available in the search area to upgrade.
		<i>Existing alternative tall structures (i.e., water tanks, Stadium Lighting, etc.)</i>	No alternate tall structures were identified within the search ring on which to locate.
		<i>Rooftop Installation Opportunities</i>	No tall buildings are located within the search ring. The concrete building identified as Reservoir 2 was reviewed, but deemed too low to meet coverage needs. See attached email from Arden Yundt, Verizon RF Engineering PNW Region.

2)	Utility Structures <i>(i.e., power poles, high tension power lines, etc.)</i>	Existing utility poles	Existing poles in the area are 20-35 feet. These poles are structurally insufficient to support the required antenna installation and are unable to achieve the required height to reach coverage/capacity objectives.
3)	New Facility	Two Opportunities	<p>(1) <i>Fred Lindstrom Memorial Park:</i> Areas within the park were reviewed, however deemed to be too low of an elevation to meet coverage objectives and hand-off to adjacent sites.</p> <p>(2) <i>Shively Park:</i> Site proposed herein; Alternate locations within the park were reviewed, however, the location herein was chosen as primary as it afforded the best natural camouflage and met all coverage/capacity objectives and can effectively hand-off to adjacent sites.</p>

Table 1 - Priority Site Analysis

Coverage plots are attached herein under Attachment 6 and labeled as Exhibits 1 through 6.

- Exhibit 1 shows current coverage, inclusive of the site near the Astoria Column titled 'Astoria HD' and existing sites, OR1 Gearhart and OR1 Warrenton.
- Exhibit 2, shows coverage following the removal of the 'Astoria HD' site, depicting the area as it would exist without any coverage. The dotted circle in Exhibit 2 depicts area of RF coverage and capacity gap that the site herein is proposed to fill.
- Exhibit 3&4 shows coverage/ RF signal emitting from the site proposed herein. With the antenna at 150-feet, nearly the entire coverage objective area will be covered by high to moderate RF signal strength, as depicted by the purple and blue portions of the map. Therefore Exhibit 3&4 meets our design objective for this site and clearly shows the proposed location improving, and in many cases adding signal strength to this large rural area.
- Exhibits 5 depicts how the proposed site will be integrated into our network system for that area. Therefore our antenna with a tip height of 150 feet (AGL) will fulfill the capacity objective for the proposed site as depicted in Exhibit 5 & 6. The proposed site ensures, RF

signal overlaps with adjacent sites to allow continuity of call(s) or "handoff." Therefore a 150' (AGL) antenna centerline is required at the OR1 City Park site location as shown to provide service for its customers living in the City of Astoria along and south of Lexington Avenue and to a large rural area southeast of the city.

Enhanced 911 (E911) Requirements

In addition to providing improved service to Verizon customers, the proposed antenna location is needed to meet Federal Communications Commission (FCC) requirements for Enhanced 911 (E911) service. The wireless E911 program is divided into two phases. Phase I requires wireless carriers, upon request from a local Public Safety Answering Point (PSAP), to report the telephone number of a wireless 911 caller and the location of the antenna that received the call. Phase II of the E911 program requires wireless carriers to provide far more precise location information, within 50 to 100 meters in most cases.

The FCC established a four-year schedule for Phase II. It began on October 1, 2001 with a target completion date of December 31, 2005. Provision of E911 service in accordance with FCC requirements is a major component of the demand for additional cell sites. In addition to providing greater signal strength for in-building coverage that will provide better service to residential customers in the area, the proposed WCF will provide more precise triangulation for providing E911 service as required by the FCC. This will allow a person who is using E911 because of an emergency to be found more quickly because their location will be more easily determined as this and other antenna sites are added to the wireless network.

Verizon engineers have carefully designed this site to maximize quality of service to our customers, which can best be accomplished at a height of 150-feet (antenna tip height). This location was also selected because of its position relative to existing and proposed sites, providing favorable site geometry for federally mandated E911 location accuracy requirements and efficient frequency reuse. Good site geometry is needed to achieve accurate location of mobile users through triangulation with existing and proposed sites.

IV. Applicable Law

Federal, state and local laws will apply to this application.

Federal law, primarily found in the Telecommunications Act, acknowledges a local jurisdictions zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways. First, a local government must approve an application for a wireless communications site if three conditions are met: (1) there is a significant gap in coverage; (2) the carrier has shown that the manner in which it proposes to provide service in the significant gap is the least intrusive on the values that the community seeks to protect as allowed by applicable law; and (3) there are no potentially available and technologically feasible alternatives that are less intrusive on the goals that the community seeks to protect as allowed by applicable law. 47 U.S.C. Section 332(c)(7)(A) and (B)(i)(II); and *T-Mobile USA, Inc. v. City of Anacortes*, 572 P.3d 987 (9th Cir. 2009).

In addition, under the Telecommunications Act, the City of Astoria is prohibited from considering the environmental effects (including health effects) of the proposed site if the site will operate in

compliance with federal regulations. 47 U.S.C. Section 332(c)(7)(B)(iv). Therefore, this issue is preempted under federal law and any testimony or documents introduced relating to the environment or health effects of the proposed site should be disregarded in this proceeding.

Finally, the Telecommunications Act requires local jurisdictions to act upon applications for wireless communications sites within a 'reasonable' time. The FCC has issued a 'Shot Clock' rule to establish a deadline for the issuance of land use permits for wireless facilities. According to the FCC, a reasonable period of time for local government to act on wireless applications is 90-days for a co-location application and 150-days for all other applications. This time period includes all application notice and appeal periods. Therefore, under federal law, the reasonable period for the City of Astoria to review this application is 150-days unless more restrictive timelines apply.

V. Application submittal requirements: Astoria Development Code

Verizon proposal complies with the submittal requirements of the City of Astoria Development Code. These are addressed in the order laid out below.

Article 15 – Wireless Communication Service Facilities

Article 11 – Conditional Use

Article 12 – Variances

Article 15 – Wireless Communication Service Facilities

15.035. PERMITTED LOCATIONS OF WIRELESS COMMUNICATION SERVICE FACILITIES.

A. Zones: Wireless Communication Service Facilities, including antenna, antenna arrays, and antenna support structures are permitted with administrative or conditional use review in the zones as provided below:

1. Permitted Zones: Wireless Communication Service Facilities are permitted in the following zones through the Administrative or Conditional Use process in accordance with Astoria Development Code Article 9:

f. IN (Institutional)

B. Preferred Location, Siting, and Designs in Priority Order.

2. Conditional Use Review.

a. Location on New Antenna Support Structure

Response: The proposed use is for new antenna support structure in an IN zone which is permitted use subject to a Conditional Use Review.

15.045. COLLOCATION AND USE OF ALTERNATIVE ANTENNA SUPPORT STRUCTURES FOR WIRELESS COMMUNICATION SERVICE FACILITIES.

B. Collocation Required: Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission. If an applicant proposes to construct a new antenna support structure, evidence shall be submitted by the applicant to demonstrate the following:

1. That no existing antenna support structures or alternative antenna support

structures are located within the geographic area which meet the service provider's engineering requirements to provide service; OR

- 2. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the service provider's engineering requirements to provide service;*
- 3. That existing support structures and alternative antenna support structures do not have sufficient structural strength to support the service provider's engineering requirements to provide service; OR*
- 4. That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference, or NIER field interference with nearby antennas or antenna arrays, or vice-versa; OR*
- 5. That there are other limiting factors, such as inadequate space for an equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable.*

Response: Verizon consultants worked closely with the City of Astoria and Parks Department staff to identify a viable location that would minimize the visual impact to the surrounding area and minimize any impact on the flora/fauna within the park. See Table I, under III. Site Selection & Design, above for detailed analysis on alternative sites reviewed.

When designing an existing or new area for coverage or capacity, Verizon Wireless will first attempt to utilize an existing tower or structure for collocation at the desired antenna height. If an existing tower or structure is not available or not attainable because of space constraints or unreliable structural design, only then will Verizon Wireless propose a new tower. The consultants did several searches and concluded there are no existing cell towers or viable alternative structures such as water tanks, tall power poles or similar structures nearby for collocation that would meet the OR1 City Park objectives. The nearest existing vertical structure is roughly a ½ mile away and is the tower located at the Astoria Column.

15.060. APPLICATION SUBMITTAL REQUIREMENTS.

A. All applications for permits for the placement and construction of Wireless Communication Service Facilities shall be accompanied by the following:

- 1. A complete description of the proposed WCSF including use of concealment technology, height, location, siting, and design, and description of services the applicant intends to provide from the facility.*
- 2. Proof of ownership of the land upon which the WCSF is proposed; or evidence of an appropriate easement, lease, rental agreement, or land use application signed by the applicant and signed by the underlying property owner.*
- 3. Copy of the carrier's current FCC license for the proposed coverage area.*
- 4. Evidence demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the FCC particularly with respect to any habitable areas within the structure on which the antennas are co-locating or in structures adjacent to or across a public right-of-way from the antennas.*

5. *An accurate and scaled site plan, scaled elevation views, and other supporting drawings, illustrating the location and dimensions of the proposed WCSF, including but not limited to: antenna support structure, alternative antenna support structure, antenna array, antennas, equipment enclosures, and any and all other devices and attachments.*
6. *Readily discernible map of the proposed area of coverage.*
7. *Location map of all sites currently operated by the carrier in a five (5) mile radius of the proposed site. Such locations shall be of sufficient detail to be added to the City's GIS data system. For each such site, the targeted area and capabilities of the sites shall be adequately described.*
8. *Visual impact analysis and demonstrations including mock-ups and/or photo simulations from at least three (3) directional perspectives.*
9. *Evidence demonstrating that the applicant has filed a request with the Federal Aviation Administration (FAA) and the Oregon Department of Aviation (ODA) to review the application, or evidence demonstrating that the applicant has complied with all FAA and ODA requirements.*
10. *Evidence demonstrating that the applicant has filed a request with the State Historic Preservation Office to review the application under Section 106 of the National Historic Preservation Act, or evidence demonstrating that the applicant has complied with all State Historic Preservation Office requirements as a result of the Section 106 consultation.*

Response: A description of the proposed facility addressing 15.060(A)(1) is located under *Section 2: Project Overview* and *Section 3: Site Design and Selection* and submittal requirements as described under 15.060(A)(2-10) are attached herein. See, *Attachments 10*.

11. *A collocation feasibility study conducted for the proposed service area of the facility being proposed. The study will describe the applicant's policy on collocation and demonstrate that collocation efforts were made and provide findings on why collocation can or cannot occur as indicated in Section 15.045.B.*

Response: See, response to Section 15.045(B) above and Table I, under III. Site Selection & Design, above for detailed analysis on alternative sites reviewed. There are no existing cell towers or viable alternative structures such as water tanks, tall power poles or similar structure nearby for collocation, to meet the OR1 City Park objectives. The nearest existing vertical structure is roughly a ½ mile away and is the tower located at the Astoria Column which this site, in conjunction with three other proposed sites, is designed to replace

12. *Where less preferred locations or design are proposed, a description of other alternatives considered (alternate sites, alternative heights, number of facilities, and equipment utilized) and the reasons why higher priority locations or designs were not selected.*

Response: See, response to Section 15.045(B) above and Table I, under III. Site Selection & Design,

above for detailed analysis on alternative sites reviewed. Verizon consultants worked closely with the City of Astoria and Parks Department staff to identify a viable location that would minimize the visual impact to the surrounding area and minimize any impact on the flora/fauna within the park. Other locations within in the park were reviewed, however, the site proposed herein offered significantly more screening of the tower with the least impact, requiring no tree removal and minimal site grading. Other locations within the park would have required additional tree removal and significant tree trimming.

15.065. STANDARDS AND REVIEW CRITERIA: All applications for Wireless Communication Service Facilities shall demonstrate compliance and conformity with the following requirements. The burden of proof is on the applicant to demonstrate such compliance and conformity. The Community Development Director may release an applicant from a requirement when it is determined that the requirement is not applicable to the request.

A. General and Operating Requirements.

1. Owner and Applicant Responsibilities. The owner and applicant of the Wireless Communication Service Facility and his or her successors and assigns at all times shall have the following responsibilities:

- a. The owner shall respond in a reasonable and timely manner to a request for information from a potential collocation applicant. In responding to such a request, the owner and potential collocation applicant shall furnish to each other all non-proprietary information necessary to enable the potential collocation applicant and the owner to determine the feasibility of collocation.
- b. The owner and potential collocation applicant shall negotiate in good faith for shared use of the owner's Wireless Communication Service Facility.

Response: It is the industry standard to allow collocation of multiple carriers on a single tower. Further, collocation is mandated under the Telecommunications Act, obligating carriers to provide, "on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements."

2. Environmental and Historic Resource Protection. All Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:

- a. The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;
- b. Alteration or disturbance of natural vegetation and topography shall be minimized;

Response: The site shall comply with all applicable local, State and Federal Regulations. The site proposed herein was designed in conjunction with City of Astoria staff and the Parks Department and was chosen as it preserves existing vegetation and afforded the best screening for the tower from on-site and off-site locations⁴. The site will be minimally graded and a retaining wall constructed in order to place the radio equipment cabinets at a lower elevation than the tower⁵. Alternate sites that were

⁴ See, *Photo simulations*, enclosed as Attachment 8.

⁵ See, *Grading & Drainage Plan*, enclosed as Attachment 5, page C3.

reviewed within the park would have required significantly more disturbance, requiring tree and limb removal prior to construction.

3. Noise. *No testing of back-up power generators shall occur between the hours of 6:00 PM and 7:00 AM. Emergency operation of back-up power generators is permitted at any time.*

Response: The back-up generator shall only be tested as detailed above.

4. Permits Required.

- a. *A Building Permit issued by the City is required for each Wireless Communication Service Facility. A building permit will not be issued until all land use approvals have been obtained; until any associated conditions have been met; and until all other applicable local, State, and Federal approvals have been secured and complied with, including but not limited to Astoria Development Code, Article 6 Historic Properties, and Section 106 requirements as set forth by the State Historic Preservation Office.*
- b. *No Wireless Communication Service Facility shall be constructed or operated within the City limits until all necessary City, State, and Federal approvals have been secured. Evidence of approvals shall be provided to the City.*

Response: A Building Permit request will be filed once land use has been reviewed and approvals obtained. All City State and Federal approvals have been applied for and shall be obtained prior to construction start.

5. Prohibited Structures.

- a. *Lattice and guyed wire towers and support structures and speculation ("spec") support structures are prohibited in all zones except as noted in Section 5.b.*
- b. *Lattice towers and support structures that are required for Emergency Communications Facilities and Temporary Communications Facilities operated by public officials may be located in the LR Zone (Land Reserve). Co-location by private communication providers on a lattice tower with emergency communication facilities is allowed.*

Response: Not applicable. This proposal is for a monopole.

6. Radio Frequency Standards.

- a. *The applicant shall provide evidence that the Wireless Communication Service Facility is in compliance with FCC standards and that the Wireless Communication Service Facility will not cause interference with the reception of area television, radio, or emergency communication broadcasts. If at any time, the City finds that the Wireless Communication Service Facilities interfere with such reception, the applicant shall mitigate the interference. If the applicant does not mitigate the interference to the City's satisfaction, the*

City may revoke or modify the permit.

Response: See Attachment 4, NIER report.

7. Security. *The applicant shall insure that sufficient anti-climbing measures have been incorporated into the WCSF, as needed, to reduce potential for trespass and injury.*

Response: The facility will be surrounded by a 6 foot fence for security and all climbing pegs will be removed once construction is complete.

8. Technical Expert Support. *The Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required.*

B. Location, Siting and Design Requirements.

1. Preferred Location, Siting, and Designs in Priority Order. *See Section 15.035.B of this Code.*

Response: Per 15.035(B) Preferred Location, Siting, and Designs in Priority Order; sites that are located on an existing support structure or existing alternative support structure are given the highest priority. As is demonstrated, there are no existing structures in the area to locate a facility meet the OR1 City Park objectives. As the second priority siting, the preferred design is a camouflaged/concealed tower. This site was specifically located in such a manner to utilize the existing topography and surrounding tall trees to conceal the tower. See Attachment 08, photo simulations.

2. Adverse Impact. *WCSF shall not create a substantial adverse impact on the view from any public park, natural scenic vista, historic property (locally designated or on National Register), major scenic and view corridor, or residential area. In determining the potential substantial adverse impact of the proposed facility upon scenic, natural, historic, and cultural resources or vicinity, the following points shall be considered:*

- a. The extent to which the proposed WCSF is visible from the viewpoint(s) of the impacted resource or vicinity.*
- b. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.*
- c. The amount of vegetative screening.*
- d. The distance of the proposed facility from the impacted resource or vicinity.*
- e. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.*

Response: This site was specifically located in heavy tree cover and utilizes the existing topography to conceal the tower. The existing trees in the area are inclusive of approximately twenty-two (+/-) deciduous trees ranging in height from 20 – 120 feet and roughly fifteen (+/-) Douglas Fir trees ranging in height from 18 – 150 feet. Given the existing tree height and density along with the distance to the

nearest development, the visual impact from the surrounding area is significantly mitigated. No adverse impact to adjacent parcels or other resources is anticipated. Further, the lease area will be surrounded by a landscape buffer to further conceal the ground level equipment. See Attachment 08, Photo simulations.

3. Use of Concealment Technology. All Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.

Response: This site was specifically located to conceal the tower by utilizing the existing topography and surrounding heavy tree cover, inclusive of tall, Douglas Fir trees and shorter, deciduous trees. The existing trees are of similar height, ranging in heights from 18-feet to 150-feet. Given the existing tree height and density along with the distance to the nearest development, the visual impact from the surrounding area is significantly mitigated. See Attachment 08, photo simulations.

4. Access Driveways and Parking. All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the Astoria Development Code and Astoria City Code.

- a. Existing driveways shall be used for access whenever possible.*
- b. New parking areas shall, whenever feasible, be shared with subsequent Wireless Communication Service Facilities and/or other permitted uses.*

Response: No new access driveways or parking is proposed for this site.

5. Color and Materials.

- a. All buildings, poles, antenna support structures, antennas, antenna arrays, and other associated components of each Wireless Communication Facility site shall be initially coated and thereafter recoated as necessary with a non-reflective neutral color in muted tones.*
- b. The color selected shall be one that will minimize visibility of the WCSF to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees, or grasslands shall be coated with colors matching those landscapes, while elements which rise above the horizon shall be coated a color that matches the typical overcast sky (i.e. white, light gray, etc.) or background color at that location.*
- c. The color and coating shall be reviewed and approved by the Community Development Director or Astoria Planning Commission.*
- d. Upon a clear showing by the applicant that compliance with the requirements of this section would void a manufacturer's warranty on any specific equipment, or that natural aging of the material would provide greater*

concealment, the Community Development Director or Astoria Planning Commission may waive the requirements of this section for such specifically identified equipment.

Response: All equipment shall be of a non-reflective, earth tone color that shall blend with the natural environment and located behind a 6' tall chain link fence. The tower is a non-reflective, powder coated, grey tone. This tone tends to blend better with the varied colors as occur in nature, taking on the surrounding tones of both sky and earth.

***6. Height.** In addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:*

- a. WCSF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- b. If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.*
- c. In reviewing Variance requests to the above described height limits, the following shall be considered:
 - 1) The proposed structure and facility uses concealment technology; and*
 - 2) It is demonstrated that a greater height is required to provide the necessary service.**
- d. Building or other structure-mounted Wireless Communication Service Facilities shall not project more than ten (10) additional feet above the highest point on the existing building or structure and shall not project higher than the height requirements of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- e. WCSF shall not penetrate imaginary surfaces around the Astoria Airport as defined by the Oregon Department of Aviation, unless a waiver is granted pursuant to Oregon Revised Statutes.*

Response: A variance to height is being requested for this location. The site proposed herein was submitted to the FAA and ODA for review. A determination of 'No Hazard' has been received from the FAA and the ODA does not object to construction as proposed⁶. See response to Article 12 regarding 6(c)(1) and (2), starting on page 16 herein.

***7. Landscape and Screening.** All Wireless Communication Service Facility sites shall be improved with existing native vegetation, suitable landscaping and/or fencing installed to screen the facility, where necessary. To this end, all of the following requirements shall be implemented for all Wireless Communication Service Facilities which are installed on antenna support structures:*

- a. A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, shall be submitted as part of the application.*

⁶ See, *FAA / ODA Determinations*, enclosed as Attachment 9.

- b. *Any proposed or required fenced area is to be surrounded, where feasible, by a landscaped strip of sufficient width and height to create a visual screen.*
- c. *Planted vegetation shall be of the evergreen variety.*
- d. *The landscape plan shall be subject to review and approval of the Community Development Director or Astoria Planning Commission.*
- e. *The fence shall be a maximum of six (6) feet in height.*
- f. *The fenced area is to be surrounded by evergreen shrubs (or similar type of evergreen landscaping). Required landscaping shall be located outside of the fenced area.*
- g. *The fence shall, where feasible, be installed and maintained around the entire perimeter of the site and surround the WCSF and the equipment shelter.*
- h. *If the Community Development Director determines that a fence surrounding antenna support structures located in a public right-of-way or adjacent to existing structures is not feasible, such structures may be exempted from the fencing requirements of this Section.*
- i. *Chain link fences shall be painted or coated with a non-reflective color.*
- j. *Electric, barbed wire, and concertina wire fences are prohibited.*

Response: A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, is included herein, all fencing is of a non-reflective color and no electric, barbed wire or concertina wire is proposed⁷.

8. Lighting.

- a. *A Wireless Communication Service Facility shall only be illuminated as necessary to comply with FAA or other applicable State and Federal requirements. Documentation from such State and Federal agencies describing required compliance measures is required.*
- b. *Exterior lighting shall not glare onto adjacent properties.*
- c. *Strobe lights are prohibited.*

Response: FAA and ODA have been notified of the proposed development, however, determinations have yet to be received. Should aviation lighting be required, the site will comply with State or Federal requirements. The most restrictive shall apply. Proposed on-site maintenance lighting is proposed for the equipment and shall be downward tilted and on a timer. Strobe lights are not proposed.

9. Setback.

- a. *Antenna support structures, excluding those utility poles and similar structures which are located within the right-of-way, and excluding equipment enclosures, shall be located no closer to a structure on the subject property, or from the property line of the subject property, than a distance equal to the total height of the*

⁷ See, *Landscape Plan*, enclosed as Attachment 5, page L-1.

structure measured from finished grade, or the distance of "worst-case scenarios", as recommended in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000, whichever is greater. However, utility poles and similar structures which are located within the right-of-way, and equipment enclosures are subject to recommendations in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000.

- b. All WCSF equipment enclosures shall be set back from property lines according to the requirements of the Zone.
- c. A setback requirement to a property line may be reduced, through Variance approval. A Variance to the setback requirement shall be in accordance with the requirements of Article 12, and the following additional criteria:
 - 1) It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

Response: The minimum setbacks in the IN zone are satisfied as the site is a minimum of 20' from the front and rear property lines, 5' from the side property line.

10. Signs. The use of any portion of a Wireless Communication Service Facility for signs other than warning or equipment information signs is prohibited. For emergency purposes, equipment information limited to the WCSF provider(s) name and contact phone number shall appear at the facility in a discreet yet visible location, either on the equipment cabinet or supporting structure.

Response: Signage for the site will comply with this standard.

11. Storage.

- a. WCSF storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only) and shall be placed underground where feasible or be sited (i.e., depressed, or located behind earth berms) to minimize their profile.
- b. WCSF storage facilities shall be no taller than one story (15 feet) in height and shall be designed to look like a building or facility typically found in the surrounding area.
- c. On-premises storage of material or equipment shall not be allowed other than that which is necessary to the use, operation, and maintenance of the WCSF.

Response: No on-site storage is proposed.

Article 11 – Conditional Use

11.030 Basic Conditional Use Standards.

- A. Before a conditional use is approved, findings will be made that the use (except for housing developments) will comply with the following standards:

1. *The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.*
2. *An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.*
3. *The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.*
4. *The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.*
5. *The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.*

Response: The subject 12.4 acre parcel is zoned Institutional and the use proposed herein, Wireless Communication Facility, is permitted subject to a Conditional Use review. The scale of the proposed project, both the monopole and the ancillary equipment cabinets, are consistent with the scale of trees in the immediate area and the ground lease area will be fully landscaped to further minimize visual impact at ground level. The site is an unmanned, passive use requiring 1 to 2 trips per month for maintenance purposes. This monthly maintenance visit would have no impact on the existing vehicular access to and from the proposed site, or to pedestrian, bicycle and transit circulation. The facility requires only power and fiber and does not require water, sewer or surface water drainage. Further, this proposal would not produce any adverse noise, glare or noxious odors. As demonstrated herein, there are no existing structures in the vicinity that can accommodate this use and the site is well removed from any other development. The minimal footprint, 1,120 sq. feet, will have little impact on existing and projected uses on-site and will not interfere with normal park usage. The topography and physical characteristics of the site are ideal for the site as they provide natural camouflage for the facility. A core drilling was completed on site and is being evaluated to determine the type of foundation required for the site.

Article 12 – Variances

12.030. GENERAL CRITERIA.

Variances to a requirement of this Code, with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, and other quantitative requirements may be granted only if, on the basis of the application, investigation and evidence submitted by the applicant, findings are made based on the four factors listed below. Variances from off-street parking, sign requirements, and Flood Hazard Overlay Zone are not subject to General Criteria (refer to Sections 12.040, 12.050, and 12.055 as applicable).” (Amended by Ordinance 09-03, 8/3/09)

- A. *The granting authority may grant a variance from the requirements of this chapter, if on the basis*

of the application, investigation, and the evidence submitted by the applicant, all four (4) of the following expressly written findings are made:

1. The request is necessary to prevent unnecessary hardship; and
2. Development consistent with the request will not be substantially injurious to the neighborhood in which the property is located; and
3. The request is necessary to make reasonable use of the property; and
4. The request is not in conflict with the Comprehensive Plan.

B. In evaluating whether a particular request is to be granted, the granting authority shall consider the following, together with any other relevant facts or circumstances.

1. Relevant factors to be considered in determining whether a hardship exists include:
 - a. Physical circumstances related to the property involved;
 - b. Whether a reasonable use, similar to like properties, can be made of the property without the variance;
 - c. Whether the hardship was created by the person requesting the variance;
 - d. The economic impact upon the person requesting the variance if the request is denied.
2. Relevant factors to be considered in determining whether development consistent with the request is substantially injurious to the neighborhood include:
 - a. The physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards.
 - b. The incremental impacts occurring as a result of the proposed variance.
3. A determination of whether the standards set forth in Section 12.030(A) are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in Section 12.030(B) (1) & (2) are not standards and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.
4. Prior variances allowed in the neighborhood shall not be considered by the granting authority in reaching its decision. Each request shall be considered on its own merits.

Response: Verizon Wireless is requesting a variance to the height limitation of 45-feet for new wireless facilities. This request is necessary as, at 45-feet, the site would sit below the existing tree cover and would not meet the requirements needed to replace the site at the Astoria Column and hand-off to the adjacent sites, Warrenton, Reservoir, Astor and Stavebolt. As detailed herein, the radio frequencies used in Verizon's systems are adversely affected by trees, diminishing the signal significantly. Therefore, antennas must be installed at or above tree height in order to provide high quality communications services in the desired coverage area. The minimum height required to clear the existing tree canopy is 150-feet.

Further, the site would not impact neighboring properties as wireless facilities are a passive use, requiring no on-site sewer or water services and creating no glare, noxious odors or significant traffic. As is demonstrated herein, the site is not in conflict with the Comprehensive Plan and could support the goals of the Plan by providing quality communication services that can support residential, commercial, industrial growth and enhance emergency 911 services.

- C. *No variance may be granted which will permit a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction.*

Response: This proposed use is permitted in the applicable zone and will not increase residential density.

VI. Conclusion

The Verizon proposal herein can meet all requirements of the City of Astoria Development Code (to the extent that they are not preempted by federal law). As such, it is respectfully requested that the City of Astoria approve this proposal as designed, subject only to standard conditions of approval.

Common Name: Verizon Wireless / Call Sign: KNLH685

Frequency Band (MHz): 1885-1890, 1965-1970

Expiration Date 06/26/2017

Market BTA358 - Portland, OR

Licensee FRN 0003800307

Frequency Band (MHz) 1885-1890, 1965-1970

Licensee Details Verizon Wireless (VAW) LLC
1120 Sanctuary Pkwy, #150 GASA5REG
Alpharetta, GA 300097630
Attn: Regulatory
Phone: (770) 797-1070
Fax: (770) 797-1036
Email:
LicensingCompliance@VerizonWireless.com

Radio Service CW -PCS Broadband

Contact Details Verizon Wireless
1120 Sanctuary Pkwy, #150 GASA5REG
Alpharetta, GA 300097630
Attn: Regulatory
Phone: (770) 797-1070
Fax: (770) 797-1036
Email: LicensingCompliance@VerizonWireless.com

Market Details

* Population is based on 2010 Census figures (Note: US territories are based on 2000 Census figures)

1. Spectrum (MHz): 1885.375-1886.875, 1965.375-1966.875

State/County

Oregon 4 of 36 Counties

County	Population *	Geographic Coverage (%)
1. Clatsop County	37,039	100
2. Harney County	7,422	100
3. Lincoln County	46,034	100
4. Wheeler County	1,441	100

2. Spectrum (MHz): 1885-1890, 1965-1970

State/County

Oregon 10 of 36 Counties

County	Population *	Geographic Coverage (%)
1. Clackamas County	360,960	90.2
2. Columbia County	49,351	100
3. Grant County	7,445	100
4. Hood River County	22,346	100
5. Multnomah County	735,334	100
6. Sherman County	1,765	99.77
7. Tillamook County	25,250	100
8. Wasco County	23,322	69.45
Washington County	529,710	100
9. Yamhill County	99,193	100

Common Name: Verizon Wireless / Call Sign: KNLH685
Frequency Band (MHz): 1885-1890, 1965-1970

Washington 3 of 39 Counties

County	Population *	Geographic Coverage (%)
1. Clark County	425,363	100
2. Klickitat County	20,318	100
3. Skamania County	11,066	100

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MAURY L. HATFIELD, PE
(1942 - 2009)
PAUL W. LEONARD, PE
(1925 - 2011)

NON-IONIZING ELECTROMAGNETIC EXPOSURE
ANALYSIS
AND
ENGINEERING CERTIFICATION

PREPARED FOR

Verizon Wireless

“OR1 CITY PARK”

NEW PERSONAL WIRELESS FACILITY

1530 SHIVELY PARK ROAD

ASTORIA

CLATSOP COUNTY, OREGON

JANUARY 2015

INTRODUCTION

Hatfield & Dawson Consulting Engineers has been retained to evaluate the proposed Verizon Wireless personal wireless telecommunications facility "OR1 CITY PARK" for compliance with current Federal Communications Commission (FCC) and local guidelines regarding public exposure to radio frequency (RF) electromagnetic fields (EMFs).

BACKGROUND

Construction drawings furnished by Verizon representatives show that the proposed wireless facility will have panel antennas installed atop a new monopole tower at 1530 Shively Park Road, Astoria, in Clatsop County, Oregon 97103.

The drawings show the proposed Verizon panel antennas mounted and centered approximately 145 feet above ground level and far removed from any habitable space. Two future microwave dish antennas are shown mounted just below the panel antennas. Thus all of the Verizon antennas will be mounted well above head height for persons at the project site, on adjacent properties, or within nearby buildings.

The tower is shown without climbing appurtenances. Therefore it is unlikely that anyone other than authorized workers could approach near enough to any of the tower-mounted antennas to cause that person's RF exposure to exceed FCC limits.

All of the Verizon antennas are highly directional in the vertical plane, and they project the majority of the transmitted RF energy horizontally and well above all nearby habitable areas. It is expected that RF exposure conditions will be well below FCC and local public exposure limits at the project site and on adjacent properties, due to the contributions from all of the Verizon wireless operations at the project site.

EMISSION CHARACTERISTICS

The proposed Verizon facility may operate within the 700 MHz Upper Block "C" band, the 800 MHz Cellular "B" band, the Personal Communications Service (PCS) bands, and the Advanced Wireless Service (AWS) "B" band 2.1 GHz frequency range.

COMPLIANCE WITH FCC AND LOCAL REGULATIONS

The operation of the proposed Verizon facility will NOT create significant RF exposure conditions in any occupancy, publicly accessible area, or within any habitable area. There does not appear to be any habitable areas near the project location which is within a park.

Installation of the proposed Verizon antennas will not cause any any publicly accessible area to exceed the Federal Communications Commission's (FCC) limits for human exposure to radio frequency electromagnetic fields. Thus the proposed Verizon wireless operations at the OR1 CITY PARK project site will not have a significant environmental impact as defined by the FCC Public MPE limits.

The FCC has determined through calculations and technical analysis that personal wireless facilities, such as those operated by Verizon, are highly unlikely to cause human RF exposures in excess of FCC guideline limits. In particular, personal wireless facilities with non-building-mounted antennas greater than 10 meters (about 33 feet) above ground level are considered to have such a low impact on overall exposure conditions that they are "categorically excluded" (i.e., exempt) from the requirement for routine environmental assessment regarding RF exposure hazards. Thus according to FCC rules, the proposed Verizon personal wireless facility, with all antennas centered at well above the 33 foot level, is exempt from further RF safety environmental assessment because it is presumed to be in compliance with the FCC RF exposure rules and guidelines. The proposed facility is expected to be compliant with FCC rules regarding public RF exposure provided that direct access to the Verizon antennas is positively restricted.

COMPLIANCE WITH FCC REGULATIONS FOR RF EMISSIONS AND RF INTERFERENCE

It is expected that the RF interaction between all of the Verizon wireless operations at the project site will be low enough to preclude the likelihood of localized interference caused by the proposed Verizon Wireless facility to the reception of any other communications signals. All of the Verizon antennas are sufficiently high enough, and far enough removed from all occupancies, that they are unlikely to cause interference with nearby consumer receivers or other consumer electronic devices.

Transmission equipment for the proposed Verizon wireless facility is certified by the FCC under the equipment authorization procedures set forth in the FCC rules. This assures that the wireless facility will transmit within the desired base-station frequency bands at authorized power levels. The proposed Verizon Wireless facility will operate in accordance with all FCC rules regarding power, signal bandwidth, interference mitigation, and good RF engineering practices.

The proposed Verizon facility will comply with all FCC standards for radio frequency emissions.

COMPLIANCE WITH LOCAL REGULATIONS

Because the proposed Verizon Wireless facility is in compliance with federal rules, it is also in compliance with local regulations concerning RF emissions. The following is the complete text of 47 U.S.C. § 332(c)(7)(B)(iv):

"No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

CONCLUSIONS BASED ON CALCULATIONS AND REGULATIONS

The proposed Verizon Wireless facility "OR1 CITY PARK" will be in compliance with current FCC and local rules regarding radio frequency interference and public exposure to radio frequency electromagnetic fields. This conclusion is based on information supplied by Verizon representatives, and estimates of future RF exposure conditions due to the proposed Verizon facility in specific areas with the corresponding safe exposure guidelines set forth in the FCC rules.

The FCC exposure limits are based on recommendations by federal and private entities with the appropriate expertise in human safety issues. Under the Commission's rules and guidelines, licensees are required to ensure compliance with the limits for maximum permissible exposure (MPE) established by the FCC. These limits have been developed based on guidelines provided by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and the National Council on Radiation Protection and Measurements (NCRP). Both the NCRP and IEEE guidelines were developed by scientists and engineers with a great deal of experience and knowledge in the area of RF biological effects and related issues.

To ensure full compliance with current FCC rules regarding human exposure to radio frequency electromagnetic fields, the Verizon transmitters should be turned off whenever maintenance and repair personnel are required to work in the immediate vicinity of the Verizon antennas. This safety procedure should apply to all proposed and future wireless transmission facilities at the project site. All instances of antenna-related work require that the subject antennas be completely deactivated.

QUALIFICATIONS

I am a Senior Member of the IEEE. As a partner in the firm of Hatfield & Dawson Consulting Engineers I am registered as a Professional Engineer in the States of Oregon, Washington, California and Hawaii. I am an experienced radio engineer with over 30 years of professional engineering experience whose qualifications are a matter of record with the Federal Communications Commission, and I hold an FCC General Radiotelephone Operator License PG-12-21740.

All representations contained herein are true to the best of my knowledge.

6 January 2015



David J. Pinion, P.E.

PE Expiration Date 12/31/2016

Hatfield & Dawson Consulting Engineers



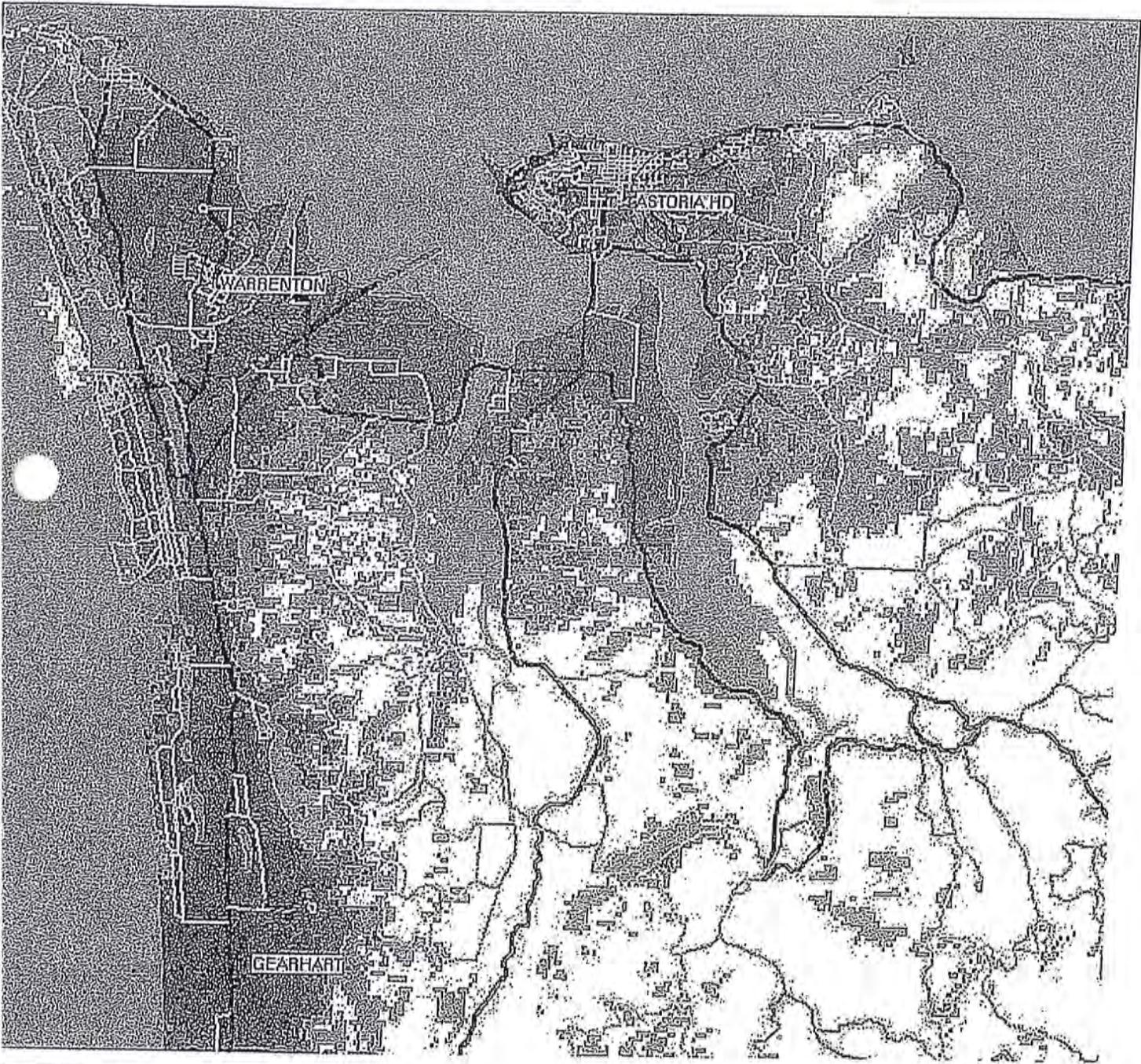
RF Propagation Maps

For Site "OR1 City Park"

Map Disclaimer

These maps show approximately where there is wireless coverage based on our own internal data. The maps are not a depiction of actual service or rates availability. The mapped territory contains areas with no service. Voice clarity and reception may vary near coverage boundaries. Wireless service is subject to network and transmission limitations, including cell site unavailability, particularly in remote areas. Customer equipment, weather, topography, and other environmental considerations associated with radio technology also affect service. Additionally, service may vary significantly within buildings depending on location or building structure.

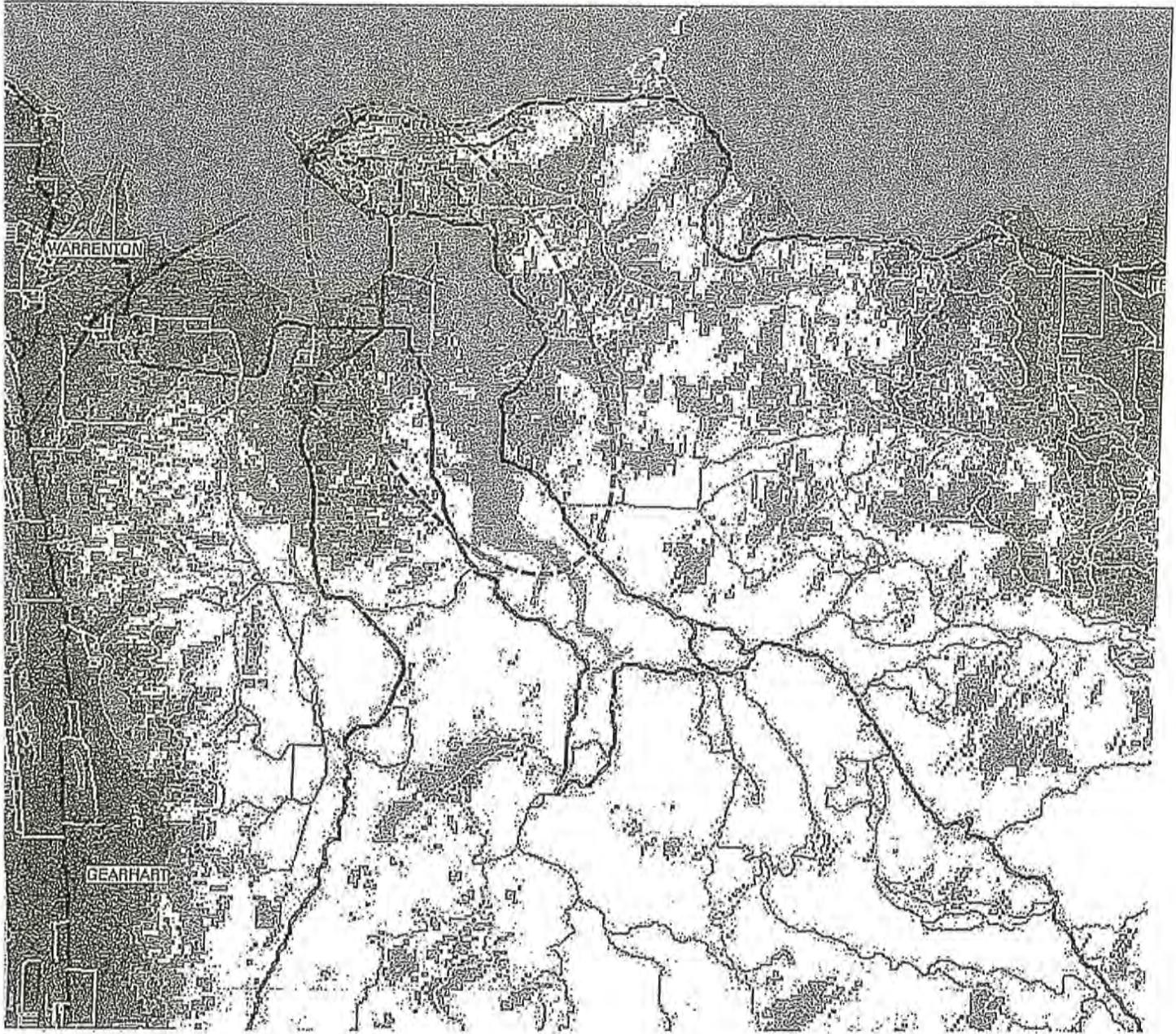
Exhibit 1 – OR1 City Park current Coverage



Existing Sites:
• Warrenton
• OR1 Astoria HD (near Astoria Column)
• OR1 Gearhart

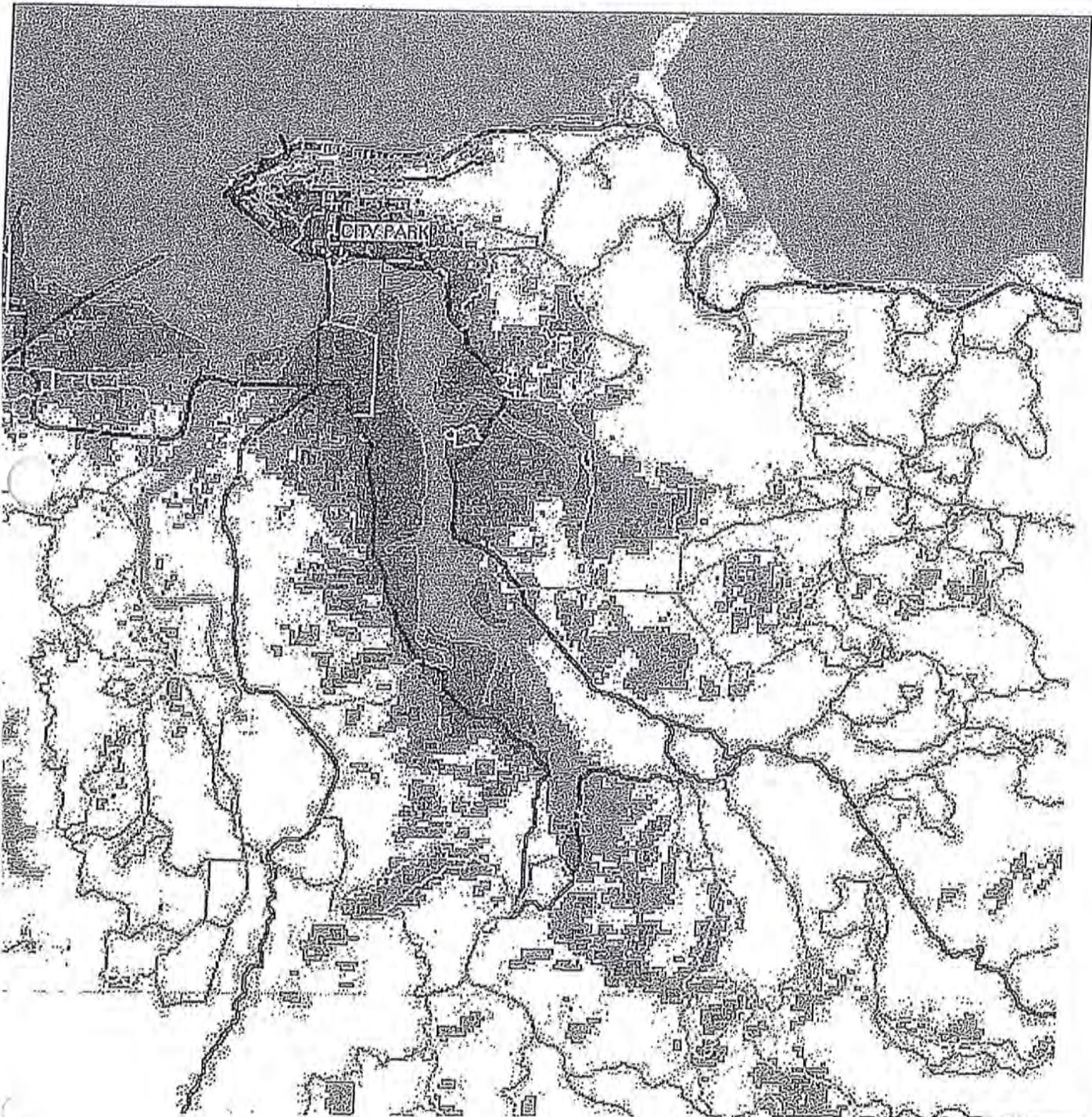
High RF Signal (>= -80 dBm)
Moderate RF Signal (>= -90 dBm)
Weak RF Signal (>= -100 dBm)

*Exhibit 2 – OR1 City Park without Coverage
(Inclusive of removal of Astoria HD site near the Column)*



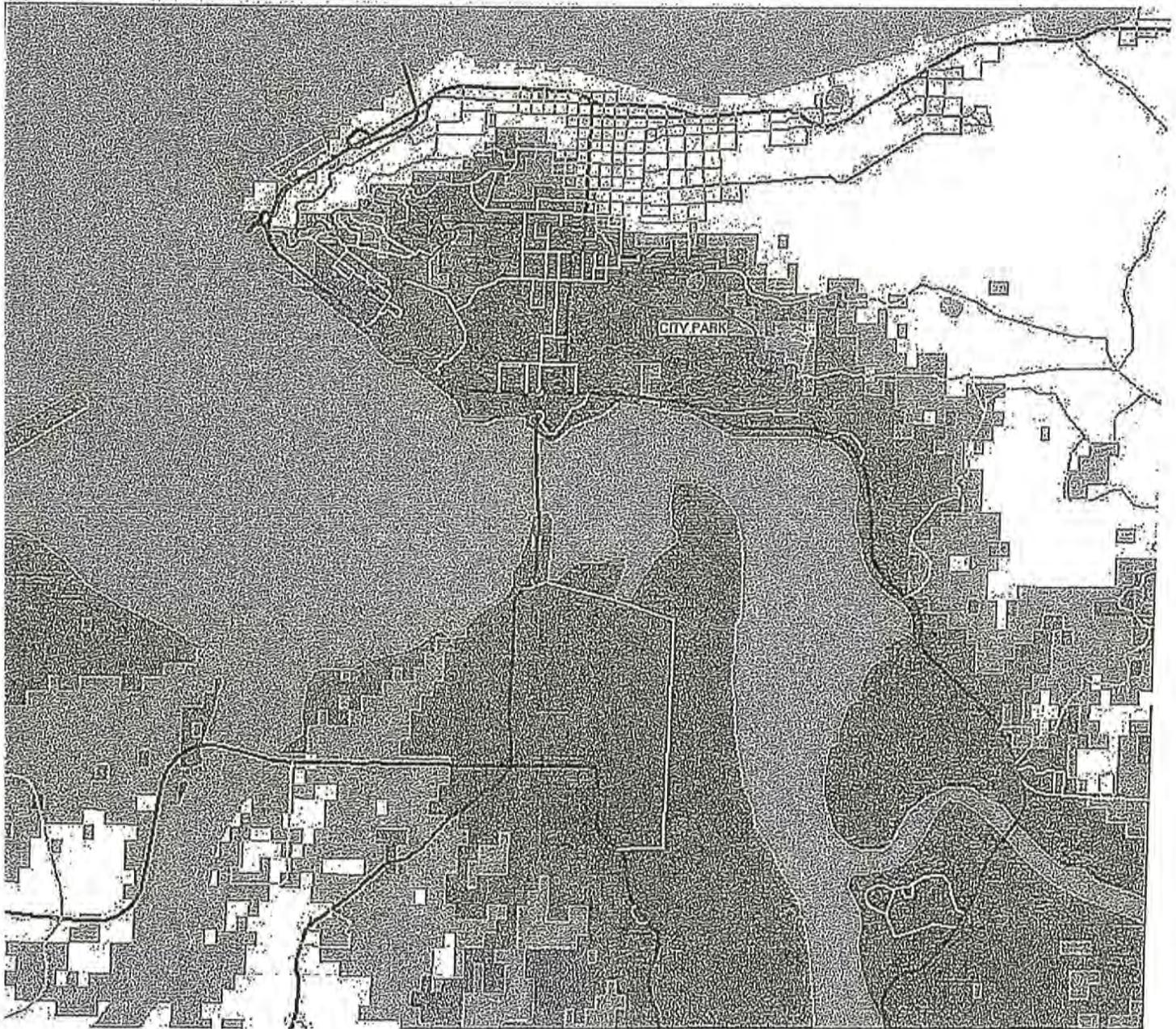
- High RF Signal (≥ -80 dBm)
- Moderate RF Signal (≥ -90 dBm)
- Weak RF Signal (≥ -100 dBm)

Exhibit 3 – ORI City Park Coverage Only



-  High RF Signal (≥ -80 dBm)
-  Moderate RF Signal (≥ -90 dBm)
-  Weak RF Signal (≥ -100 dBm)

*Exhibit 4 – ORI City Park Coverage Only
(close up view)*



-  High RF Signal (≥ -80 dBm)
-  Moderate RF Signal (≥ -90 dBm)
-  Weak RF Signal (≥ -100 dBm)

Exhibit 5 – OR1 City Park Network Integration



Existing Sites:

- R1 Warrenton
- R1 Gearhart

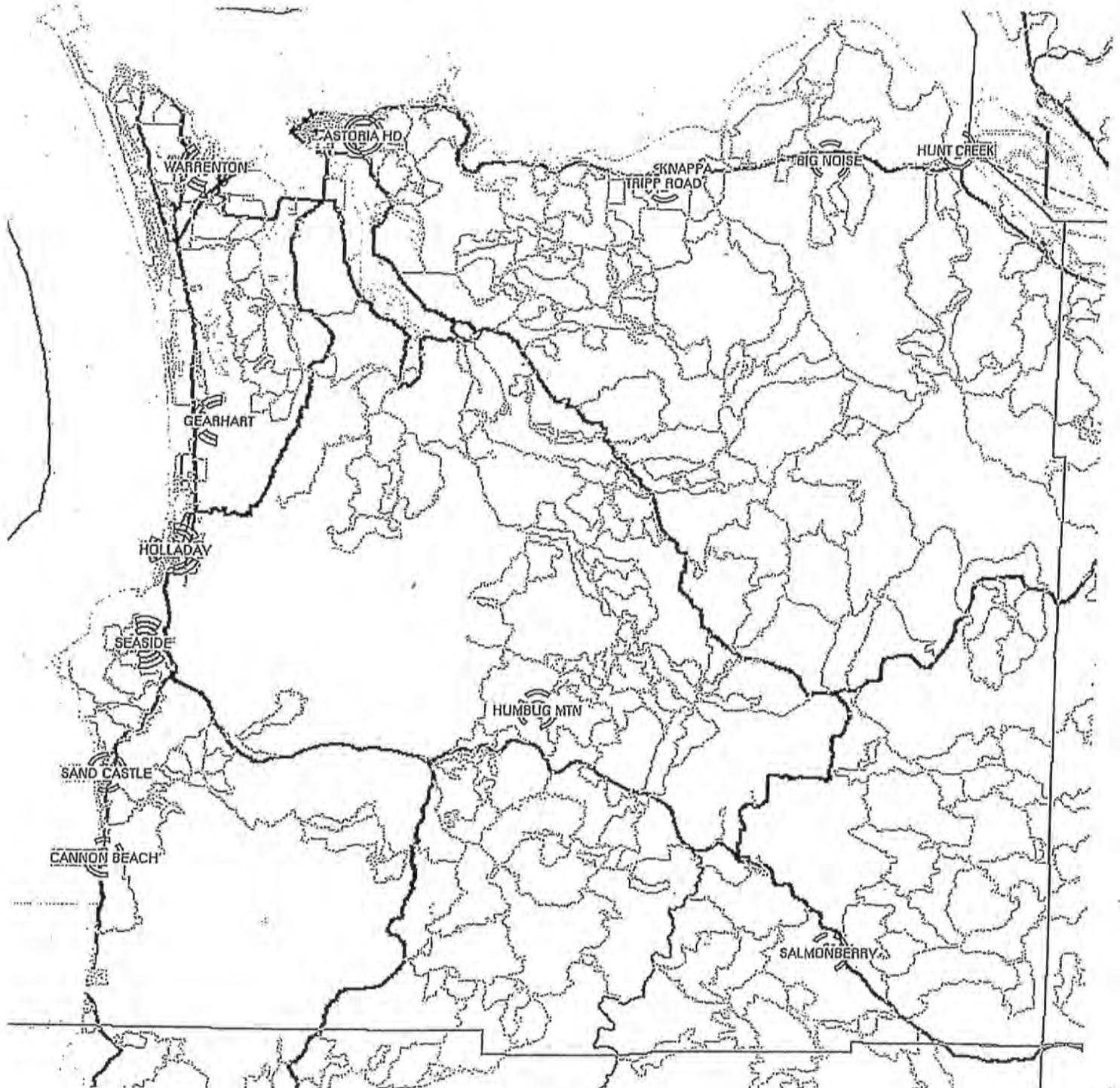
Proposed Sites:

- R1 City Park (Site proposed herein)
- R1 Reservoir
- R1 Astor
- R1 Stavebolt

	High RF Signal (≥ -80 dBm)
	Moderate RF Signal (≥ -90 dBm)
	Weak RF Signal (≥ -100 dBm)

Location Map

*All Existing Clatsop County Sites
Owned and/or operated by Verizon Wireless.
(Propagation not shown for clarity)*





CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

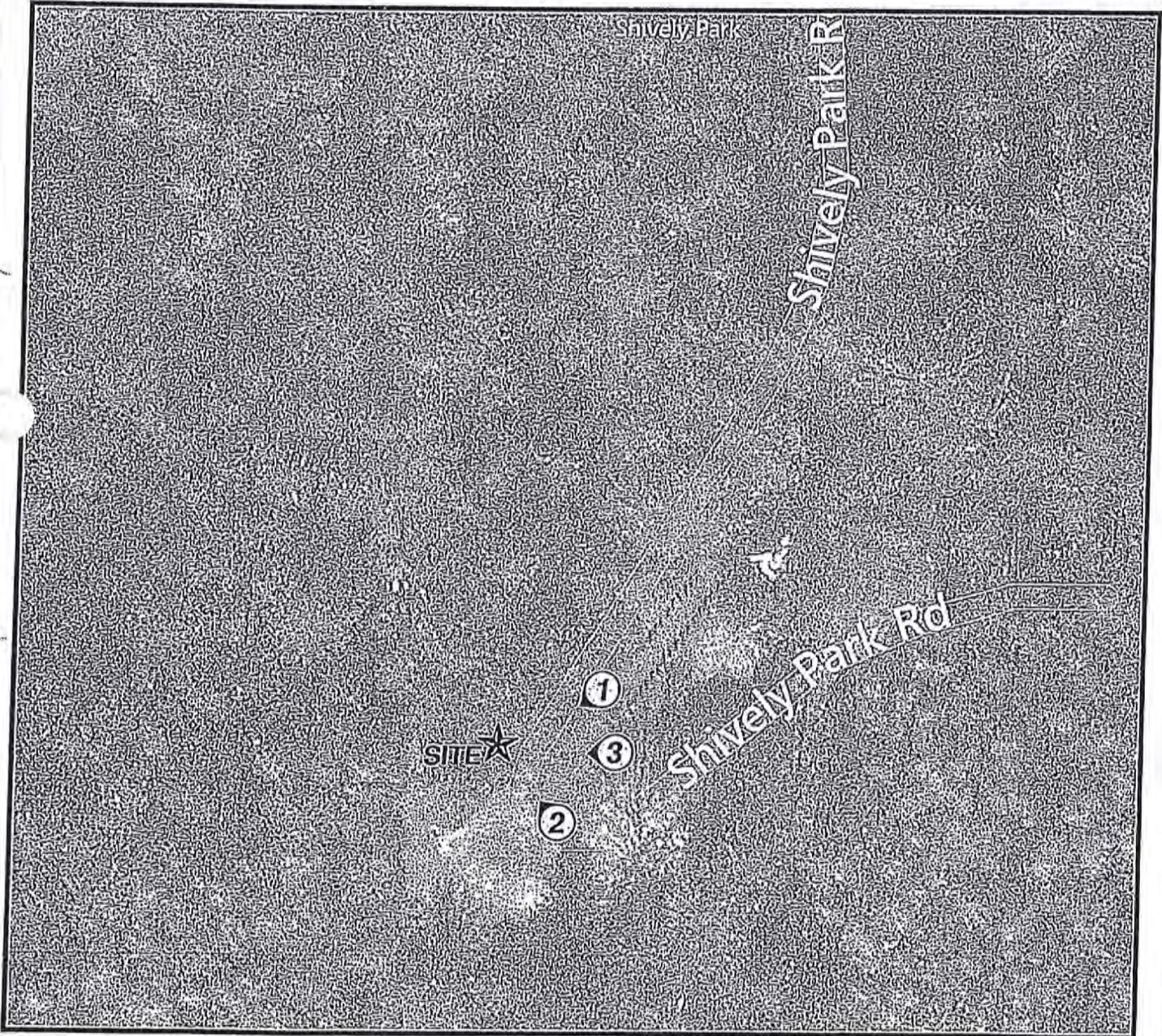


PHOTO SIM LOCATION MAP



CAMP+
ASSOCIATES

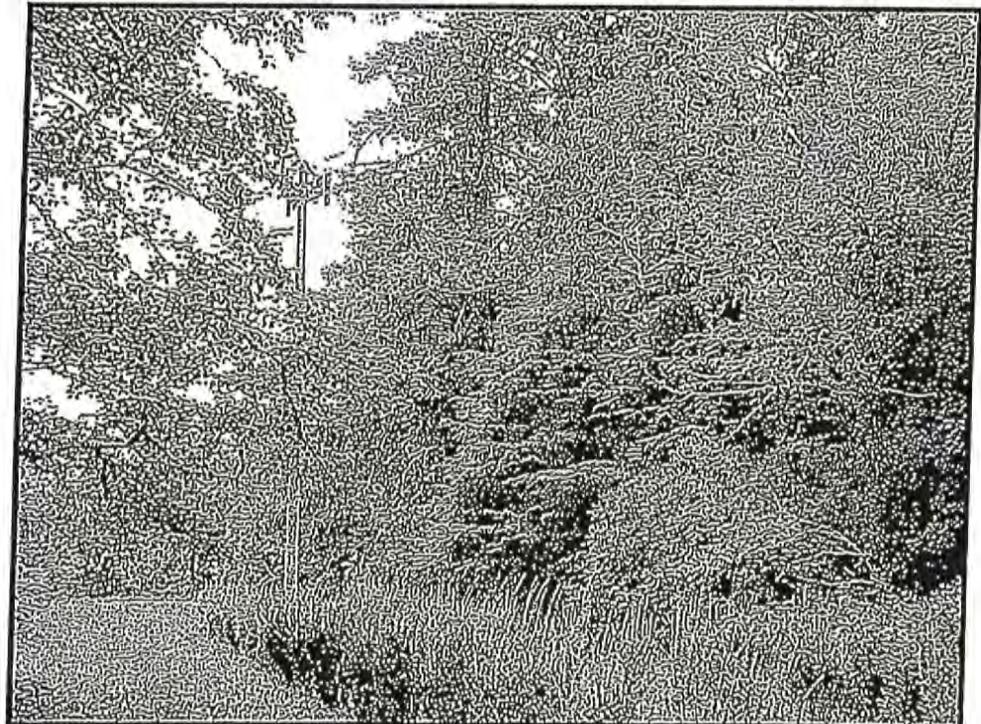
OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #1 LOOKING SOUTHWEST



CURRENT



PROPOSED

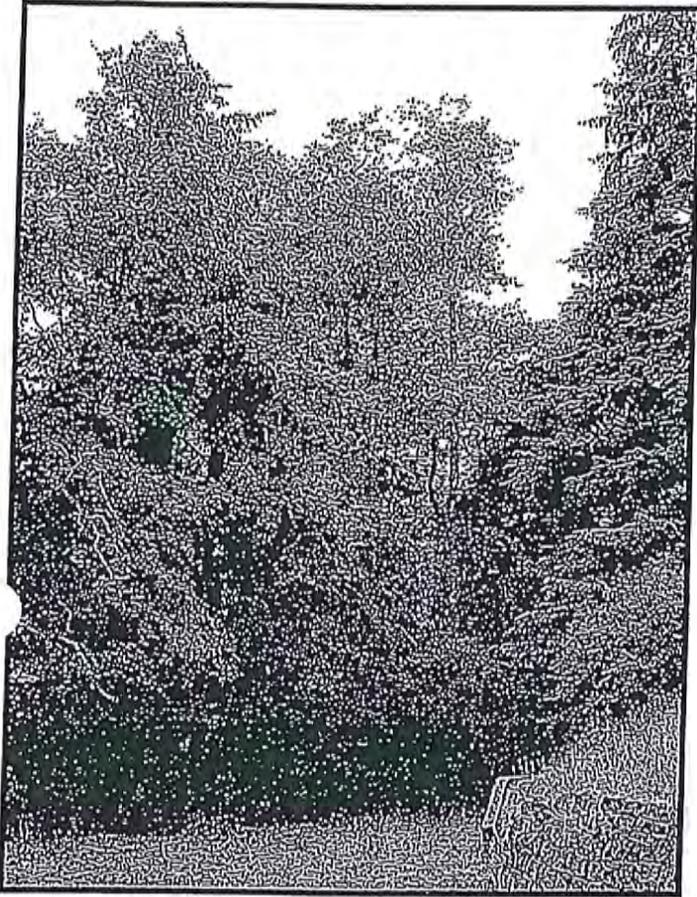


CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #2 LOOKING NORTHWEST



CURRENT



PROPOSED

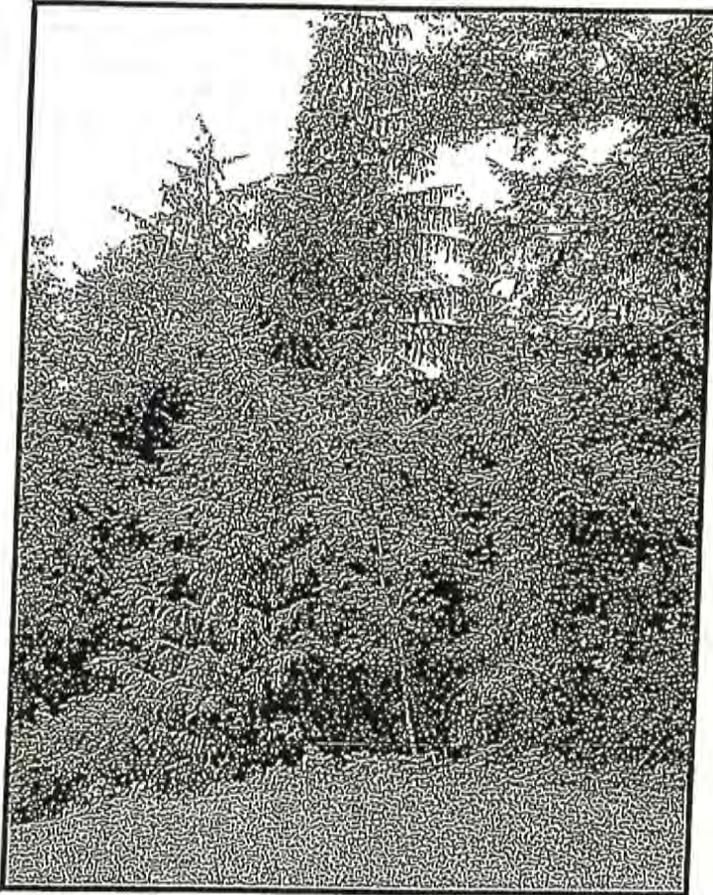


CAMP+
ASSOCIATES

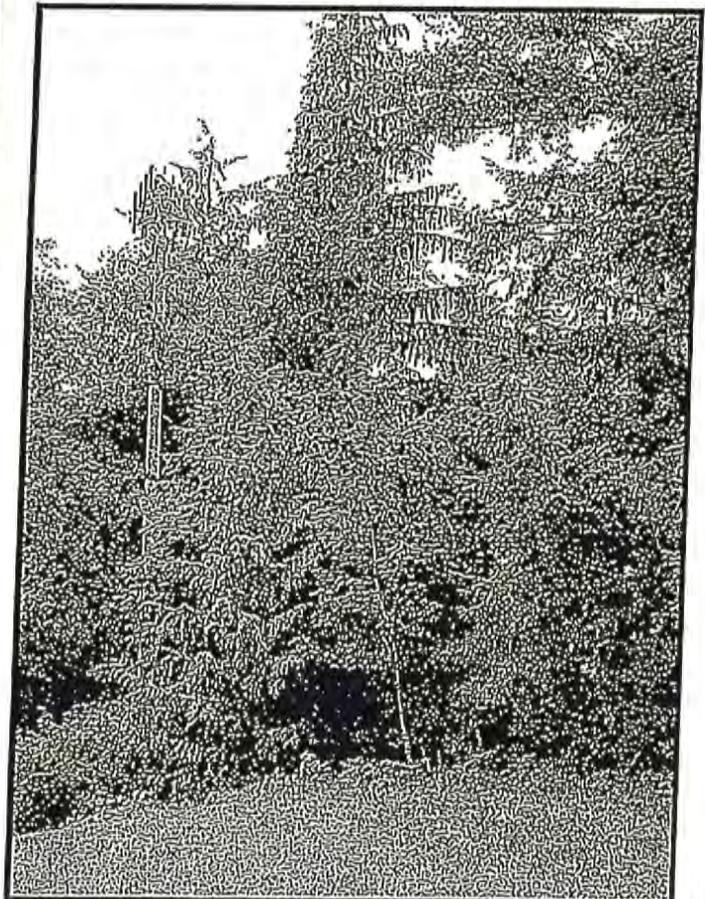
OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #3 LOOKING WEST



CURRENT



PROPOSED



CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

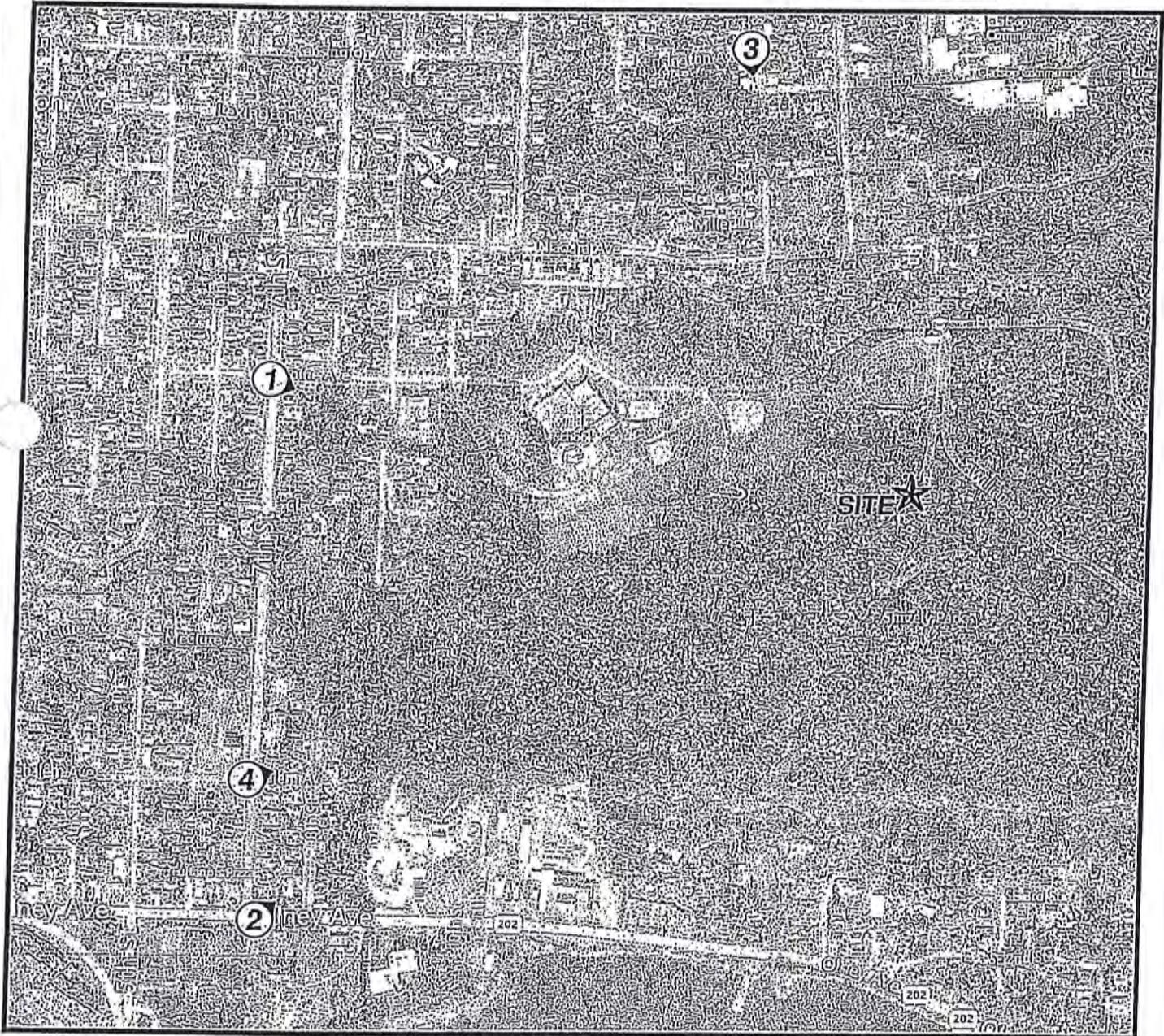


PHOTO SIM LOCATION MAP



CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #1 LOOKING EAST



CURRENT - TOWER NOT SEEN



CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #2 LOOKING NORTHEAST



CURRENT - TOWER NOT SEEN



CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #3 LOOKING SOUTH



CURRENT - TOWER NOT SEEN



CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #4 LOOKING NORTHEAST



CURRENT - TOWER NOT SEEN



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-ANM-3227-OE

Issued Date: 01/15/2015

Jim O'Dowd
 Verizon Wireless
 180 Washington Valley Rd
 Bedminster, NJ 07921

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower OR 1
 Location: Astoria, OR
 Latitude: 46-10-55.92N NAD 83
 Longitude: 123-47-57.25W
 Heights: 617 feet site elevation (SE)
 150 feet above ground level (AGL)
 767 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 07/15/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (310) 725-6591. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ANM-3227-OE.

Signature Control No: 236479859-240207357
Tamera Burch
Technician

(DNE)

Attachment(s)
Frequency Data

cc: FCC

Frequency Data for ASN 2014-ANM-3227-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W



Oregon

John A. Kitzhaber, MD, Governor



March 4, 2015

Verizon Wireless
10570 SE Washington St.
Suite 211
Portland, OR 97216

3040 25th Street, SE
Salem, OR 97302-1125
Phone: (503) 378-4880
Toll Free: (800) 874-0102
FAX: (503) 373-1688

Subject: Oregon Department of Aviation comments regarding proposed construction of a monopole 150' in height located in Astoria, Oregon.

Aviation Reference: 2015-ODA-055-OE

The Oregon Department of Aviation (ODA) has conducted an aeronautical study of these proposed new structure(s) and has determined that notice to the FAA is required. The structure does not exceed Obstruction Standards of OAR 738-70-0100.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. Any changes to the original application will void this determination. Any future construction or alteration to the original application will require a separate notice from ODA.

This determination will expire (12) months from the date of this letter if construction has not been started.

Mitigation Recommendation:

- We do not object with conditions to the construction described in this proposal. This determination does not constitute ODA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.
- Marking and lighting are necessary for aviation safety. We recommend it be installed and maintained in accordance with FAA Advisory Circular AC70/7460-1K Change 2
- The proposed obstruction should to be lower to a height that is no longer a hazard to the airport primary and horizontal surface FAA FAR 77
- The proposed obstruction should be relocate outside the airport primary and horizontal surface FAA FAR 77

Sincerely,

John P. Wilson Jr, Airport Operation & Tall Structure Specialist.



Oregon

John A. Kitzhaber, MD, Governor



3040 25th Street, SE
Salem, OR 97302-1125
Phone: (503) 378-4880
Toll Free: (800) 874-0102
FAX: (503) 373-1688

August 26, 2015

Sherri Williams
Administrative Assistant
City of Astoria
Community Development Department
Astoria City Hall
1095 Duane Street
Astoria, OR 97103

SUBJECT: WCF15-03 / V15-03 / NC15-03 Wireless Communication Facility

This letter is in response to City's notice of application(s) for a 150-foot wireless communication monopole, located at 1580 Shively Park Road (Map T8N-R9W Section 17 Tax Lot 1200 & Map 17CA Tax Lot 600). After a preliminary review of the proposed application the Oregon Department of Aviation has the following comments and recommendations:

- Prior to issuance of a building permit the applicant must file and receive a determination from the Oregon Department of Aviation and the FAA as required by OAR 738-070-0060 on FAA Form 7460-1 Notice of Proposed Construction or Alteration to determine if this monopole is a hazard to aviation safety. Safety mitigation measures may be required, such as markings and lighting meeting FAA design standards.

Thank you for allowing ODA to comment on this development proposal. If you have any questions or need further information please feel free to contact me at 503-378-2529 or Jeff.Caines@aviation.state.or.us or Heather Peck – Projects and Planning Manager at 503-378-3168 or Heather.Peck@aviation.state.or.us.

Sincerely,

Jeff Caines, AICP
Aviation Planner



Oregon

John A. Kitzhaber, MD, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE, Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org

February 24, 2015

RECEIVED
FEB 27 2015

BY: _____



Mr. R. Todd Baker
Terracon Consultants
21905 64th Avenue West, Suite 100
Mount Terrace, WA 98043

RE: SHPO Case No. 15-0150
TCNS File# 0006645866, Terracon ORI City Park Telecom Project
New Tower
1530 Shively Park Road (8N 9W 17), Astoria, Clatsop County

Dear Mr. Baker:

We have reviewed the materials submitted on the project referenced above, and we concur that the Area of Potential Effect includes six properties (including one National Register-listed Historic District) that are eligible for or listed in the National Register of Historic Places. We also concur with the finding of no adverse effect for the proposed project.

This letter refers to above-ground historic resources only. Comments pursuant to a review for archaeological resources will be sent separately.

Unless there are changes to the project, this concludes the requirement for consultation with our office under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800) for above-ground historic resources. Local regulations, if any, still apply and review under local ordinances may be required. Please feel free to contact me if you have any questions, comments or need additional assistance.

Sincerely,

Jason Allen, M.A.
Historic Preservation Specialist
(503) 986-0579
jason.allen@oregon.gov

From: [Yogi Sandstrom](#)
To: [Sharon Gretch](#)
Subject: FW: Shively park
Date: Monday, July 13, 2015 10:14:25 AM

We can discuss later.

Yogi Sandstrom

LEXCOM Powered by Md7
Project Manager
m 503.739.5501

yogi.sandstrom@lexcomcorp.com

[Check out md7.com](http://Check_out_md7.com)

From: Yundt, Arden
Sent: Friday, July 10, 2015 11:29 AM
To: Grant, Sarah
Cc: 'Yogi Sandstrom'
Subject: RE: Shively park

Hey guys,

In regard to new build site POR City Park, here is the reason we chose to build a tower at the southern end of the hilltop at Shively Park instead of collocating on the building at the corner of 16th St. and James St. (adjacent to Astoria Reservoir Number Two).

We are proposing to build a 150' tower on the southwestern end of the hilltop at an elevation of roughly 330 ft AMSL. This allows us to cover the southern and southwestern parts of Astoria as well as the Cooperage Slough valley with excellent line of sight and great signal strength. The crest of the hill to the north is at roughly 350 ft AMSL. Farther north is the building at the corner of 16th St. and James St. At a ground elevation of roughly 280 feet the building would need to be over 220 feet tall in order to meet the POR City Park coverage objective. Otherwise the hill blocks RF propagation to the South... shadowing southern Astoria and significantly decreasing the signal strength to the Cooperage Slough valley. Taking these details into account makes the decision between these two options very easy: the tower on the southern end of the hilltop is the only viable option.

Thank you,

Arden Yundt
RF Engineering
Pacific Northwest Region
5430 NE 122nd Ave.
Portland, OR 97230-1069

The Verizon Wireless logo, featuring a checkmark symbol above the word "verizon" in a bold, lowercase font, followed by "wireless" in a smaller, lowercase font.

From: Grant, Sarah
Sent: Friday, July 10, 2015 10:20 AM
To: Yundt, Arden
Cc: 'Yogi Sandstrom'
Subject: FW: Shively park

Per our conversation if you could call Adam to explain the elimination of the concrete building/reservoir 2 location *within Shively Park* and why the coverage objectives are not met within that specific location within the park. Feel free to leave him a message, or put it in writing if you prefer

From: Adam Haas [<mailto:AdamHaas@convergecomm.com>]
Sent: Thursday, July 09, 2015 3:38 PM
To: Grant, Sarah
Subject: RE: Shively park

That's great. I look forward to talking tomorrow. Adam



Adam Haas
Principal
Converge Communications
10425 SW Hawthorne Lane
Portland, OR 97225
Tel: 503-206-7154
Cell: 503-997-5584
Fax: 503-297-1081
www.convergecomm.com

APPEAL AP15-03

BY

RON ZILLI

OF

***WIRELESS
COMMUNICATION
FACILITY
WCF15-03***

TABLE OF CONTENTS

**NOTICE OF APPEAL NO. AP15-03
BY
RON ZILLI
ON
WIRELESS COMMUNICATIONS FACILITY
PERMIT WCF15-03**

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NOTICE OF APPEAL

10-9-15 Notice of Appeal AP15-03 by Ron Zilli of Wireless
Communications Facility Request WCF15-03 by Verizon
Wireless LLC deemed complete 10-9-151



CITY OF ASTORIA
 Founded 1811 • Incorporated 1855
 COMMUNITY DEVELOPMENT

CITY OF ASTORIA

OCT 9 2015

BUILDING CODES

Fee: \$250.00

No. AP 15 03

*pd
10-9-15
4pm*

NOTICE OF APPEAL

Property Address: 1580 Shively Park Road, Astoria OR 97103

Lot 17GA & 1-8 Block 18 Subdivision Central Astoria
 Map T8N R9W Section 17 Tax Lot 1200 & 600 & vacated portion of
 Zone IN Nile St.
 Appellant Name: Ron Zilli *TL 600*

Appellant Mailing Address: 1444 16th Street, Astoria OR 97103

Cell Phone: 503-741-1098 Home Phone: 503-338-6058 Email: r.f.zilli@gmail.com

Issue Being Appealed: Wireless Communications Facility (WCF15-03) by Verizon Wireless LLC.

Signature of Appellant: *Ron Zilli* Date: 10.9.15

Name of Appellant's Attorney (if any): N/A

Address of Appellant's Attorney (if any): N/A

This Appeal is filed with the City of Astoria, in accordance with Development Code Section 9.040, on a decision and/or ruling dated 9/16/15 by the Astoria Planning Commission

Commission (Department/Commission/Committee/City Official)

Specific Criteria Appealed: See attached additional sheets

The specific grounds relied upon for review: See attached additional sheets

(If additional space is needed, attach additional sheets.)

<i>9/30/15 & revised</i>			
Application Received:	<u>10/9/15</u>	Standing to Appeal	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Application Complete:		Permit Info Into D-Base:	<u>10/15/15</u>
Labels Prepared:	<u>10/23/15</u>	Tentative <u>CC</u> Meeting Date:	<u>11/10/15</u>
120 Days:			

3W/CDD/FORMS/APPEAL

- 1) WCF will have adverse impact to the area.
- 2) Photo simulations do not show the actual dimensions & visual impacts
- 3) Camouflage & concealment technology proposed are inadequate
- 4)

Wireless Communications Facility Appeal

RE: Wireless Communications Facility (WCF15-03) at 1580 Shelvey Park Road.

I am writing to appeal the Astoria Planning Commission's (APC) approval of a Wireless Communications Facility (WCF) for Verizon Wireless to construct a 150' tall monopole and enclosed equipment building in historic Shively Park.

The appropriate scale to assess the criteria in the Development Code Sections is the entire "site" of the park, which is designated as a historic landmark in its entirety.

The appropriate context to assess this proposed WCF is as an independent project from the WCF proposed at 3850 Reservoir Road and other concerns with the existing site at the Astoria Column.

In my review of the proposed WCF I have concluded there is sufficient evidence to determine it does not conform to the standards of the applicable Development Code and should not be permitted in the Historic Landmark site based on the following facts:

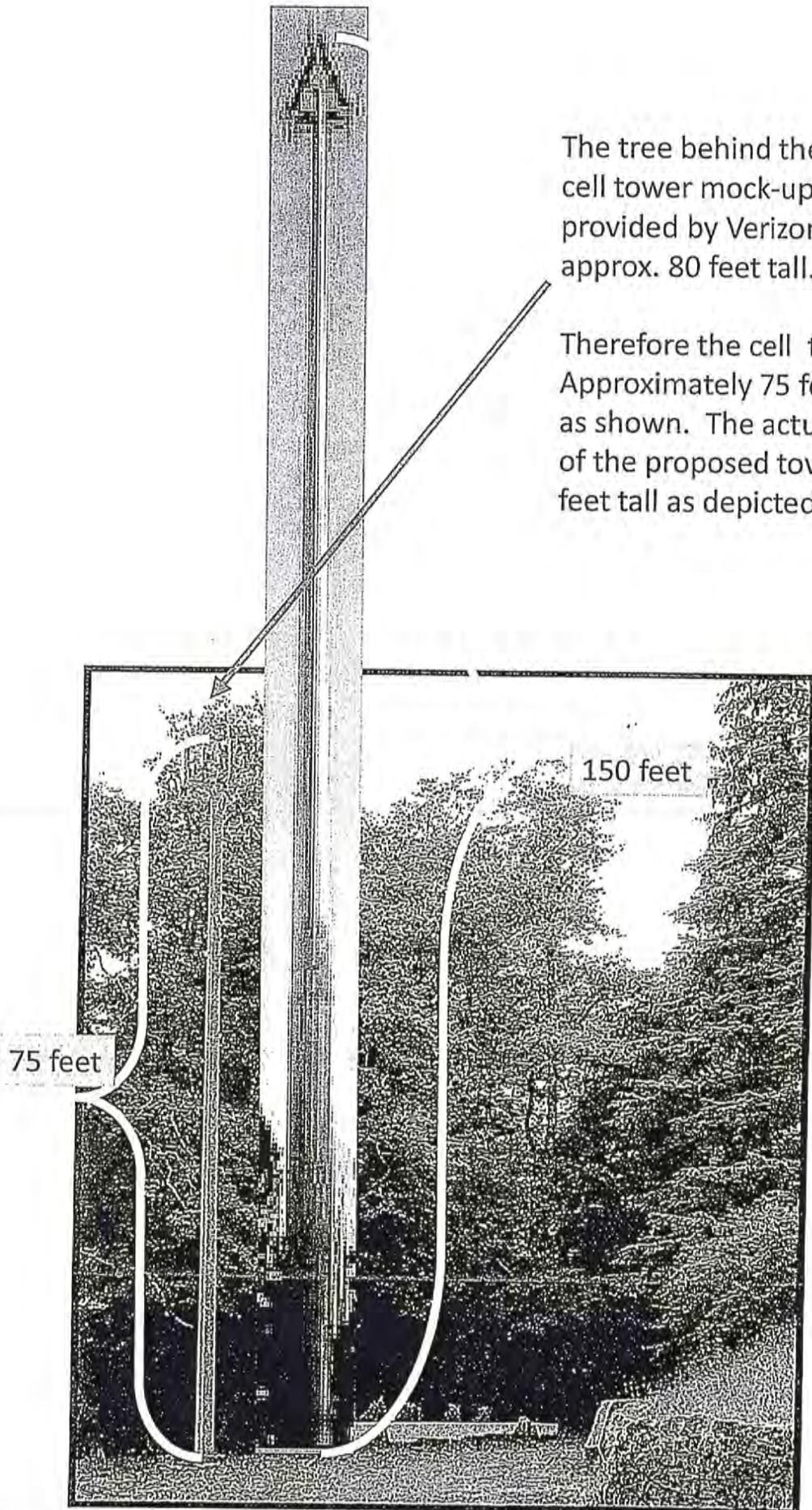
1. Development Code Section 15.065.B2, Adverse Impact.
 - a. The cell tower mock-up images in the staff report are not an accurate representation of the visual impact of the WCF. The height of the cell tower in the photo mock-ups is approximately half the actual size of the proposed tower. Please refer to Enclosure 1 for a more accurate mock-up image of the actual size of the cell tower.
 - b. The Astoria Planning Commission was shown deceptive mock-up images of the cell tower's visual impact. Because of this misrepresentation of the actual visual impact, they were unable to accurately weigh and consider the significant adverse impact to the scenic, natural and historic resources affected, including existing buildings, structures, and features within the historically designated site.
 - c. The proposed 150' tall metal cell tower and associated equipment building will be out of character and will diminish the scenic, natural and historic resource features within the historic landmark site.
 - d. The proposed design camouflage and concealment technology are inadequate and the end result will have a substantial adverse impact.
 - e. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility was not accurately weighed and considered by the APC

due to the misrepresentation of the size of the cell tower and other misleading elements in the photo mock-ups in the staff report.

- f. The amount of vegetative screening was not accurately weighed and considered by the APC due to the misrepresentation of the size of the cell tower in the photo mock-ups in the staff report.
 - g. When weighed and considered as a whole, the proposed WCF creates an unacceptable adverse impact to the historic landmark site and should not have been approved by the APC.
2. Development Code Section 15.065.B.3, Use of Concealment Technology, states that "all Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it."
- a. The cell tower mock-up images in the staff report are not an accurate representation of the visual impact of the WCF. The height of the cell tower in the photo mock-ups is approximately half the actual size of the proposed tower. Please refer to Enclosure 1 for a more accurate mock-up image of the actual size of the cell tower.
 - b. Considering the actual size of the tower, and how high it will protrude above the existing vegetation, gray powder coating will not make the WCF "difficult for the naked eye to detect." Therefore, the proposed design clearly does not meet the criteria standards for concealment of this Section.
 - c. In addition to the misrepresented size of the tower, the mock-up images seem to purposely mask the WCF with a tree branch. I have visited the site and there are several trees that will need to be removed to construct the tower. The true impact to the trees that need to be removed has not been represented in the photo mock-up of the site. This will result in a much more substantial adverse visual impact than illustrated. Therefore, the standards for the use of concealment technology have not been met.
 - d. Staff acknowledge in their presentation (can be heard on the audio recording) that the WCF would be clearly visible. Despite this blatant awareness that the tower has inadequate concealment technology, staff still recommended the WCF be approved.
 - e. When weighed and considered as a whole, the proposed WCF design does not demonstrate an adequate use of concealment technology and should not have been approved by the APC.

The tree behind the cell tower mock-up image provided by Verizon is approx. 80 feet tall.

Therefore the cell tower is approximately 75 feet tall as shown. The actual height of the proposed tower is 150 feet tall as depicted here.



ORDERS AND FINDINGS OF FACT

9-16-15	Order and Findings of Fact for approval of Wireless Communications Facility Request WCF15-03 by the Astoria Planning Commission on September 16, 2015, with mailing list	5
8-23-15	Staff Report and Findings of Fact submitted to the Astoria Planning Commission for the September 16, 2015 meeting, dated August 23, 2015	40

BEFORE THE ASTORIA PLANNING COMMISSION
OF THE CITY OF ASTORIA

THE MATTER OF A WIRELESS COMMUNICATION FACILITY)

FOR THE FOLLOWING PROPERTY: MAP T8N-R9W)
SECTION 17 TAX LOT 1200 AND MAP 17CA TAX LOT 600; LOT(S))
UNPLATTED LOT; & LOTS 1-8; BLOCK 18; CENTRAL ASTORIA &)
VACATED PORTION OF NILE STREET;)
1580 SHIVELY PARK ROAD, ASTORIA OR 97103)

ZONING: IN, INSTITUTIONAL)

APPLICANT: VERIZON WIRELESS LLC DBA VERIZON WIRELESS,)
5430 NE 122ND AVENUE, PORTLAND OR 97317)

ORDER NO. WCF15-03

The above named applicant applied to the City for Wireless Communication Facility WCF15-03 to construct a 150' high wireless communication facility at 1580 Shively Park Road, Astoria, Oregon 97103.

A public hearing on the above entitled matter was held before the Astoria Planning Commission on September 16, 2015; and the Astoria Planning Commission closed the public hearing and rendered a decision at the September 16, 2015 meeting.

The Astoria Planning Commission orders that this application for a Wireless Communication Facility Request WCF15-03 is approved and adopts the findings of fact and conclusions of law attached hereto.

Effective date of this approval is 15 days following the signing of this order, subject to any attached conditions. A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

This decision may be appealed to the City Council by the applicant, party to the hearing, or a party who responded in writing by filing an appeal with the City within 15 days of this date (Section 9.040).

The permit will be void after two years unless substantial construction has taken place, or use has begun. However, the Planning Commission may extend the permit for an additional one year upon request by the applicant.

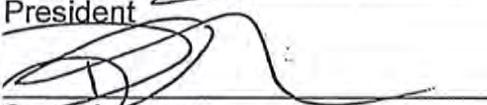
DATE SIGNED: SEPTEMBER 16, 2015

DATE MAILED: 9-18-15

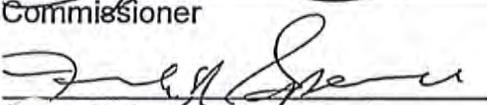
ASTORIA PLANNING COMMISSION



President



Commissioner



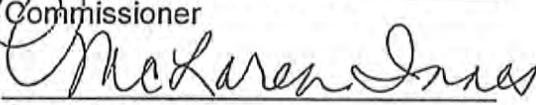
Commissioner



Commissioner



SEAN FITZPATRICK
Commissioner



McKAREN JONES
Commissioner

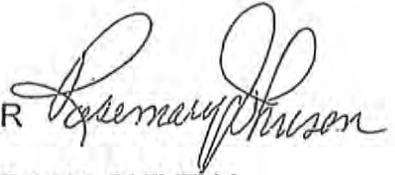
Commissioner

STAFF REPORT AND FINDINGS OF FACT

August 23, 2015

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, SPECIAL PROJECTS PLANNER



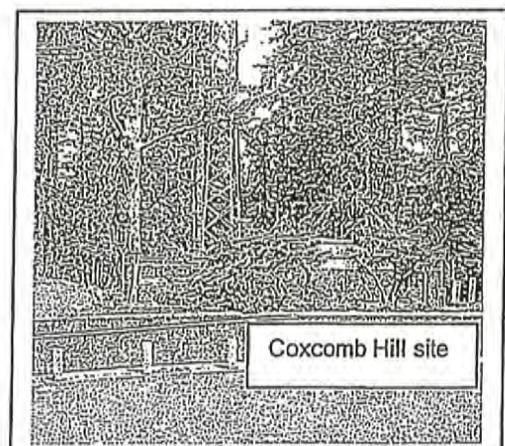
SUBJECT: WIRELESS COMMUNICATION FACILITY (WCF15-03) AT 1580 SHIVELY PARK ROAD

I. BACKGROUND SUMMARY

- A. Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230
- Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370
- B. Owner: City of Astoria
1095 Duane Street
Astoria OR 97103
- C. Location: 1580 Shively Park Road; Map T8N R9W Section 17, Tax Lot 1200 and Section 17CA, Tax Lot 600; Lots 1 to 8, Block 18, Central Astoria, and vacated portion of Nile Street
- D. Zone: IN Zone, Institutional
- E. Lot Size: approximately 12.4 acres (proposed area to be used approximately 1,120 square feet)
- F. Proposal: To construct a wireless communication facility with 150' tall monopole and enclosed equipment building

II. BACKGROUND INFORMATION

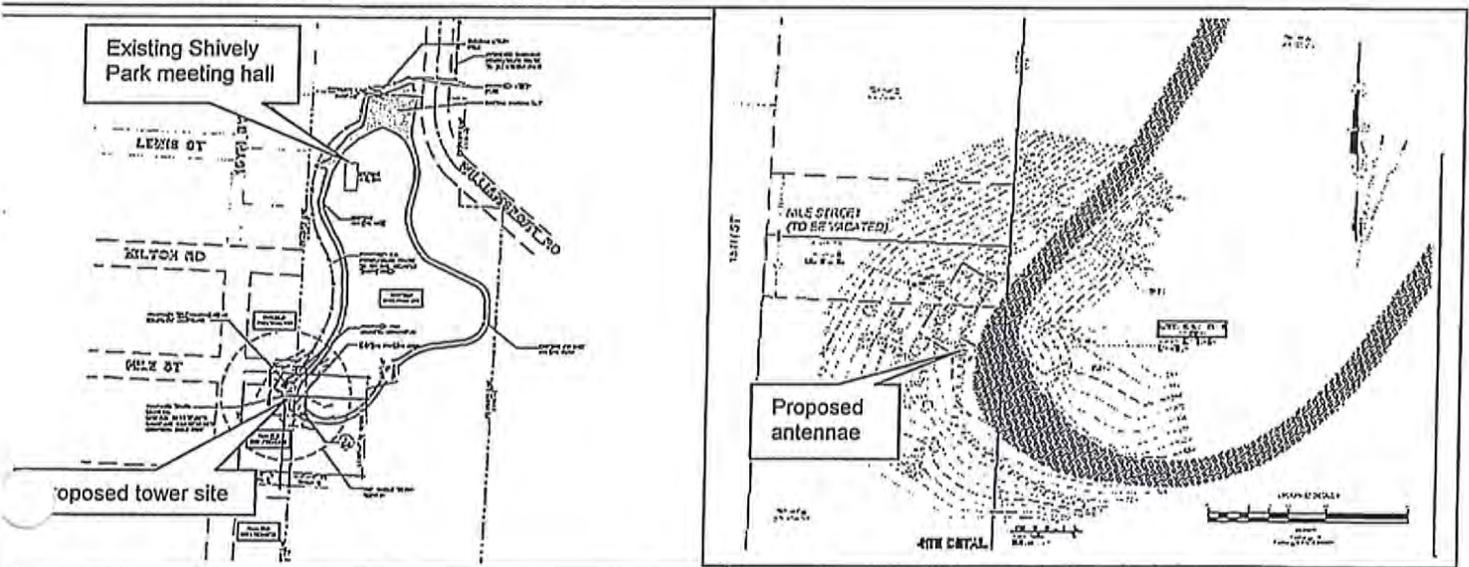
Verizon Wireless currently operates a wireless communication facility on an existing lattice tower on the north side of Coxcomb Hill Drive (Criege Circle) within the Astor Park/Astoria Column area owned by the City. The City shares use of the facility for its emergency services communications. The facility includes a lattice tower, wood pole, and utility building.



The existing lattice tower cannot structurally accommodate new communication facilities necessary for Verizon Wireless to provide full service. Currently, the central portion of Astoria has "poor to non-existent" coverage by the existing Verizon facility. The applicant is proposing to increase cell coverage for Astoria with the new facility. The lattice tower at Coxcomb Hill has existed since 1991 prior to adoption of the Wireless Communications Facility Ordinance, and does not conform to the existing code standards. Therefore, it is classified as an existing, non-conforming facility. The tower was originally constructed by GTE Mobile Net which is now part of Verizon Wireless. The existing tower was evaluated to determine if it could structurally and technically accommodate the increase in wireless communication services and the needed upgrade of the City's emergency communication service. It was determined that the existing tower would not meet structural requirements and a new tower would need to be constructed. It was therefore determined that the facility should be relocated to another site to accommodate the WCF and improve the aesthetics of the Astoria Column Park. The Friends of the Column, City, and Verizon identified alternate locations that would provide emergency communications as well as cell service to replace what is provided by the tower at the Column. Staff has been working with the consultant hired by the Friends of the Column and Verizon representatives on the various aspects of this project for several years. Investigation of the viability of several other sites was completed. Due to the need for a high elevation location with limited obstructions, and the City's desire for minimal visual impact of the tower, two sites on City-owned properties were selected. One site is located in the Land Reserve urban forest near Reservoir 3 (east of the Column) would include both private and public facilities. The other site is within the forested area in Shively Park.

At its August 3, 2015 meeting, the City Council approved the negotiated lease for the proposed sites on City-owned property and for the City Manager to sign the land use permit applications to begin the public review process.

All references in the Findings of Fact to the proposed wireless communication "facility" includes the installation of the associated equipment building, enclosure, and buried cable without specific notation.



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 500 feet, excluding rights-of-way, pursuant to Section 15.090 on August 21, 2015. A notice of public hearing was published in the Daily Astorian on September 9, 2015 pursuant to Section 9.020. A display ad was published in the Daily Astorian on September 9, 2015 pursuant to Section 15.090.2.b.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 15.035.A.1, Permitted Locations of Wireless Communication Service Facilities, Permitted Zones, lists the permitted zones for a WCF.

Section 2.840.11, Uses Permitted Outright in the IN Zone, lists "*utilities*" as an outright use.

Finding: The proposed use is allowed within the IN Zone.

- B. Section 15.035.B.2.a, Preferred Location, Siting, and Designs in Priority Order, states that a Conditional Use Review is required for "*Location on New Antenna Support Structure*"

Finding: The proposal is to construct a new tower. The proposal shall be reviewed as a conditional use before the Planning Commission.

- C. 15.045.A, Collocation and Use of Alternative Antenna Support Structures for Wireless Communication Service Facilities, Collocation Design Required, states that "*All antenna support structures shall be designed and constructed so as to not preclude collocation.*"

Finding: The structure is designed to accommodate collocation in the future.

- D. 15.045.B, Collocation Required, states that "*Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission.*"

If an applicant proposes to construct a new antenna support structure, evidence shall be submitted by the applicant to demonstrate the following:

1. *That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the service provider's engineering requirements to provide service; OR*
2. *That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the service provider's engineering requirements to provide service; OR*

3. *That existing support structures and alternative antenna support structures do not have sufficient structural strength to support the service provider's engineering requirements to provide service; OR*
4. *That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference, or NIER field interference with nearby antennas or antenna arrays, or vice-versa; OR*
5. *That there are other limiting factors, such as inadequate space for an equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable."*

Finding: Verizon and the City worked together to identify potential sites for the facility. No existing tower is available to service the south side of Astoria except the existing tower at Coxcomb Hill. There are no tall structures within the search ring for this service area. Utility poles in this area are only 20'to 35' tall. The Fred Lindstrom Park area with park lighting poles was too low in elevation to meet the coverage needs of Verizon. No acceptable collocation sites were identified.

- E. Section 15.065, Standards and Review Criteria, states that *"all applications for Wireless Communication Service Facilities shall demonstrate compliance and conformity with the following requirements. The burden of proof is on the applicant to demonstrate such compliance and conformity. The Community Development Director may release an applicant from a requirement when it is determined that the requirement is not applicable to the request."*

Section 15.065.A.1, Owner and Applicant Responsibilities, states that *the owner and applicant of the Wireless Communication Service Facility and his or her successors and assigns at all times shall have the following responsibilities:*

- a. *The owner shall respond in a reasonable and timely manner to a request for information from a potential collocation applicant. In responding to such a request, the owner and potential collocation applicant shall furnish to each other all non-proprietary information necessary to enable the potential collocation applicant and the owner to determine the feasibility of collocation.*
- b. *The owner and potential collocation applicant shall negotiate in good faith for shared use of the owner's Wireless Communication Service Facility."*

Finding: While shared use of the site is possible, the collocation requirement for other applicants does not apply since there are no applicants at this time. The site is owned by the City of Astoria. City Council approved signing the application as property owner on 8-3-15, and the City has entered into a lease agreement with Verizon for use of the site.

F. Section 15.065.A.2, Environmental and Historic Resource Protection, states that *all Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:*

- a. *The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;"*

Finding: The Astor Park and Astoria Column are designated on the National Register of Historic Places. The Friends of the Column have plans to improve the park and relocation of the existing non-conforming WCF tower is a goal and will bring that site into compliance with the Historic Properties regulations. The proposed site at Shively Park is designated as historic and therefore subject to the requirements of Code of Federal Regulations Section 106. The applicant has submitted a letter from State Historic Preservation Office (SHPO) dated 2-24-15 with a NEPA finding of "no adverse impact."

The site is not within the Shoreland Overlay area nor within the Sensitive Bird Habitat Overlay.

- "b. *Alteration or disturbance of natural vegetation and topography shall be minimized;"*

Finding: Verizon has worked with Parks and Recreation Director Angela Cosby to identify the minimal vegetation to be removed to accommodate the facility. The tower will be 150' tall and will be within the existing tree area. The equipment building will be constructed slightly below street grade to take advantage of the existing topography as part of the screening of the facility.

G. Section 15.065.A.3, Noise, states that *"no testing of back-up power generators shall occur between the hours of 6:00 PM and 7:00 AM. Emergency operation of back-up power generators is permitted at any time."*

Finding: Back-up power generators are indicated on the plans and will be operated in accordance with the above standards.

H. Section 15.065.A.4, Permits Required, requires the following permits:

- "a. *A Building Permit issued by the City is required for each Wireless Communication Service Facility. A building permit will not be issued until all land use approvals have been obtained; until any associated*

conditions have been met; and until all other applicable local, State, and Federal approvals have been secured and complied with, including but not limited to Astoria Development Code, Article 6 Historic Properties, and Section 106 requirements as set forth by the State Historic Preservation Office (SHPO)."

Finding: The applicant has completed the Section 106 Review. The applicant has submitted a "New Construction" (NC) permit application for review by the City Historic Landmarks Commission (HLC). The HLC will review the permit at their September 15, 2015 meeting. Approval of the WCF permit is conditioned upon approval of the NC permit by HLC (Condition 1). A building permit application shall be submitted and will only be issued after all other permits have been obtained.

- "b. No Wireless Communication Service Facility shall be constructed or operated within the City limits until all necessary City, State, and Federal approvals have been secured. Evidence of approvals shall be provided to the City."*

Finding: Verizon Wireless has submitted approvals from Federal Aviation Administration dated 1-15-15, and from Oregon Department of Aviation dated 3-4-15. The FCC license (FRN 0003800307, expires 6-26-2017) is attached. Construction shall not begin until all permits have been obtained (Condition 1).

- I. Section 15.065.A.5, Prohibited Structures, states that *"lattice and guyed wire towers and support structures and speculation ("spec") support structures are prohibited in all zones except as noted in Section 5.b.."*

Finding: The applicant is proposing to construct a monopole and there will be no guyed wires.

- J. Section 15.065.A.6.a, Radio Frequency Standards, states that *"the applicant shall provide evidence that the Wireless Communication Service Facility is in compliance with FCC standards and that the Wireless Communication Service Facility will not cause interference with the reception of area television, radio, or emergency communication broadcasts. If at any time, the City finds that the Wireless Communication Service Facilities interfere with such reception, the applicant shall mitigate the interference. If the applicant does not mitigate the interference to the City's satisfaction, the City may revoke or modify the permit."*

Finding: The applicant has submitted a copy of the FCC license indicating compliance with FCC standards. No comments were received from City departments for this specific request. This criteria requires that the applicant "mitigate the interference to the City's satisfaction". It is the recommendation of the Astoria Police Chief for all wireless transmitters that the interference be mitigated within 24 hours of notification of an agency to Verizon Wireless that there is interference to emergency communications (Condition 2). The

applicant has submitted the Non-Ionizing electromagnetic Exposure Analysis and Engineering Certification (NIER), dated January 2015, indicating compliance.

- K. Section 15.065.A.7, Security, states that *"the applicant shall insure that sufficient anti-climbing measures have been incorporated into the WCF, as needed, to reduce potential for trespass and injury."*

Finding: The WCF will have a 6' fence around the facility and all climbing pegs used during construction will be removed upon completion.

The Fire Department will require a Knox Lock Box be secured to the fence with an access key provided in the event a fire or other type of emergency requires immediate access to Fire Department personnel. The final location of the secured Knox Box shall be determined by the Fire Chief upon a site visit and shall be installed prior to operation of the site (Condition 7). An application for a Knox Lock box may be obtained from the Fire Department during normal business hours.

- L. Section 15.065.A.8, Technical Expert Support, states that *"the Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required."*

Finding: The City has determined that an independent expert is not necessary. However, it should be noted that the City did hire Converge Communications, a WCF consulting firm to assist the City in the review of potential sites, development of lease agreements, and with the technical review of documents.

- M. Section 15.065.B.1, Preferred Location, Siting, and Designs in Priority Order, states *"See Section 15.035.B of the Wireless Communication Facility Code."*

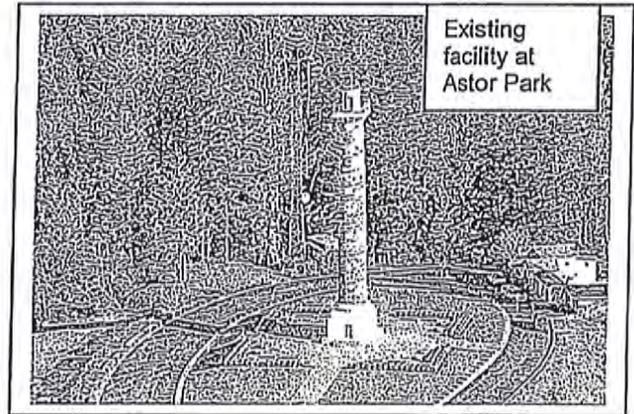
Finding: As noted above, the proposed location is a new facility and requires a conditional use permit. The site is located in the IN Zone which is a "permitted zone" for a WCF.

- N. Section 15.065.B.2, Adverse Impact, states that *WCF shall not create a substantial adverse impact on the view from any public park, natural scenic vista, historic property (locally designated or on National Register), major scenic and view corridor, or residential area. In determining the potential substantial adverse impact of the proposed facility upon scenic, natural, historic, and cultural resources or vicinity, the following points shall be considered:*

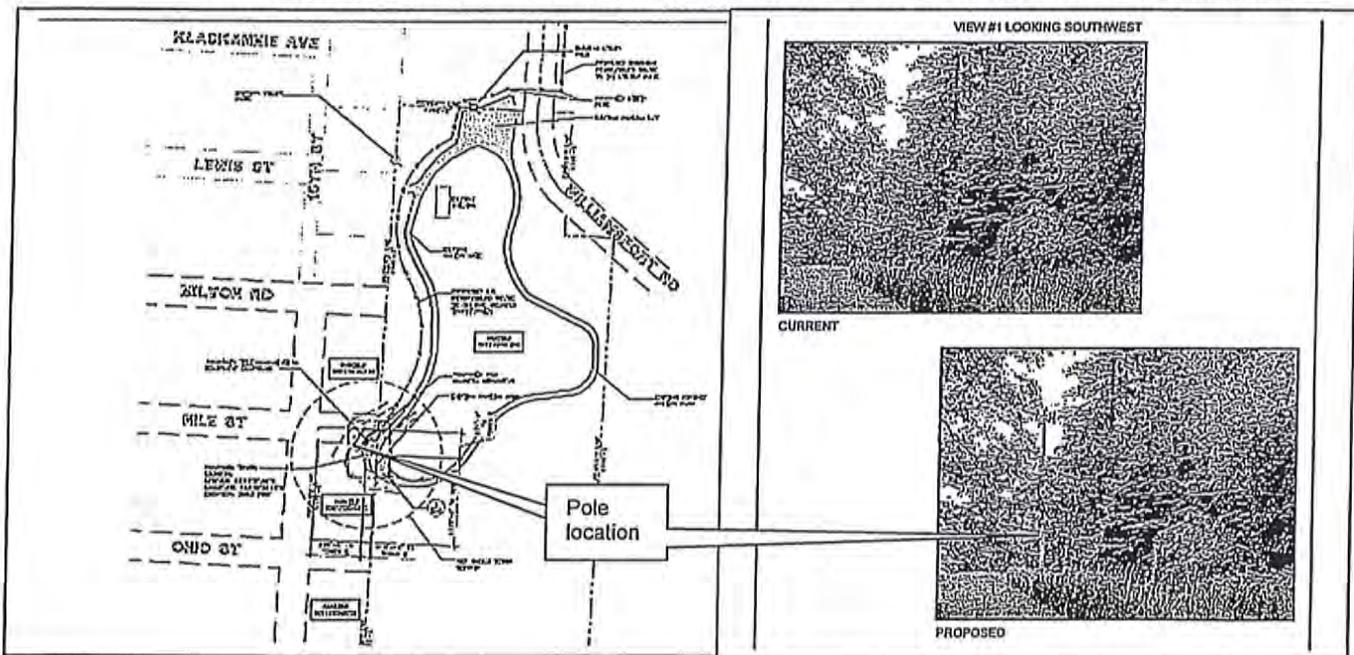
- a. *The extent to which the proposed WCF is visible from the viewpoint(s) of the impacted resource or vicinity.*

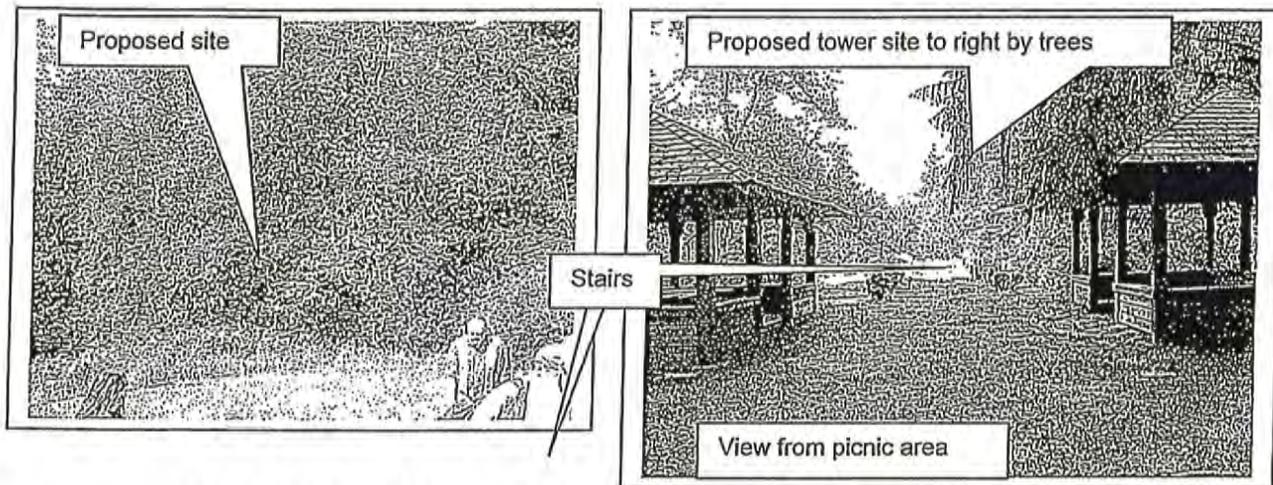
- b. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.
- c. The amount of vegetative screening.
- d. The distance of the proposed facility from the impacted resource or vicinity.
- e. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.

Finding: The existing facility is located adjacent to a historic landmark (Astoria Column) and is highly visible from this historic park. The proposal to relocate the tower for better coverage and less impact to a historic structure has resulted in the selection of a new site that is also designated as historic. As part of the agreement with the City, the facility at the Column will be removed (Condition 3).

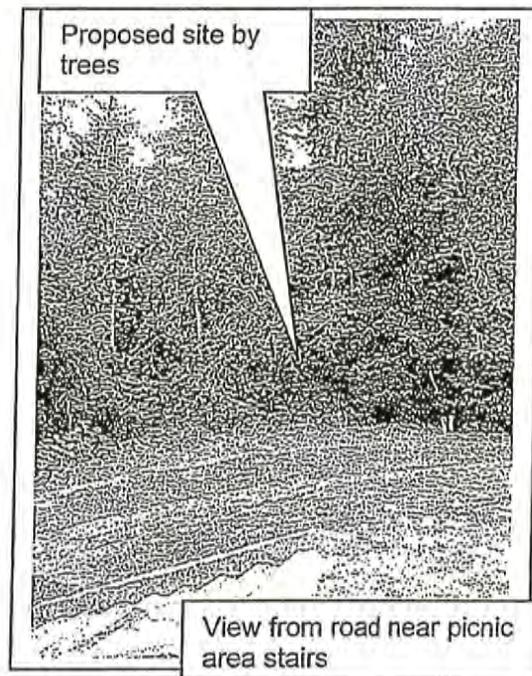


However, the location within Shively Park will be along the back road and not at the entrance to the Park. The facility will be screened from view by existing trees and the installation of new landscaping and fencing. It will sit below the level of the upper picnic area of the Park and will not be highly visible from this structure and area. Photo simulations have been submitted and are attached.





The 150' high monopole would be located within the tree area on the western edge of the park and not in direct alignment of the picnic area view corridor. While the location is within a designated historic and park area, it is approximately 500' from Shively Hall and approximately 175' from the picnic area. It would not be visible from Shively Hall nor from all but a few yards of the road/pathway around the park. Deciduous trees in this area range up to 120' tall and firs up to 150' tall. The dense vegetation of trees and its location on the back corner of the park reduces the visual impact to a minimum. Other acceptable locations would not provide the same level of service and would be much more visible from greater distances as there would not be a forested area to help screen it from view.



Since the forested area is a key element to the compatibility of the tower at this location, the applicant would be required to replant trees should they be destroyed by any means during the life of the facility (Condition 8).

- O. Section 15.065.B.3, Use of Concealment Technology, states that *"all Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening."*

Finding: The method of concealment in this case is the use of the existing forest which hides the facility. Additional landscaping will be installed around the equipment building which will have a slatted chain link fence proposed to be painted grey. Due to the ground location with the darker underbrush background, the equipment enclosure should be painted a natural darker color such as dark brown or forest green (Condition 6). The pole is proposed to be painted grey to blend into the background sky.

- P. Section 15.065.B.4, Access Driveways and Parking, states that "all access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the Astoria Development Code and Astoria City Code.
- a. Existing driveways shall be used for access whenever possible.
 - b. New parking areas shall, whenever feasible, be shared with subsequent Wireless Communication Service Facilities and/or other permitted uses."

Finding: No additional roads or parking areas are proposed. This standard does not apply.

- Q. Section 15.065.B.5, Color and Material states:

- "a. All buildings, poles, antenna support structures, antennas, antenna arrays, and other associated components of each Wireless Communication Facility site shall be initially coated and thereafter recoated as necessary with a non-reflective neutral color in muted tones.
- b. The color selected shall be one that will minimize visibility of the WCF to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees, or grasslands shall be coated with colors matching those landscapes, while elements which rise above the horizon shall be coated a color that matches the typical overcast sky (i.e. white, light gray, etc.) or background color at that location.
- c. The color and coating shall be reviewed and approved by the Community Development Director or Astoria Planning Commission.
- d. Upon a clear showing by the applicant that compliance with the requirements of this section would void a manufacturer's warranty on any specific equipment, or that natural aging of the material would provide greater concealment, the Community Development Director or Astoria Planning Commission may waive the requirements of this section for such specifically identified equipment."

Finding: The facility is proposed to be non-reflective, earth tone color behind a 6' tall chain link fence. It is proposed to be powder coated in a grey tone to blend with the sky. While the tower would be tall and have a sky backdrop, the equipment enclosure is close to the ground with the darker underbrush color. The equipment enclosure should be painted a natural darker color such as dark brown or forest green (Condition 6).



R. Section 15.065.B.6, Height, states that *"in addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:*

- a. *WCF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- b. *If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.*
- c. *In reviewing Variance requests to the above described height limits, the following shall be considered:*
 - 1) *The proposed structure and facility uses concealment technology; and*
 - 2) *It is demonstrated that a greater height is required to provide the necessary service.*
- d. *Building or other structure-mounted Wireless Communication Service Facilities shall not project more than ten (10) additional feet above the highest point on the existing building or structure and shall not project higher than the height requirements of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- e. *WCF shall not penetrate imaginary surfaces around the Astoria Airport as defined by the Oregon Department of Aviation, unless a waiver is granted pursuant to Oregon Revised Statutes."*

Section 2.855, Height of Structures in the IN Zone, states that *"No structure will exceed a height of 45 feet above grade."*

Finding: The facility is proposed to be 150' to meet the coverage needs of Verizon for the south area of Astoria. A Variance is required (Condition 4). The proposal has been reviewed and approved by FAA and OR Department of Aviation. The applicant has submitted a Variance application for the additional height which will be considered by the APC at the same meeting as the WCF review.

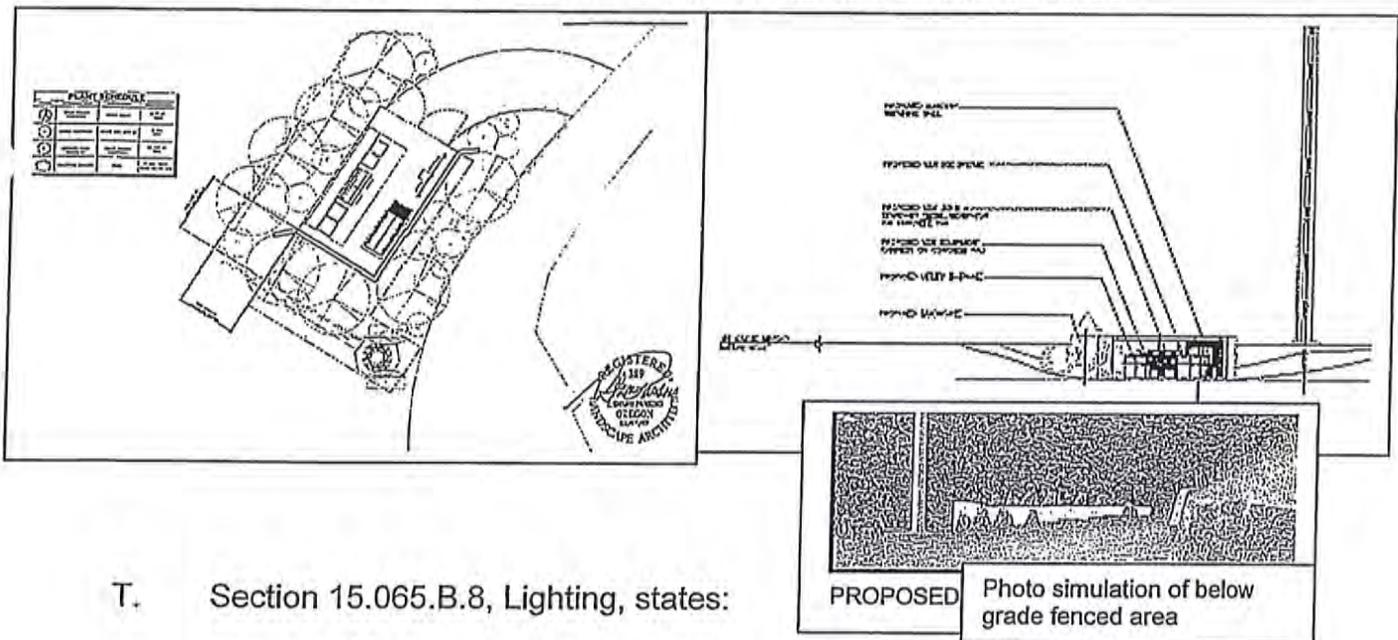
S. Section 15.065.B.7, Landscape and Screening, states that *"all Wireless Communication Service Facility sites shall be improved with existing native vegetation, suitable landscaping and/or fencing installed to screen the facility, where necessary. To this end, all of the following requirements shall be implemented for all Wireless Communication Service Facilities which are installed on antenna support structures:*

- a. *A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, shall be submitted as part of the application.*
- b. *Any proposed or required fenced area is to be surrounded, where feasible, by a landscaped strip of sufficient width and height to create a visual screen.*
- c. *Planted vegetation shall be of the evergreen variety.*
- d. *The landscape plan shall be subject to review and approval of the Community Development Director or Astoria Planning Commission.*
- e. *The fence shall be a maximum of six (6) feet in height.*

- f. The fenced area is to be surrounded by evergreen shrubs (or similar type of evergreen landscaping). Required landscaping shall be located outside of the fenced area.
- g. The fence shall, where feasible, be installed and maintained around the entire perimeter of the site and surround the WCF and the equipment shelter.
- h. If the Community Development Director determines that a fence surrounding antenna support structures located in a public right-of-way or adjacent to existing structures is not feasible, such structures may be exempted from the fencing requirements of this Section.
- i. Chain link fences shall be painted or coated with a non-reflective color.
- j. Electric, barbed wire, and concertina wire fences are prohibited."

Section 2.850, Landscaped Open Area in the IN Zone, states "A minimum of 10 percent of the total lot area will be maintained as a landscaped open area."

Finding: The proposed location is within the Shively Park forested area with mature natural screening. The applicant has submitted a landscape plan indicating additional landscaping to screen the site. A chain link fence will enclose the facility and will be a non-reflective earth tone color.



T. Section 15.065.B.8, Lighting, states:

- a. A Wireless Communication Service Facility shall only be illuminated as necessary to comply with FAA or other applicable State and Federal requirements. Documentation from such State and Federal agencies describing required compliance measures is required.
- b. Exterior lighting shall not glare onto adjacent properties.
- c. Strobe lights are prohibited.

Finding: FAA and ODA lighting requirements will need to be installed. The applicant shall keep tower lighting to the minimum required. No strobe lights are proposed and shall not be installed. The equipment building will have

downcast maintenance lighting on a timer. Light shall not glare into the Park picnic area and shall be kept to a minimum (Condition 5).

U. Section 15.065.B.9, Setback, states:

- a. *Antenna support structures, excluding those utility poles and similar structures which are located within the right-of-way, and excluding equipment enclosures, shall be located no closer to a structure on the subject property, or from the property line of the subject property, than a distance equal to the total height of the structure measured from finished grade, or the distance of "worst-case scenarios", as recommended in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000, whichever is greater. However, utility poles and similar structures which are located within the right-of-way, and equipment enclosures are subject to recommendations in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000.*
- b. *All WCF equipment enclosures shall be set back from property lines according to the requirements of the Zone.*
- c. *A setback requirement to a property line may be reduced, through Variance approval. A Variance to the setback requirement shall be in accordance with the requirements of Article 12, and the following additional criteria:*
 - 1) *It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts."*

Section 2.845, Yards in the IN Zone states *"The minimum yard requirements in an IN Zone will be as follows:*

- 1. *The minimum front yard will be 20 feet.*
- 2. *The minimum side yard will be five (5) feet, except on corner lots, the side yard on the street side will be 15 feet.*
- 3. *The minimum rear yard will be 20 feet, except on corner lots, the rear yard will be five (5) feet."*

Finding: The pole is not located adjacent to a right-of-way. Shively Park Road is a roadway within the Park and is not a dedicated right-of-way. The facility will be located within the larger Park boundary and will meet the required setbacks of the zone. The 150' tall pole will be approximately 90' from the north property line adjacent to County owned parcel to the north, and approximately 100' from the west property line adjacent to the Astoria School District property to the west. This property is undeveloped. A Variance is required from the 150' setback requirement (Condition 4).

V. Section 15.065.B.10, Signs, states that *"the use of any portion of a Wireless Communication Service Facility for signs other than warning or equipment*

information signs is prohibited. For emergency purposes, equipment information limited to the WCF provider(s) name and contact phone number shall appear at the facility in a discreet yet visible location, either on the equipment cabinet or supporting structure."

Finding: No new signs are proposed.

W. Section 15.065.B.11, Storage, states:

- "a. WCF storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only) and shall be placed underground where feasible or be sited (i.e., depressed, or located behind earth berms) to minimize their profile.*
- b. WCF storage facilities shall be no taller than one story (15 feet) in height and shall be designed to look like a building or facility typically found in the surrounding area.*
- c. On-premises storage of material or equipment shall not be allowed other than that which is necessary to the use, operation, and maintenance of the WCF."*

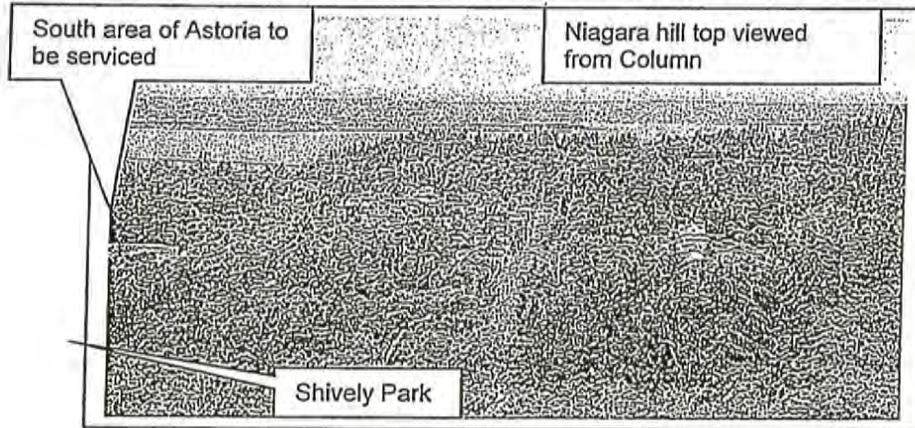
Finding: No material or equipment is proposed to be stored on the site.

X. Section 11.030.A, Basic Conditional Use Standards, states that *"Before a conditional use is approved, findings will be made that the use (except for housing development) will comply with the following standards:*

- "1. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."*

Finding: WCF locations require specific criteria to accommodate the technology. The site must be high enough to give the needed coverage to a large area and cannot have high, sight obscuring structures to interrupt the coverage line of sight. The applicant wants to increase the service to Astoria and specifically provide better service to the south area of the City. Coxcomb Hill and the Niagara Avenue hilltop are the only two locations that meet the technical needs of a WCF without the need for multiple intersecting locations. Due to the technical aspect of WCF industry, the City hired Converge Communications to assist with all negotiations and review of materials submitted by Verizon to help protect the City's best interest. The City worked with Converge Communications and Verizon to locate a suitable site to relocate the existing Coxcomb Hill facility. Several locations on Niagara Avenue hilltop were considered. However, after much analysis of the sites, it was determined that the

Shively Park location provided the best coverage with the least visual impact to the community. Other possible locations would have resulted in a 150' pole within a residential area with little natural vegetative screening and would not have provided the same level of service. While the proposed location is within a City Park, the site is at the back western corner of the Park and not highly visible. The location is appropriate.



- "2. *An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.*"

Finding: The site is secluded and accessible from Shively Park Road which is a gated roadway within the Park. The WCF will be unmanned with possibly one or two trips per month for maintenance purposes. With limited site visits, and the passive nature of the facility, the site does not pose any safety concerns and is suitable for the propose WCF.

- "3. *The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.*"

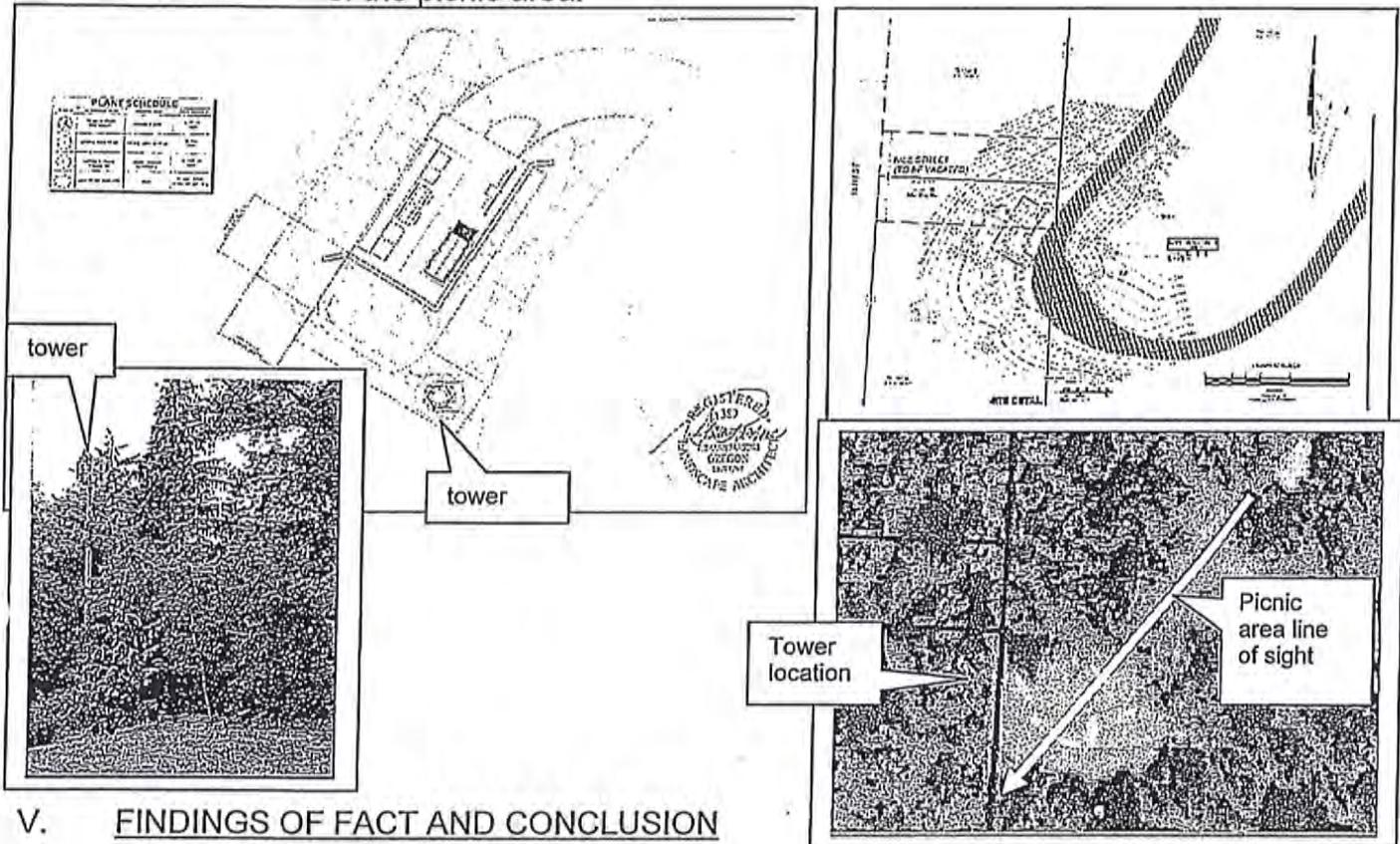
Finding: The facility will only need electricity and no other services. The WCF will not overburden the services.

- "4. *The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.*"

Finding: The applicant has conducted engineering tests and core drillings on the site to verify that the site is capable of handling the facility. The site is not within 100' of a known geologic hazard area.

- "5. The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses."

Finding: The existing trees and proposed landscaping will serve as a natural buffering of the facility. The property completely surrounding the site is forested. The closest adjacent use is the Shively Park picnic area and the tower will be located to the side and not in the direct line of sight of the picnic area.



V. FINDINGS OF FACT AND CONCLUSION

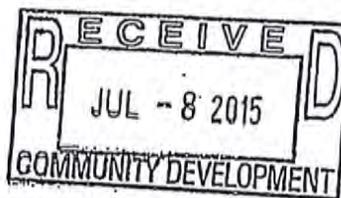
Based on the findings of fact above and those submitted with the application, the request meets the applicable review criteria. Staff recommends the Planning Commission approve the permit with the following conditions:

1. The applicant shall obtain all necessary City and building permits prior to construction.
2. Any interference to emergency communications shall be mitigated within 24 hours of notification of an agency to Verizon Wireless that there is interference to emergency communications.
3. The WCF at Astoria Column shall be removed by the applicant in accordance with the requirements listed in the lease agreement with the City.
4. The applicant shall obtain Variance approval for the height and setback of the facility.

5. All lighting shall be kept to a minimum and shall be downcast and not glare into adjacent properties or the Park picnic area.
6. The equipment buildings, chain link fence, and slats shall be painted a natural dark color such as dark brown or forest green.
7. A Knox Lock Box shall be secured to the fence with an access key provided in the event a fire or other type of emergency requires immediate access to Fire Department personnel. The final location of the secured Knox Box shall be determined by the Fire Chief upon a site visit and shall be installed prior to operation of the site.
8. The applicant shall replant trees buffering view of the facility should they be destroyed by any means during the life of the facility under the applicant's lease.



CITY OF ASTORIA
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 COMMUNITY DEVELOPMENT



No. WCF 15-03

Deposit: \$3,000.00

Pl. by Lexcom

WIRELESS COMMUNICATION FACILITY APPLICATION

Property Location: Address: 1580 Shively Park Road, Astoria, OR 97103

unplatted lots & Lot Lots 1-8

Block 18

Subdivision Central Astoria & vacated portion of Nile St.

Map 17
17CA

Tax Lot 809170001200
17CA 600

Zone Institutional

Applicant Name: Verizon Wireless (VAW), LLC dba, Verizon Wireless

Mailing Address: 5430 NE 122nd Avenue, Portland, OR 97317

Phone: _____ Business Phone: _____ Email: _____

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street, Astoria, OR 97103

Representative: Lexcom Development, Sharon Gretch, 541-515-8263, sharon.gretch@lexcomcorp.com

Business Name (if applicable): _____

Signature of Applicant: *Sharon Gretch*

Date: 2/13/15

Signature of Property Owner: *AK per 8/3/15 City Council*

Date: 8/4/15

Existing Use: Park

Proposed Use: Unmanned Wireless Communication Facility

to construct a 150' high wireless communication facility

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 13th of the month to be on the next month's agenda. A Pre-Application meeting with the Associate Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended. *The Community Development Director shall determine the classification and appropriate process for any application. Applicant shall submit three (3) copies of a complete application and plans; the fee; and other required information in accordance with Article 15.*

For office use only:

Application Complete:	<u>8/4/15</u>	Permit Info Into D-Base:	<u>8/13/15</u>
Labels Prepared:	<u>4/13/15</u>	Tentative APC Meeting Date:	<u>9/22/15</u>
120 Days:			

FEES: Applicant shall pay the filing fee at the time of submission of an application. Actual costs incurred in processing the application shall be billed from the filing fee. Upon final decision on an application, and after all expenses have been determined, any remaining filing fee shall be returned to the applicant.

15.060. APPLICATION SUBMITTAL REQUIREMENTS.

A. All applications for permits for the placement and construction of Wireless Communication Service Facilities shall be accompanied by the following:

(Please check the to indicate that all submittal requirements are included with the application.)

Included

- 1. A complete description of the proposed WCSF including use of concealment technology, height, location, siting, and design, and description of services the applicant intends to provide from the facility.
- 2. Proof of ownership of the land upon which the WCSF is proposed; or evidence of an appropriate easement, lease, rental agreement, or land use application signed by the applicant and signed by the underlying property owner.
- 3. Copy of the carrier's current FCC license for the proposed coverage area.
- 4. Evidence demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the FCC particularly with respect to any habitable areas within the structure on which the antennas are co-locating or in structures adjacent to or across a public right-of-way from the antennas.
- 5. An accurate and scaled site plan, scaled elevation views, and other supporting drawings, illustrating the location and dimensions of the proposed WCSF, including but not limited to: antenna support structure, alternative antenna support structure, antenna array, antennas, equipment enclosures, and any and all other devices and attachments.
- 6. Readily discernible map of the proposed area of coverage.
- 7. Location map of all sites currently operated by the carrier in a five (5) mile radius of the proposed site. Such locations shall be of sufficient detail to be added to the City's GIS data system. For each such site, the targeted area and capabilities of the sites shall be adequately described.
- 8. Visual impact analysis and demonstrations including mock-ups and/or photo simulations from at least three (3) directional perspectives.
- 9. Evidence demonstrating that the applicant has filed a request with the Federal Aviation Administration (FAA) and the Oregon Department of Aviation (ODA) to review the application, or evidence demonstrating that the applicant has complied with all FAA and ODA requirements.
- 10. Evidence demonstrating that the applicant has filed a request with the State Historic Preservation Office to review the application under Section 106 of the National Historic Preservation Act, or evidence demonstrating that the applicant has complied with all State Historic Preservation Office requirements as a result of the Section 106 consultation.

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johnson@astoria.or.us • www.astoria.or.us

- 11. A collocation feasibility study conducted for the proposed service area of the facility being proposed. The study will describe the applicant's policy on collocation and demonstrate that collocation efforts were made and provide findings on why collocation can or cannot occur as indicated in Section 15.045.B.
- 12. Where less preferred locations or design are proposed, a description of other alternatives considered (alternate sites, alternative heights, number of facilities, and equipment utilized) and the reasons why higher priority locations or designs were not selected.
- 13. Payment of fees.
- 14. All such additional information as the Community Development Director may identify as being relevant to the permitting process. No additional information has been requested.
- 15. The Community Development Director may release an applicant from the requirement to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted.

**BRIEFLY ADDRESS EACH OF THE FOLLOWING CRITERIA.
USE ADDITIONAL SHEETS IF NECESSARY.**

(Note page number or attachment number when indicating "see attached".)

15.065. STANDARDS AND REVIEW CRITERIA.

All applications for Wireless Communication Service Facilities shall demonstrate compliance and conformity with the following requirements. The burden of proof is on the applicant to demonstrate such compliance and conformity. The Community Development Director may release an applicant from a requirement when it is determined that the requirement is not applicable to the request.

A. General and Operating Requirements.

1. Owner and Applicant Responsibilities.

The owner and applicant of the Wireless Communication Service Facility and his or her successors and assigns at all times shall have the following responsibilities:

- a. The owner shall respond in a reasonable and timely manner to a request for information from a potential collocation applicant. In responding to such a request, the owner and potential collocation applicant shall furnish to each other all non-proprietary information necessary to enable the potential collocation applicant and the owner to determine the feasibility of collocation.
- b. The owner and potential collocation applicant shall negotiate in good faith for shared use of the owner's Wireless Communication Service Facility.

See attached, page 9 of 17

2. Environmental and Historic Resource Protection.

All Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:

- a. The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;

See attached. Section 2, subsections (a) and (b) are addressed on page 9 of 17.

- b. Alteration or disturbance of natural vegetation and topography shall be minimized;
-
-
-

3. Noise.

No testing of back-up power generators shall occur between the hours of 6:00 PM and 7:00 AM. Emergency operation of back-up power generators is permitted at any time.

See attached, page 9 of 17

4. Permits Required.

- a. A Building Permit issued by the City is required for each Wireless Communication Service Facility. A building permit will not be issued until all land use approvals have been obtained; until any associated conditions have been met; and until all other applicable local, State, and Federal approvals have been secured and complied with, including but not limited to Astoria Development Code, Article 6 Historic Properties, and Section 106 requirements as set forth by the State Historic Preservation Office.

See attached. Section 4, subsections (a) and (b) are addressed on page 10 of 17

- b. No Wireless Communication Service Facility shall be constructed or operated within the City limits until all necessary City, State, and Federal approvals have been secured. Evidence of approvals shall be provided to the City.
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-
-

5. Prohibited Structures.

Lattice and guyed wire towers and support structures and speculation ("spec") support structures are prohibited in all zones.

See attached, page 10 of 17.

6. Radio Frequency Standards.

- a. The applicant shall provide evidence that the Wireless Communication Service Facility is in compliance with FCC standards and that the Wireless Communication Service Facility will not cause interference with the reception of area television, radio, or emergency communication broadcasts. If at any time, the City finds that the Wireless Communication Service Facilities interfere with such reception, the applicant shall mitigate the interference. If the applicant does not mitigate the interference to the City's satisfaction, the City may revoke or modify the permit.

See attached, page 10 of 17 and Attachment 4, NIER.

7. Security.

The applicant shall insure that sufficient anti-climbing measures have been incorporated into the WCSF, as needed, to reduce potential for trespass and injury.

See attached, page 10 of 17.

8. Technical Expert Support.

The Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required.

B. Location, Siting and Design Requirements.

1. Preferred Location, Siting, and Designs in Priority Order.

See Section 15.035.B of the Wireless Communication Facility Code.

See attached, page 11 of 17.

2. Adverse Impact.

WCSF shall not create a substantial adverse impact on the view from any public park, natural scenic vista, historic property (locally designated or on National Register), major scenic and view corridor, or residential area. In determining the potential substantial adverse impact of the proposed facility upon scenic, natural, historic, and cultural resources or vicinity, the following points shall be considered:

- a. The extent to which the proposed WCSF is visible from the viewpoint(s) of the impacted resource or vicinity.

See attached. Section 2. subsections (a) through (e) are addressed on page 11 of 17 and represented Attachment 8, photo simulations.

- b. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.

- c. The amount of vegetative screening.
-
-
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- d. The distance of the proposed facility from the impacted resource or vicinity.
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- e. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.
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-

3. Use of Concealment Technology.

All Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.

See attached, pages 11/12 of 17.

4. Access Driveways and Parking.

All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the Astoria Development Code and Astoria City Code.

- a. Existing driveways shall be used for access whenever possible.

See attached. Section 4, subsections (a) and (b) are addressed on page 12 of 17.

- b. New parking areas shall, whenever feasible, be shared with subsequent Wireless Communication Service Facilities and/or other permitted uses.
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5. Color and Materials.

- a. All buildings, poles, antenna support structures, antennas, antenna arrays, and other associated components of each Wireless Communication Facility site shall be initially coated and thereafter recoated as necessary with a non-reflective neutral color in muted tones.

See attached. Section 5, subsections (a) through (d) are addressed on page 12 of 17.

- b. The color selected shall be one that will minimize visibility of the WCSF to the greatest extent feasible. To this end, improvements which will be primarily viewed

City Hall • 1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • Fax 503-338-6538

johnson@astoria.or.us • www.astoria.or.us

against soils, trees, or grasslands shall be coated with colors matching those landscapes, while elements which rise above the horizon shall be coated a color that matches the typical overcast sky (i.e. white, light gray, etc.) or background color at that location.

- c. The color and coating shall be reviewed and approved by the Community Development Director or Astoria Planning Commission.
 - d. Upon a clear showing by the applicant that compliance with the requirements of this section would void a manufacturer's warranty on any specific equipment, or that natural aging of the material would provide greater concealment, the Community Development Director or Astoria Planning Commission may waive the requirements of this section for such specifically identified equipment.
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6. Height.

In addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:

- a. WCSF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.

See attached. Section 6. subsections (a) through (e) are addressed on page 13 of 17. See response to Article 12 - Variance; regarding 6(c)(1) and (2), starting on page 16.

- b. If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.
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- c. In reviewing Variance requests to the above described height limits, the following shall be considered:

- 1) The proposed structure and facility uses concealment technology; *and*

- 2) It is demonstrated that a greater height is required to provide the necessary service.

-
- d. Building or other structure-mounted Wireless Communication Service Facilities shall not project more than ten (10) additional feet above the highest point on the existing building or structure and shall not project higher than the height requirements of the underlying zone, unless a variance to the height limit of the underlying zone is approved.

N/A

- e. WCSF shall not penetrate imaginary surfaces around the Astoria Airport as defined by the Oregon Department of Aviation, unless a waiver is granted pursuant to Oregon Revised Statutes.
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7. Landscape and Screening.

All Wireless Communication Service Facility sites shall be improved with existing native vegetation, suitable landscaping and/or fencing installed to screen the facility, where necessary. To this end, all of the following requirements shall be implemented for all Wireless Communication Service Facilities which are installed on antenna support structures:

- a. A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, shall be submitted as part of the application.

See attached. Section 7, subsections (a) through (i) is addressed on pages 13/14 of 17 and represented in Attachment 5, page L1.

- b. Any proposed or required fenced area is to be surrounded, where feasible, by a landscaped strip of sufficient width and height to create a visual screen.
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- c. Planted vegetation shall be of the evergreen variety.
-
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- d. The landscape plan shall be subject to review and approval of the Community Development Director or Astoria Planning Commission.
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e. The fence shall be a maximum of six (6) feet in height.

f. The fenced area is to be surrounded by evergreen shrubs (or similar type of evergreen landscaping). Required landscaping shall be located outside of the fenced area.

g. The fence shall, where feasible, be installed and maintained around the entire perimeter of the site and surround the WCSF and the equipment shelter.

h. If the Community Development Director determines that a fence surrounding antenna support structures located in a public right-of-way or adjacent to existing structures is not feasible, such structures may be exempted from the fencing requirements of this Section.

- i. Chain link fences shall be painted or coated with a non-reflective color.

- j. Electric, barbed wire, and concertina wire fences are prohibited.

8. Lighting.

- a. A Wireless Communication Service Facility shall only be illuminated as necessary to comply with FAA or other applicable State and Federal requirements. Documentation from such State and Federal agencies describing required compliance measures is required.

See attached, Section 8, subsections (a) through (c) is addressed on page 14 of 17.

- b. Exterior lighting shall not glare onto adjacent properties.

- c. Strobe lights are prohibited.

9. Setback.

- a. Antenna support structures, excluding those utility poles and similar structures which are located within the right-of-way, and excluding equipment enclosures, shall be located no closer to a structure on the subject property, or from the property line of the subject property, than a distance equal to the total height of the structure measured from finished grade, or the distance of "worst-case scenarios", as recommended in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000, whichever is greater. However, utility

poles and similar structures which are located within the right-of-way, and equipment enclosures are subject to recommendations in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000.

See attached, Section 9, subsections (a) through (c) is addressed on page 14/15 of 17

- b. All WCSF equipment enclosures shall be set back from property lines according to the requirements of the Zone.
-
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- c. A setback requirement to a property line may be reduced, through Variance approval. A Variance to the setback requirement shall be in accordance with the requirements of Article 12, and the following additional criteria:

- 1) It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

Do you intend to submit a Variance Request from setback requirements? No

10. Signs.

The use of any portion of a Wireless Communication Service Facility for signs other than warning or equipment information signs is prohibited. For emergency purposes, equipment information limited to the WCSF provider(s) name and contact phone number shall appear at the facility in a discreet yet visible location, either on the equipment cabinet or supporting structure.

See attached, page 15 of 17.

11. Storage.

- a. WCSF storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only) and shall be placed underground where feasible or be sited (i.e., depressed, or located behind earth berms) to minimize their profile.

See attached. Section 11, subsections (a) through (c) are addressed on page 15 of 17.

- b. WCSF storage facilities shall be no taller than one story (15 feet) in height and shall be designed to look like a building or facility typically found in the surrounding area.

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- c. On-premises storage of material or equipment shall not be allowed other than that which is necessary to the use, operation, and maintenance of the WCSF.
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-

15.046(B). Collocation Required.

Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission.

If an applicant proposes to construct a new antenna support structure, evidence shall be submitted by the applicant to demonstrate the following:

1. That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the service provider's engineering requirements to provide service; OR
 2. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the service provider's engineering requirements to provide service; OR
 3. That existing support structures and alternative antenna support structures do not have sufficient structural strength to support the service provider's engineering requirements to provide service; OR
 4. That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference, or NIER field interference with nearby antennas or antenna arrays, or vice-versa; OR
 5. That there are other limiting factors, such as inadequate space for an equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable.
- See attached, page 6 / 7 of 17.
-
-

- 11.030(A)(1) The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.
- See attached. Subsections (A)(1) through (A)(5) are addressed on page 15 / 16 of 17.
-
-

11.030(A)(2) An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.

11.030(A)(3) The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

11.030(A)(4) The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

ATTACHMENTS

WIRELESS COMMUNICATIONS FACILITY 1580 SHIVELY PARK ROAD

WCF15-03
V15-03
NC15-03

Application, 8-4-15

Statement of Compliance for Proposed Wireless Facility, 7-20-15

FCC License

Non-Ionizing Electromagnetic (NEIR) Report, January 2015

Architectural Drawings

RF Propagation Maps

Location Map of All Sites

Photo Simulations

Federal Aviation Administration Determination, 1-15-15

Oregon Department of Aviation Determination, 3-4-15

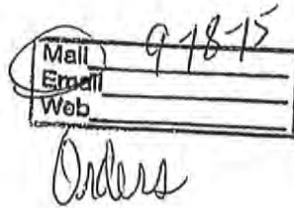
Oregon Department of Aviation Letter, 8-26-15

State Historic Preservation Office Section 106 NEPA Review Determination, 2-24-15

Email from Lexcom on site selection, 7-13-15

WCF15-03

Bruce C Jones
Friends of the Astoria Armory
455 45th Street
Astoria OR 97103



Verizon Wireless (VAW)
Dba Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230

Craft 3
c/o Walt Postlewait
Chief Lending Officer
P.O. Box 826
Ilwaco WA 98624

Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370

Dan Stein
P.O. Box 417
Astoria OR 97103

+ WCF Agencies (attached)

Kristin Hanthorn, Lt
Clatsop County Sheriff's Office
Parole & Probation Division
P.O. Box 540
Astoria OR 97103
McAndrew Burns
Executive Director
Clatsop County Historical Society
P.O. Box 88
Astoria OR 97103

Robert J. Magie

Greg Newenhof
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Astoria OR 97103

Donna Quinn
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Tom Highland
ODOT Aeronautics Division
3040 25th Street SE
Salem OR 97302-1125

OR Dept of Aviation
aviation.mail@state.or.us
3040 25th St. SE Salem, OR
97302-1125

Clatsop County Taxation
800 Exchange Street # 210
Astoria OR 97103

Adriana.J.Knies@uscg.mil
Sector Columbia River
Public Affairs Officer

NOTICE OF DECISION MAILED

STAFF REPORT AND FINDINGS OF FACT

August 23, 2015

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, SPECIAL PROJECTS PLANNER 

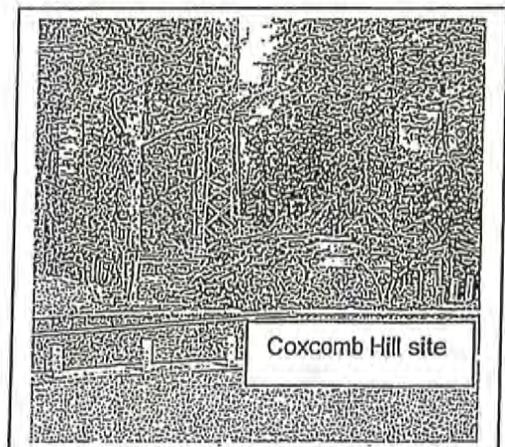
SUBJECT: WIRELESS COMMUNICATION FACILITY (WCF15-03) AT 1580 SHIVELY PARK ROAD

I. BACKGROUND SUMMARY

- A. Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230
- Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370
- B. Owner: City of Astoria
1095 Duane Street
Astoria OR 97103
- C. Location: 1580 Shively Park Road; Map T8N R9W Section 17, Tax Lot 1200 and Section 17CA, Tax Lot 600; Lots 1 to 8, Block 18, Central Astoria, and vacated portion of Nile Street
- D. Zone: IN Zone, Institutional
- E. Lot Size: approximately 12.4 acres (proposed area to be used approximately 1,120 square feet)
- F. Proposal: To construct a wireless communication facility with 150' tall monopole and enclosed equipment building

II. BACKGROUND INFORMATION

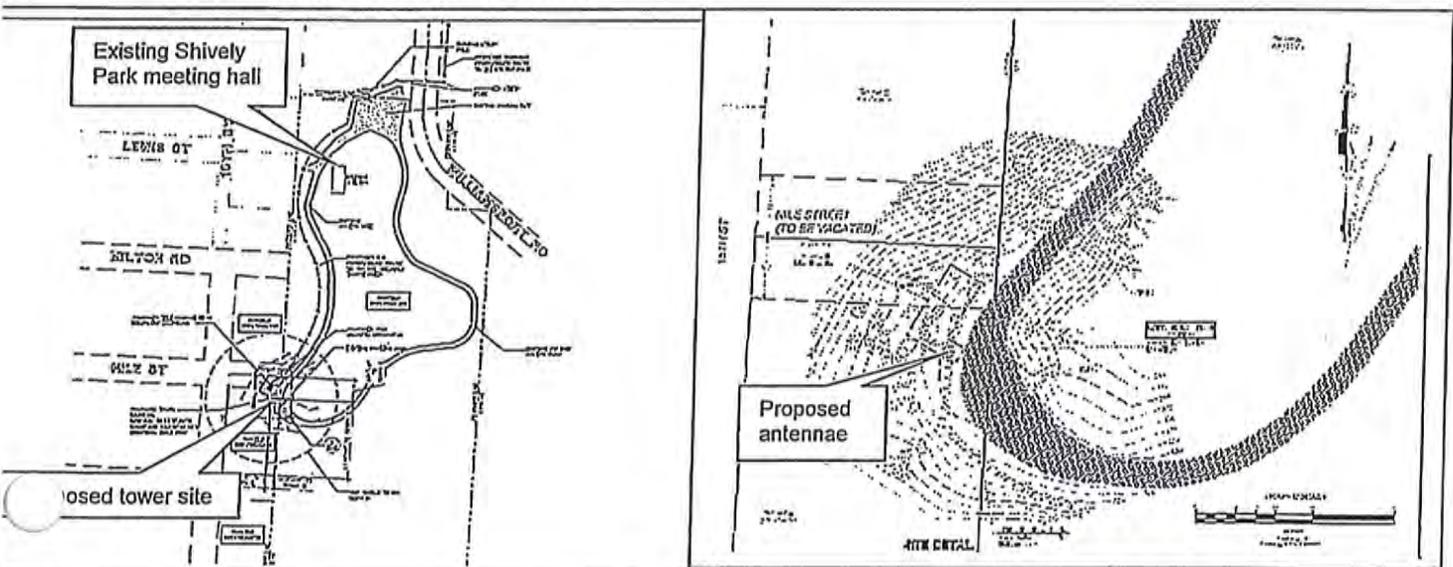
Verizon Wireless currently operates a wireless communication facility on an existing lattice tower on the north side of Coxcomb Hill Drive (Criege Circle) within the Astor Park/Astoria Column area owned by the City. The City shares use of the facility for its emergency services communications. The facility includes a lattice tower, wood pole, and utility building.



The existing lattice tower cannot structurally accommodate new communication facilities necessary for Verizon Wireless to provide full service. Currently, the central portion of Astoria has "poor to non-existent" coverage by the existing Verizon facility. The applicant is proposing to increase cell coverage for Astoria with the new facility. The lattice tower at Coxcomb Hill has existed since 1991 prior to adoption of the Wireless Communications Facility Ordinance, and does not conform to the existing code standards. Therefore, it is classified as an existing, non-conforming facility. The tower was originally constructed by GTE Mobile Net which is now part of Verizon Wireless. The existing tower was evaluated to determine if it could structurally and technically accommodate the increase in wireless communication services and the needed upgrade of the City's emergency communication service. It was determined that the existing tower would not meet structural requirements and a new tower would need to be constructed. It was therefore determined that the facility should be relocated to another site to accommodate the WCF and improve the aesthetics of the Astoria Column Park. The Friends of the Column, City, and Verizon identified alternate locations that would provide emergency communications as well as cell service to replace what is provided by the tower at the Column. Staff has been working with the consultant hired by the Friends of the Column and Verizon representatives on the various aspects of this project for several years. Investigation of the viability of several other sites was completed. Due to the need for a high elevation location with limited obstructions, and the City's desire for minimal visual impact of the tower, two sites on City-owned properties were selected. One site is located in the Land Reserve urban forest near Reservoir 3 (east of the Column) would include both private and public facilities. The other site is within the forested area in Shively Park.

At its August 3, 2015 meeting, the City Council approved the negotiated lease for the proposed sites on City-owned property and for the City Manager to sign the land use permit applications to begin the public review process.

All references in the Findings of Fact to the proposed wireless communication "facility" includes the installation of the associated equipment building, enclosure, and buried cable without specific notation.



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 500 feet, excluding rights-of-way, pursuant to Section 15.090 on August 21, 2015. A notice of public hearing was published in the Daily Astorian on September 9, 2015 pursuant to Section 9.020. A display ad was published in the Daily Astorian on September 9, 2015 pursuant to Section 15.090.2.b.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 15.035.A.1, Permitted Locations of Wireless Communication Service Facilities, Permitted Zones, lists the permitted zones for a WCF.

Section 2.840.11, Uses Permitted Outright in the IN Zone, lists "*utilities*" as an outright use.

Finding: The proposed use is allowed within the IN Zone.

- B. Section 15.035.B.2.a, Preferred Location, Siting, and Designs in Priority Order, states that a Conditional Use Review is required for "*Location on New Antenna Support Structure*"

Finding: The proposal is to construct a new tower. The proposal shall be reviewed as a conditional use before the Planning Commission.

- C. 15.045.A, Collocation and Use of Alternative Antenna Support Structures for Wireless Communication Service Facilities, Collocation Design Required, states that "*All antenna support structures shall be designed and constructed so as to not preclude collocation.*"

Finding: The structure is designed to accommodate collocation in the future.

- D. 15.045.B, Collocation Required, states that "*Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission.*"

If an applicant proposes to construct a new antenna support structure, evidence shall be submitted by the applicant to demonstrate the following:

1. *That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the service provider's engineering requirements to provide service; OR*
2. *That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the service provider's engineering requirements to provide service; OR*

3. *That existing support structures and alternative antenna support structures do not have sufficient structural strength to support the service provider's engineering requirements to provide service; OR*
4. *That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference, or NIER field interference with nearby antennas or antenna arrays, or vice-versa; OR*
5. *That there are other limiting factors, such as inadequate space for an equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable."*

Finding: Verizon and the City worked together to identify potential sites for the facility. No existing tower is available to service the south side of Astoria except the existing tower at Coxcomb Hill. There are no tall structures within the search ring for this service area. Utility poles in this area are only 20'to 35' tall. The Fred Lindstrom Park area with park lighting poles was too low in elevation to meet the coverage needs of Verizon. No acceptable collocation sites were identified.

- E. Section 15.065, Standards and Review Criteria, states that *"all applications for Wireless Communication Service Facilities shall demonstrate compliance and conformity with the following requirements. The burden of proof is on the applicant to demonstrate such compliance and conformity. The Community Development Director may release an applicant from a requirement when it is determined that the requirement is not applicable to the request."*

Section 15.065.A.1, Owner and Applicant Responsibilities, states that *the owner and applicant of the Wireless Communication Service Facility and his or her successors and assigns at all times shall have the following responsibilities:*

- a. *The owner shall respond in a reasonable and timely manner to a request for information from a potential collocation applicant. In responding to such a request, the owner and potential collocation applicant shall furnish to each other all non-proprietary information necessary to enable the potential collocation applicant and the owner to determine the feasibility of collocation.*
- b. *The owner and potential collocation applicant shall negotiate in good faith for shared use of the owner's Wireless Communication Service Facility."*

Finding: While shared use of the site is possible, the collocation requirement for other applicants does not apply since there are no applicants at this time. The site is owned by the City of Astoria. City Council approved signing the application as property owner on 8-3-15, and the City has entered into a lease agreement with Verizon for use of the site.

F. Section 15.065.A.2, Environmental and Historic Resource Protection, states that *all Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:*

- a. *The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;”*

Finding: The Astor Park and Astoria Column are designated on the National Register of Historic Places. The Friends of the Column have plans to improve the park and relocation of the existing non-conforming WCF tower is a goal and will bring that site into compliance with the Historic Properties regulations. The proposed site at Shively Park is designated as historic and therefore subject to the requirements of Code of Federal Regulations Section 106. The applicant has submitted a letter from State Historic Preservation Office (SHPO) dated 2-24-15 with a NEPA finding of “no adverse impact.”

The site is not within the Shoreland Overlay area nor within the Sensitive Bird Habitat Overlay.

- “b. Alteration or disturbance of natural vegetation and topography shall be minimized;”*

Finding: Verizon has worked with Parks and Recreation Director Angela Cosby to identify the minimal vegetation to be removed to accommodate the facility. The tower will be 150’ tall and will be within the existing tree area. The equipment building will be constructed slightly below street grade to take advantage of the existing topography as part of the screening of the facility.

- G. Section 15.065.A.3, Noise, states that *“no testing of back-up power generators shall occur between the hours of 6:00 PM and 7:00 AM. Emergency operation of back-up power generators is permitted at any time.”*

Finding: Back-up power generators are indicated on the plans and will be operated in accordance with the above standards.

- H. Section 15.065.A.4, Permits Required, requires the following permits:

- “a. A Building Permit issued by the City is required for each Wireless Communication Service Facility. A building permit will not be issued until all land use approvals have been obtained; until any associated*

conditions have been met; and until all other applicable local, State, and Federal approvals have been secured and complied with, including but not limited to Astoria Development Code, Article 6 Historic Properties, and Section 106 requirements as set forth by the State Historic Preservation Office (SHPO)."

Finding: The applicant has completed the Section 106 Review. The applicant has submitted a "New Construction" (NC) permit application for review by the City Historic Landmarks Commission (HLC). The HLC will review the permit at their September 15, 2015 meeting. Approval of the WCF permit is conditioned upon approval of the NC permit by HLC (Condition 1). A building permit application shall be submitted and will only be issued after all other permits have been obtained.

- "b. *No Wireless Communication Service Facility shall be constructed or operated within the City limits until all necessary City, State, and Federal approvals have been secured. Evidence of approvals shall be provided to the City.*"

Finding: Verizon Wireless has submitted approvals from Federal Aviation Administration dated 1-15-15, and from Oregon Department of Aviation dated 3-4-15. The FCC license (FRN 0003800307, expires 6-26-2017) is attached. Construction shall not begin until all permits have been obtained (Condition 1).

- I. Section 15.065.A.5, Prohibited Structures, states that *"lattice and guyed wire towers and support structures and speculation ("spec") support structures are prohibited in all zones except as noted in Section 5.b.."*

Finding: The applicant is proposing to construct a monopole and there will be no guyed wires.

- J. Section 15.065.A.6.a, Radio Frequency Standards, states that *"the applicant shall provide evidence that the Wireless Communication Service Facility is in compliance with FCC standards and that the Wireless Communication Service Facility will not cause interference with the reception of area television, radio, or emergency communication broadcasts. If at any time, the City finds that the Wireless Communication Service Facilities interfere with such reception, the applicant shall mitigate the interference. If the applicant does not mitigate the interference to the City's satisfaction, the City may revoke or modify the permit."*

Finding: The applicant has submitted a copy of the FCC license indicating compliance with FCC standards. No comments were received from City departments for this specific request. This criteria requires that the applicant "mitigate the interference to the City's satisfaction". It is the recommendation of the Astoria Police Chief for all wireless transmitters that the interference be mitigated within 24 hours of notification of an agency to Verizon Wireless that there is interference to emergency communications (Condition 2). The

applicant has submitted the Non-Ionizing electromagnetic Exposure Analysis and Engineering Certification (NIER), dated January 2015, indicating compliance.

- K. Section 15.065.A.7, Security, states that *"the applicant shall insure that sufficient anti-climbing measures have been incorporated into the WCF, as needed, to reduce potential for trespass and injury."*

Finding: The WCF will have a 6' fence around the facility and all climbing pegs used during construction will be removed upon completion.

The Fire Department will require a Knox Lock Box be secured to the fence with an access key provided in the event a fire or other type of emergency requires immediate access to Fire Department personnel. The final location of the secured Knox Box shall be determined by the Fire Chief upon a site visit and shall be installed prior to operation of the site (Condition 7). An application for a Knox Lock box may be obtained from the Fire Department during normal business hours.

- L. Section 15.065.A.8, Technical Expert Support, states that *"the Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required."*

Finding: The City has determined that an independent expert is not necessary. However, it should be noted that the City did hire Converge Communications, a WCF consulting firm to assist the City in the review of potential sites, development of lease agreements, and with the technical review of documents.

- M. Section 15.065.B.1, Preferred Location, Siting, and Designs in Priority Order, states *"See Section 15.035.B of the Wireless Communication Facility Code."*

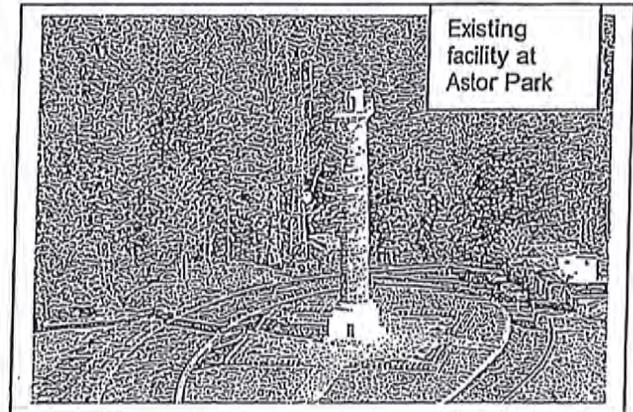
Finding: As noted above, the proposed location is a new facility and requires a conditional use permit. The site is located in the IN Zone which is a "permitted zone" for a WCF.

- N. Section 15.065.B.2, Adverse Impact, states that *WCF shall not create a substantial adverse impact on the view from any public park, natural scenic vista, historic property (locally designated or on National Register), major scenic and view corridor, or residential area. In determining the potential substantial adverse impact of the proposed facility upon scenic, natural, historic, and cultural resources or vicinity, the following points shall be considered:*

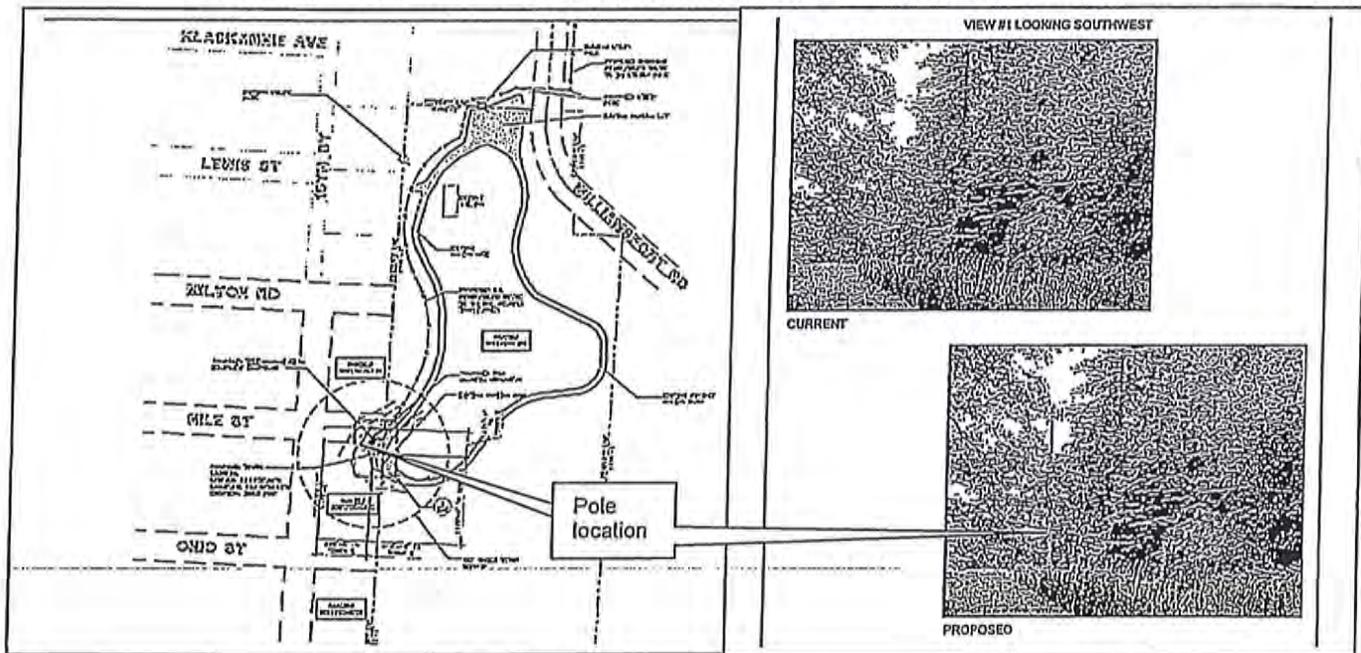
- a. *The extent to which the proposed WCF is visible from the viewpoint(s) of the impacted resource or vicinity.*

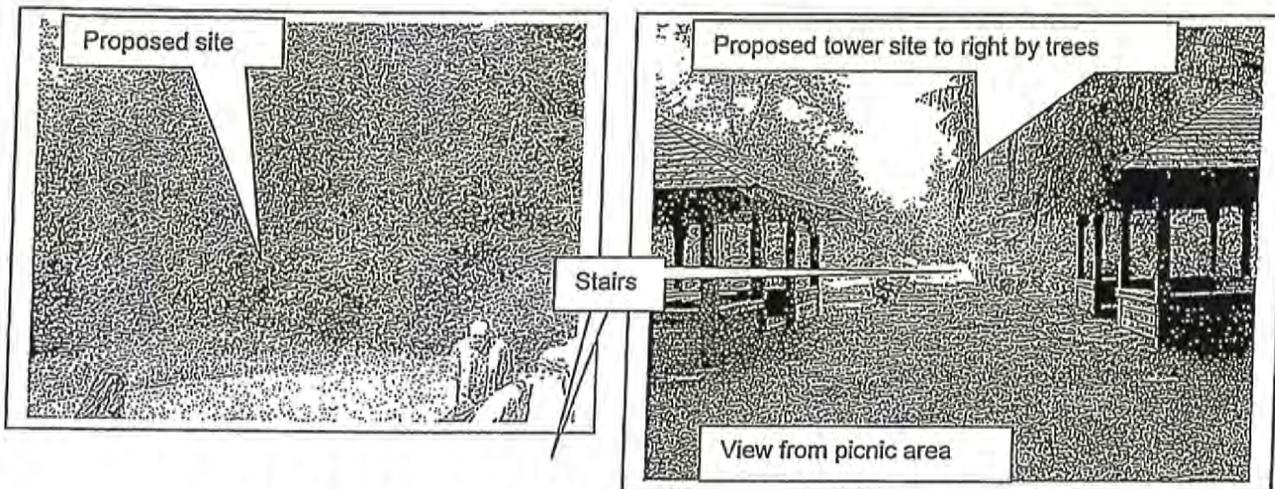
- b. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.
- c. The amount of vegetative screening.
- d. The distance of the proposed facility from the impacted resource or vicinity.
- e. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.

Finding: The existing facility is located adjacent to a historic landmark (Astoria Column) and is highly visible from this historic park. The proposal to relocate the tower for better coverage and less impact to a historic structure has resulted in the selection of a new site that is also designated as historic. As part of the agreement with the City, the facility at the Column will be removed (Condition 3).

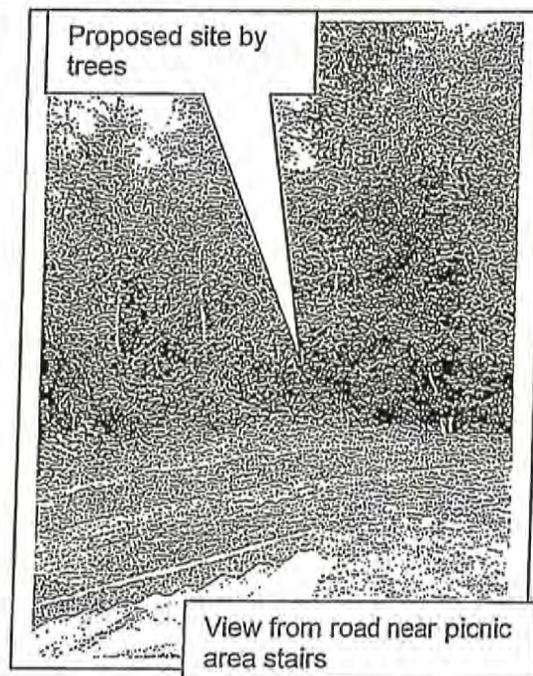


However, the location within Shively Park will be along the back road and not at the entrance to the Park. The facility will be screened from view by existing trees and the installation of new landscaping and fencing. It will sit below the level of the upper picnic area of the Park and will not be highly visible from this structure and area. Photo simulations have been submitted and are attached.





The 150' high monopole would be located within the tree area on the western edge of the park and not in direct alignment of the picnic area view corridor. While the location is within a designated historic and park area, it is approximately 500' from Shively Hall and approximately 175' from the picnic area. It would not be visible from Shively Hall nor from all but a few yards of the road/pathway around the park. Deciduous trees in this area range up to 120' tall and firs up to 150' tall. The dense vegetation of trees and its location on the back corner of the park reduces the visual impact to a minimum. Other acceptable locations would not provide the same level of service and would be much more visible from greater distances as there would not be a forested area to help screen it from view.



Since the forested area is a key element to the compatibility of the tower at this location, the applicant would be required to replant trees should they be destroyed by any means during the life of the facility (Condition 8).

- O. Section 15.065.B.3, Use of Concealment Technology, states that *"all Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening."*

Finding: The method of concealment in this case is the use of the existing forest which hides the facility. Additional landscaping will be installed around the equipment building which will have a slatted chain link fence proposed to be painted grey. Due to the ground location with the darker underbrush background, the equipment enclosure should be painted a natural darker color such as dark brown or forest green (Condition 6). The pole is proposed to be painted grey to blend into the background sky.

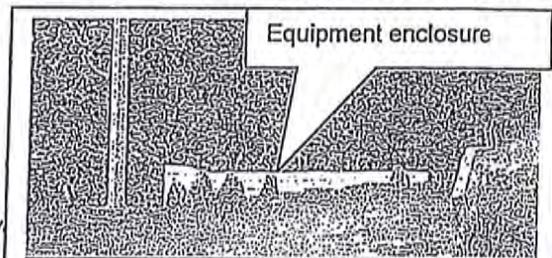
- P. Section 15.065.B.4, Access Driveways and Parking, states that *"all access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the Astoria Development Code and Astoria City Code.*
- a. *Existing driveways shall be used for access whenever possible.*
 - b. *New parking areas shall, whenever feasible, be shared with subsequent Wireless Communication Service Facilities and/or other permitted uses."*

Finding: No additional roads or parking areas are proposed. This standard does not apply.

- Q. Section 15.065.B.5, Color and Material states:

- a. *All buildings, poles, antenna support structures, antennas, antenna arrays, and other associated components of each Wireless Communication Facility site shall be initially coated and thereafter recoated as necessary with a non-reflective neutral color in muted tones.*
- b. *The color selected shall be one that will minimize visibility of the WCF to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees, or grasslands shall be coated with colors matching those landscapes, while elements which rise above the horizon shall be coated a color that matches the typical overcast sky (i.e. white, light gray, etc.) or background color at that location.*
- c. *The color and coating shall be reviewed and approved by the Community Development Director or Astoria Planning Commission.*
- d. *Upon a clear showing by the applicant that compliance with the requirements of this section would void a manufacturer's warranty on any specific equipment, or that natural aging of the material would provide greater concealment, the Community Development Director or Astoria Planning Commission may waive the requirements of this section for such specifically identified equipment."*

Finding: The facility is proposed to be non-reflective, earth tone color behind a 6' tall chain link fence. It is proposed to be powder coated in a grey tone to blend with the sky. While the tower would be tall and have a sky backdrop, the equipment enclosure is close to the ground with the darker underbrush color. The equipment enclosure should be painted a natural darker color such as dark brown or forest green (Condition 6).



R. Section 15.065.B.6, Height, states that *"in addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:*

- a. *WCF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- b. *If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.*
- c. *In reviewing Variance requests to the above described height limits, the following shall be considered:*
 - 1) *The proposed structure and facility uses concealment technology; and*
 - 2) *It is demonstrated that a greater height is required to provide the necessary service.*
- d. *Building or other structure-mounted Wireless Communication Service Facilities shall not project more than ten (10) additional feet above the highest point on the existing building or structure and shall not project higher than the height requirements of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- e. *WCF shall not penetrate imaginary surfaces around the Astoria Airport as defined by the Oregon Department of Aviation, unless a waiver is granted pursuant to Oregon Revised Statutes."*

Section 2.855, Height of Structures in the IN Zone, states that *"No structure will exceed a height of 45 feet above grade."*

Finding: The facility is proposed to be 150' to meet the coverage needs of Verizon for the south area of Astoria. A Variance is required (Condition 4). The proposal has been reviewed and approved by FAA and OR Department of Aviation. The applicant has submitted a Variance application for the additional height which will be considered by the APC at the same meeting as the WCF review.

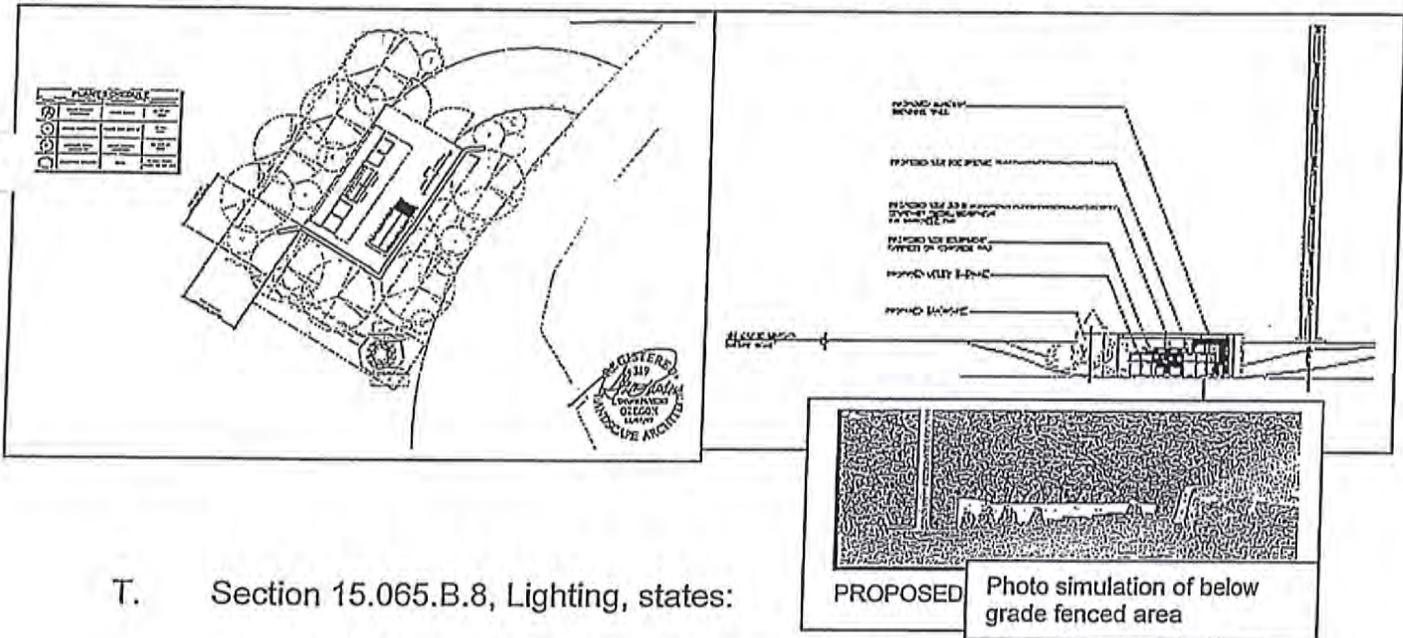
S. Section 15.065.B.7, Landscape and Screening, states that *"all Wireless Communication Service Facility sites shall be improved with existing native vegetation, suitable landscaping and/or fencing installed to screen the facility, where necessary. To this end, all of the following requirements shall be implemented for all Wireless Communication Service Facilities which are installed on antenna support structures:*

- a. *A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, shall be submitted as part of the application.*
- b. *Any proposed or required fenced area is to be surrounded, where feasible, by a landscaped strip of sufficient width and height to create a visual screen.*
- c. *Planted vegetation shall be of the evergreen variety.*
- d. *The landscape plan shall be subject to review and approval of the Community Development Director or Astoria Planning Commission.*
- e. *The fence shall be a maximum of six (6) feet in height.*

- f. The fenced area is to be surrounded by evergreen shrubs (or similar type of evergreen landscaping). Required landscaping shall be located outside of the fenced area.
- g. The fence shall, where feasible, be installed and maintained around the entire perimeter of the site and surround the WCF and the equipment shelter.
- h. If the Community Development Director determines that a fence surrounding antenna support structures located in a public right-of-way or adjacent to existing structures is not feasible, such structures may be exempted from the fencing requirements of this Section.
- i. Chain link fences shall be painted or coated with a non-reflective color.
- j. Electric, barbed wire, and concertina wire fences are prohibited."

Section 2.850, Landscaped Open Area in the IN Zone, states "A minimum of 10 percent of the total lot area will be maintained as a landscaped open area."

Finding: The proposed location is within the Shively Park forested area with mature natural screening. The applicant has submitted a landscape plan indicating additional landscaping to screen the site. A chain link fence will enclose the facility and will be a non-reflective earth tone color.



T. Section 15.065.B.8, Lighting, states:

- a. A Wireless Communication Service Facility shall only be illuminated as necessary to comply with FAA or other applicable State and Federal requirements. Documentation from such State and Federal agencies describing required compliance measures is required.
- b. Exterior lighting shall not glare onto adjacent properties.
- c. Strobe lights are prohibited.

Finding: FAA and ODA lighting requirements will need to be installed. The applicant shall keep tower lighting to the minimum required. No strobe lights are proposed and shall not be installed. The equipment building will have

downcast maintenance lighting on a timer. Light shall not glare into the Park picnic area and shall be kept to a minimum (Condition 5).

U. Section 15.065.B.9, Setback, states:

- a. *Antenna support structures, excluding those utility poles and similar structures which are located within the right-of-way, and excluding equipment enclosures, shall be located no closer to a structure on the subject property, or from the property line of the subject property, than a distance equal to the total height of the structure measured from finished grade, or the distance of "worst-case scenarios", as recommended in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000, whichever is greater. However, utility poles and similar structures which are located within the right-of-way, and equipment enclosures are subject to recommendations in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000.*
- b. *All WCF equipment enclosures shall be set back from property lines according to the requirements of the Zone.*
- c. *A setback requirement to a property line may be reduced, through Variance approval. A Variance to the setback requirement shall be in accordance with the requirements of Article 12, and the following additional criteria:*
 - 1) *It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts."*

Section 2.845, Yards in the IN Zone states *"The minimum yard requirements in an IN Zone will be as follows:*

1. *The minimum front yard will be 20 feet.*
2. *The minimum side yard will be five (5) feet, except on corner lots, the side yard on the street side will be 15 feet.*
3. *The minimum rear yard will be 20 feet, except on corner lots, the rear yard will be five (5) feet."*

Finding: The pole is not located adjacent to a right-of-way. Shively Park Road is a roadway within the Park and is not a dedicated right-of-way. The facility will be located within the larger Park boundary and will meet the required setbacks of the zone. The 150' tall pole will be approximately 90' from the north property line adjacent to County owned parcel to the north, and approximately 100' from the west property line adjacent to the Astoria School District property to the west. This property is undeveloped. A Variance is required from the 150' setback requirement (Condition 4).

V. Section 15.065.B.10, Signs, states that *"the use of any portion of a Wireless Communication Service Facility for signs other than warning or equipment*

information signs is prohibited. For emergency purposes, equipment information limited to the WCF provider(s) name and contact phone number shall appear at the facility in a discreet yet visible location, either on the equipment cabinet or supporting structure."

Finding: No new signs are proposed.

W. Section 15.065.B.11, Storage, states:

- a. *WCF storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only) and shall be placed underground where feasible or be sited (i.e., depressed, or located behind earth berms) to minimize their profile.*
- b. *WCF storage facilities shall be no taller than one story (15 feet) in height and shall be designed to look like a building or facility typically found in the surrounding area.*
- c. *On-premises storage of material or equipment shall not be allowed other than that which is necessary to the use, operation, and maintenance of the WCF."*

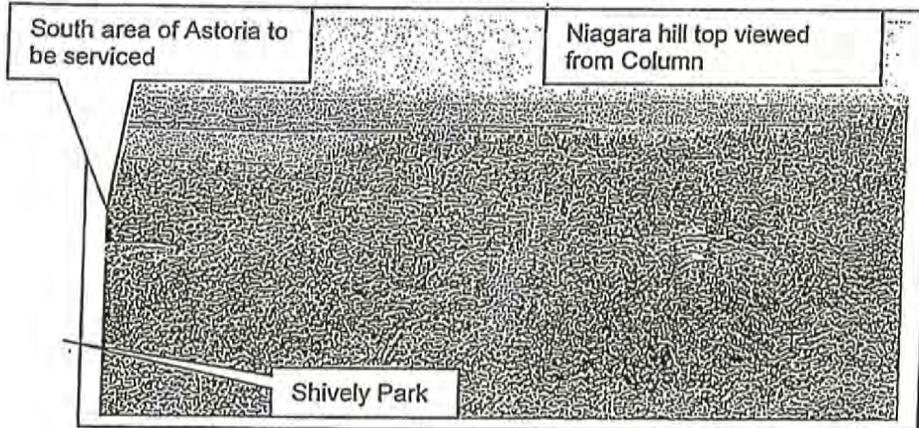
Finding: No material or equipment is proposed to be stored on the site.

X. Section 11.030.A, Basic Conditional Use Standards, states that *"Before a conditional use is approved, findings will be made that the use (except for housing development) will comply with the following standards:*

1. *The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."*

Finding: WCF locations require specific criteria to accommodate the technology. The site must be high enough to give the needed coverage to a large area and cannot have high, sight obscuring structures to interrupt the coverage line of sight. The applicant wants to increase the service to Astoria and specifically provide better service to the south area of the City. Coxcomb Hill and the Niagara Avenue hilltop are the only two locations that meet the technical needs of a WCF without the need for multiple intersecting locations. Due to the technical aspect of WCF industry, the City hired Converge Communications to assist with all negotiations and review of materials submitted by Verizon to help protect the City's best interest. The City worked with Converge Communications and Verizon to locate a suitable site to relocate the existing Coxcomb Hill facility. Several locations on Niagara Avenue hilltop were considered. However, after much analysis of the sites, it was determined that the

Shively Park location provided the best coverage with the least visual impact to the community. Other possible locations would have resulted in a 150' pole within a residential area with little natural vegetative screening and would not have provided the same level of service. While the proposed location is within a City Park, the site is at the back western corner of the Park and not highly visible. The location is appropriate.



- "2. *An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.*"

Finding: The site is secluded and accessible from Shively Park Road which is a gated roadway within the Park. The WCF will be unmanned with possibly one or two trips per month for maintenance purposes. With limited site visits, and the passive nature of the facility, the site does not pose any safety concerns and is suitable for the propose WCF.

- "3. *The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.*"

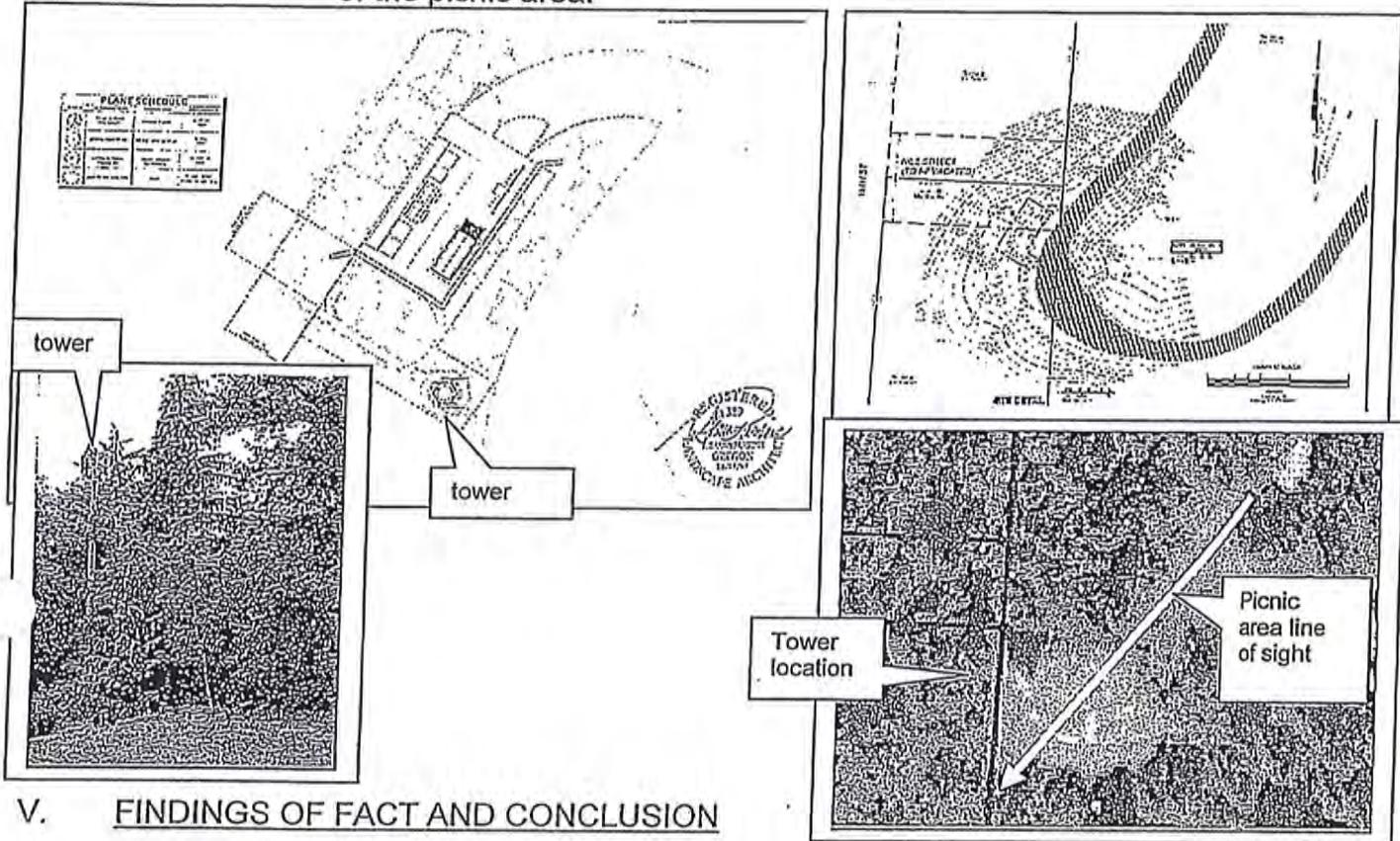
Finding: The facility will only need electricity and no other services. The WCF will not overburden the services.

- "4. *The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.*"

Finding: The applicant has conducted engineering tests and core drillings on the site to verify that the site is capable of handling the facility. The site is not within 100' of a known geologic hazard area.

“5. The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.”

Finding: The existing trees and proposed landscaping will serve as a natural buffering of the facility. The property completely surrounding the site is forested. The closest adjacent use is the Shively Park picnic area and the tower will be located to the side and not in the direct line of sight of the picnic area.



V. FINDINGS OF FACT AND CONCLUSION

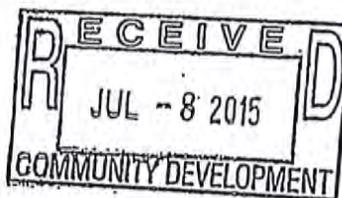
Based on the findings of fact above and those submitted with the application, the request meets the applicable review criteria. Staff recommends the Planning Commission approve the permit with the following conditions:

1. The applicant shall obtain all necessary City and building permits prior to construction.
2. Any interference to emergency communications shall be mitigated within 24 hours of notification of an agency to Verizon Wireless that there is interference to emergency communications.
3. The WCF at Astoria Column shall be removed by the applicant in accordance with the requirements listed in the lease agreement with the City.
4. The applicant shall obtain Variance approval for the height and setback of the facility.

5. All lighting shall be kept to a minimum and shall be downcast and not glare into adjacent properties or the Park picnic area.
6. The equipment buildings, chain link fence, and slats shall be painted a natural dark color such as dark brown or forest green.
7. A Knox Lock Box shall be secured to the fence with an access key provided in the event a fire or other type of emergency requires immediate access to Fire Department personnel. The final location of the secured Knox Box shall be determined by the Fire Chief upon a site visit and shall be installed prior to operation of the site.
8. The applicant shall replant trees buffering view of the facility should they be destroyed by any means during the life of the facility under the applicant's lease.



CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
COMMUNITY DEVELOPMENT



No. WCF 15-03

Deposit: \$3,000.00 *Pl. by Lyon.*

WIRELESS COMMUNICATION FACILITY APPLICATION

Property Location: Address: 1580 Shively Park Road, Astoria, OR 97103

unplatted lots & lots 1-8

Block 18

Subdivision Central Astoria & created portion of Nile St.

Map 17
17CA

Tax Lot 809170001200
17CA 600

Zone Institutional

Applicant Name: Verizon Wireless (VAW), LLC dba, Verizon Wireless

Mailing Address: 5430 NE 122nd Avenue, Portland, OR 97317

Phone: _____ Business Phone: _____ Email: _____

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street, Astoria, OR 97103

Representative: Lexcom Development, Sharon Gretch, 541-515-8263, sharon.gretch@lexcomcorp.com

Business Name (if applicable): _____

Signature of Applicant: *Sharon Gretch*

Date: 2/13/15

Signature of Property Owner: *AK per 8/3/15 City Council*

Date: 8/4/15

Existing Use: Park

Proposed Use: Unmanned Wireless Communication Facility

to construct a 150' high wireless communication facility

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 13th of the month to be on the next month's agenda. A Pre-Application meeting with the Associate Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended. *The Community Development Director shall determine the classification and appropriate process for any application. Applicant shall submit three (3) copies of a complete application and plans; the fee; and other required information in accordance with Article 15.*

For office use only:

Application Complete:	<u>8/4/15</u>	Permit Info Into D-Base:	<u>8/13/15</u>
Labels Prepared:	<u>8/13/15</u>	Tentative APC Meeting Date:	<u>9/22/15</u>
120 Days:			

ATTACHMENTS

**WIRELESS COMMUNICATIONS FACILITY
1580 SHIVELY PARK ROAD**

**WCF15-03
V15-03
NC15-03**

Application, 8-4-15

Statement of Compliance for Proposed Wireless Facility, 7-20-15

FCC License

Non-Ionizing Electromagnetic (NEIR) Report, January 2015

Architectural Drawings

RF Propagation Maps

Location Map of All Sites

Photo Simulations

Federal Aviation Administration Determination, 1-15-15

Oregon Department of Aviation Determination, 3-4-15

Oregon Department of Aviation Letter, 8-26-15

State Historic Preservation Office Section 106 NEPA Review Determination, 2-24-15

Email from Lexcom on site selection, 7-13-15

Email 9710 10
Web

WCF15-03 Verizon

Bruce C Jones
Friends of the Astoria Armory
4th 15th Street
Astoria OR 97103

+ Linza
See attached

Verizon Wireless (VAW)
Dba Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230

Craft 3
c/o Walt Postlewait
Chief Lending Officer
P.O. Box 826
Ilwaco WA 98624

Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370

Frank & Margery Linza
P.O. Box 422
Astoria OR 97103

Ellen Levy
420 Floral
Astoria OR 97103

Cheryl Allen
P.O. Box 1071
Astoria OR 97103

Dennis Cranson
403 Floral
Astoria OR 97103

Cherry & William Chadney
350 Floral
Astoria OR 97103

Allan Maki
372 Floral
Astoria OR 97103

Tom Gill
467 Floral
Astoria OR 97103

Susan Pritchard
453 Floral
Astoria OR 97103

McCaulif
446 Floral
Astoria OR 97103

Allen & Sharleen Zuern
112 Floral
Astoria OR 97103

Thomas & Marga Stanley
416 Floral
Astoria OR 97103

Thomas & Karen Gill
407 Floral
Astoria OR 97103

Jary
104 Floral
Astoria Or 97103

Cliff & Marlene Heck
376 Floral
Astoria OR 97103

MINUTES

9-16-15 Excerpt of the 9-16-15 Minutes of Astoria Planning Commission
meeting approving Wireless Communications Facility Request
WCF15-0361

ITEM 4(e):

WCF15-03 Wireless Communication Facility WCF15-03 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless construct a 150' high wireless communication facility at 1580 Shively Park Road in the IN Institutional zone.

ITEM 4(f):

V15-03 Variance V15-03 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless from the maximum 45' height and 150' setback to construct a 150' wireless communication facility at 1580 Shively Park Road in the IN, Institutional zone.

President Pearson asked if anyone objected to the jurisdiction of the Planning Commission to hear these matters at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Fitzpatrick reiterated his prior declaration; that he has owned Verizon stock in the past and may again in the future. While he does not currently own Verizon stock, he and his wife are Verizon customers and own shares in their competitors, AT&T and Century Link. The numbers of shares he has, does, and may own are small. This will not affect his decision and he believed he could vote impartially.

President Pearson asked Staff to present the Staff reports for WCF15-03 and V15-03.

Planner Johnson reviewed the written Staff reports for both requests. One letter was received, from Ron Zilli, which was made available at the dais. Staff recommended approval of both requests with the conditions listed in the Staff reports.

President Pearson opened the public hearing and called for a presentation by the Applicant.

Sharon Gretch, 31649 Sexton Road, Philomath OR 97370, said this site is one of three required to replace the tower at the Column. The tower will be nestled into a bunch of trees at the far end of the Park and accessed via Shively Park Road. The lease area is 18 feet by 40 feet and the equipment will sit at a lower level, which will require a retaining wall surrounded by a 6-foot chain link fence with brown slats. The 10-foot landscape buffer will include additional trees and native plants. The ground equipment will be a natural brown color. The tower will be a monopole, 150 feet tall, and painted a non-reflective shade of grey to blend in with the sky and trees. The mature trees near the tower are of a similar height and bulk, ranging from 120 to 150 feet tall and are a blend of deciduous and conifers. In a PowerPoint presentation, she showed the coverage that will be provided by this tower. Once this tower is integrated with the network, Astoria will be covered with high RS signal, which is a tremendous improvement in coverage. The tower is a passive use that will create one or two visits a month from a technician to maintain the facilities. Verizon is using the minimum height necessary to achieve its coverage objective; any height lower than 150 feet will severely impact their coverage ability for the area. A significant amount of landscaping at ground level will help minimize the view. This secluded location was chosen to minimize the visual impact outside of the Park. Verizon conducted an off-site visual study to find out what would be visible from surrounding areas outside of the Park. She showed examples of the views from various locations, noting the facility cannot be seen due to topography and tree cover.

Vice President Innes asked what an ice bridge was. Ms. Gretch explained that the cables coming out of the equipment run to the tower. The ice bridge is a shield that goes over the cables to protect them.

President Pearson called for any testimony in favor of, impartial to, or opposed to the applications. Hearing none, he closed the public hearing and called for Commission discussion and deliberation and closing comments of Staff.

Planner Johnson said over the last 10 years, multiple sites were considered, both private and City-owned. The City will lease the sites to Verizon. She confirmed for Commissioner Easom that the trees at the site are a combination of deciduous and evergreen trees. He suggested the bottom of the tower be painted green or brown to blend in with the trees. Staff explained that Verizon has found dark colored towers do not wear very well and

the light grey blends in better, even in the forested areas. This issue was discussed at the Historic Landmarks Commission meeting. Darker colors draw more attention to the tower.

Vice President Innes said she liked that Verizon will be required to replace any damaged or blown down trees that camouflage the tower. However, replacement trees will likely be lower than any trees blown down. Planner Johnson agreed any time trees are removed, new trees take years to grow back, but least the trees will be replanted. If there is a catastrophic storm like the one in 2007, trees will be replanted so that they eventually grow back. There will not be an immediate mitigation.

President Pearson said he supported the applications as presented. He believed the monopole would create the least impact and the site is one of the more remote sites at the Park. The tower will not be seen from the parking lot or playground and it will be difficult to see from the community.

Commissioner Spence noted that Mr. Zilli's letter of objection stated he was concerned about the view from the picnic area. However, Page 9 of the Staff report states, "the 150-foot high monopole would be located within the tree area on the western edge of the Park and not in direct alignment of the picnic area view corridor. While the location is within a designated historic and park area, it is approximately 500 feet from Shively Hall and approximately 175 feet from the picnic area." He believed this issue had been adequately addressed and supported Staff's Findings.

Commissioner Moore said a lot of work and attention to detail had been put into this project. He supported the requests.

Commissioner Fitzpatrick said he recognized concerns about the Park and believed no one wanted to see a monopole there. However, he also recognized Astoria has a need. He has followed this project over the last 10 years and knew that a lot of work had been done. The Parks Department, Police Department, and City Staff have put a lot of time into the project. He trusted that this was the best location with a minimal impact and was in favor of the requests.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Wireless Communication Facility WCF15-03 by Verizon Wireless; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance V15-03 by Verizon Wireless; seconded by Commissioner Spence. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

CORRESPONDENCE & MISCELLANEOUS DOCUMENTS

9-24-15 Letter to Ron Zilli from Administrative Assistant Sherri Williams advising of the Astoria Planning Commission’s decision to approve Wireless Communications Facility Request WCF15-0363

9-24-15 Memo to File from Administrative Assistant Sherri Williams describing a discussion with Ron Zilli, dated September 24, 201564

9-18-15 Letter addressed to ‘Interested Parties’ informing of the Astoria Planning Commission decision to approve the Wireless Communication Facility Request WCF15-03, dated September 16, 201565

9-11-15 Letter from Ron Zilli to the Planning Commission regarding Wireless Communication Facility WCF15-03 and Variance V15-03, recommending denial of the variance application66



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

September 24, 2015

TO: Ron Zilli
FROM: Planning Division
RE: NOTICE OF DECISION
Astoria Planning Commission Variance
File No. V15-03 and WCF15-03 by Verizon Wireless

This letter is to inform you of the decision of the Astoria Planning Commission concerning a request for a Variance V15-03 from the maximum 45' height and 150' setback to construct a 150' wireless communication facility and WCF15-03 Wireless Communication Facility at 1580 Shively Park Road in Astoria in the IN, Institutional zone. The property can be specifically identified on Clatsop County Assessor's Tax Map 80917 Tax Lot 1200 and Map 17CA, Tax Lot 600. The decision of the Astoria Planning Commission is to approve both requests.

Copies of the decision of the Astoria Planning Commission is enclosed for your information.

Any person with standing may appeal the Astoria Planning Commission decision and request a public hearing before the City Council by filing a completed Notice of Appeal with the Community Development Department within 15 days of the date this letter is hand-delivered. The appeal deadline is 5:00 p.m., October 9, 2015. The notice should include all requested information and should state the reasons for the appeal. A fee is required to cover the cost of the appeal. If no appeal is filed within the 15-day period, the decision of the Astoria Planning Commission becomes final. Approval shall be void after two years, on September 16, 2017 unless the purpose for which the application was submitted has been vested.

If you have any questions, please call the Planning Division at (503) 338-5183.

Sincerely,

THE CITY OF ASTORIA

Sherri Williams,
Administrative Assistant

Enclosures: Order V15-03, Order WCF15-03

MEMO TO FILE:

9/24/15

Re: NC15-03, V15-03, WCF15-03

I spoke with Ron Zilli this afternoon. He may appeal the above files. He brought a thumb drive in and I downloaded HLC minutes 9/15/15 and APC minutes 9/16/16. While preparing for this, I pulled his files just to double-check which files he referenced in his letters and realized that he not only submitted a letter for NC15-02 but also a letter for V15-03 and WCF15-03. I did not send him order for V15-03 or WCF15-03. After speaking with Rosemary, I made copies of each of those two orders and prepared a 'cover letter' for each issue, stating "... Notice of Appeal with the Community Development Department within 15 days of the date this letter is hand-delivered. The appeal deadline is 5:00 p.m. October 9, 2015. ..."

I explained the above to Mr. Zilli and noted the date to him verbally. I also stated that the appeal date for the New Construction file is different and is as stated in that letter that he did receive.

I also gave Mr. Zilli an Appeal application, noted the \$250 fee. When he called on the phone and asked what the fee was, I told him I thought it was \$400. We discussed the fee being less than what I told him on the phone.

I cautioned Mr. Zilli about talking with his City Councillor (Cindy Price) about this issue because the appeal will be heard by the Council. He said he spoke to her to voice his opinion about the \$400 fee and how it was cost prohibitive for citizens. He said he would call her and let her know the correct fee and that it is a fair price (I think that were his words).

Mr. Zilli asked if there were any costs incurred as a result of the relocating this cell tower. He said Cindy Price has told him there was. I said that I was not aware of anything other than planning staff time. Mr. Zilli came in at almost 5:00 pm and asked for a records request. He completed the form to the Finance Department & City Manager. He left it with me and I forwarded it to City Manager's office on Friday, September 25th.





CITY OF ASTORIA
Founded 1811 • Incorporated 1856
COMMUNITY DEVELOPMENT

September 18, 2015

TO: Interested Parties
FROM: Planning Division
RE: NOTICE OF DECISION
Astoria Planning Commission Variance
File No. V15-03 and WCF15-03 by Verizon Wireless

This letter is to inform you of the decision of the Astoria Planning Commission concerning a request for a Variance V15-03 from the maximum 45' height and 150' setback to construct a 150' wireless communication facility and WCF15-03 Wireless Communication Facility at 1580 Shively Park Road in Astoria in the IN, Institutional zone. The property can be specifically identified on Clatsop County Assessor's Tax Map 80917 Tax Lot 1200 and Map 17CA, Tax Lot 600. The decision of the Astoria Planning Commission is to approve both requests.

Copies of the decision of the Astoria Planning Commission is enclosed for your information.

Any person with standing may appeal the Astoria Planning Commission decision and request a public hearing before the City Council by filing a completed Notice of Appeal with the Community Development Department within 15 days of the Date of Decision. The appeal deadline is 5:00 p.m., October 2, 2015. The notice should include all requested information and should state the reasons for the appeal. A fee is required to cover the cost of the appeal. If no appeal is filed within the 15-day period, the decision of the Astoria Planning Commission becomes final. Approval shall be void after two years, on September 16, 2017 unless the purpose for which the application was submitted has been vested.

If you have any questions, please call the Planning Division at (503) 338-5183.

Sincerely,

THE CITY OF ASTORIA

Sherri Williams,
Administrative Assistant

Enclosures: Order V15-03, Order WCF15-03

CITY OF ASTORIA

SEP 11 2015

BUILDING CODES

Ron Zilli
1444 16th Street
Astoria OR 97103
September 11, 2015

Planning Commission
1095 Duane Street
Astoria OR 97103

Re: Wireless Communication Facility (WFC15-03) and Variance (V15-03) at 1580 Shively Park.

Planning Commission:

I am writing to recommend the Planning Commission deny the applicants request for a Variance approval for the height and setback of the facility and for not meeting the requirements of portions of other development code sections.

I am very familiar with Shively Park. I have lived adjacent to the park for the past 17 years. I also have a daughter who is 10 years old and we enjoy walking in the park as a valued part of our neighborhood on a weekly basis.

I recommend the Planning Commission deny the request for a Variance approval for the height and setback of the facility based on following facts:

1. Development Code Section 2.855, Height of Structure in the IN Zone, states that "No structure will exceed a height of 45 feet above grade."
 - a. The proposed location for the WCF is in a portion of the park that has a very natural setting. From my personal experience, this area receives more frequent and higher overall dispersed use than the Community Hall or picnic area. The construction of a 150' tall vertical tower and the end of the clearing on a ridge creates an unacceptable visual impact. Additionally, the photo simulation pictures in the staff report are not an accurate representation of the visual impact of the proposed WCF. The "artist rendition" in the photo simulation seems to purposely mask the WCF with a tree branch. I have visited the site and there are several trees that will need to be removed to construct the tower. This will result in a much larger, unacceptable, visual impact than illustrated by Verizon's photo simulations.
2. Development Code Section 15.065.B.3, Use of Concealment Technology, states that "all Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it."

PUBLIC NOTICES

9-9-15 Affidavit of Notice of Public Hearing published in Daily Astorian on September 9, 2015 for the September 16, 2015 Planning Commission meeting67

8-21-15 Notice of Public Hearing for the September 16, 2015 Astoria Planning Commission meeting, with mailing list68

8-21-15 Notice of Public Hearing emailed to Legal Ads, Daily Astorian for the September 16, 2015 Astoria Planning Commission meeting.....75

State Of Oregon

County Of Clatsop } ss.

Ed. - 61.00 10.1.15
Check # 85800

Copy Of Advertisement

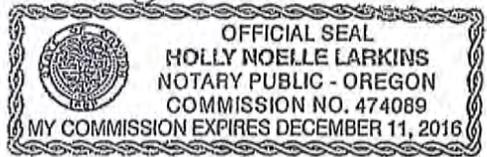
Affidavit of PUBLICATION

I, Kimberly A. Flaigg being duly sworn, depose and say that I am the principal clerk of the manager of the DAILY ASTORIAN, a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the aforesaid county and state; the Legal Notice: AB4896 Public Notice a printed copy of which is hereto attached, was published in the entire issue of said newspaper for one successive and consecutive time(s) in the following issues: September 9th, 2015

Kimberly A. Flaigg

Signed and attested before me on the 9th day of September, 2015, by:

Holly Noelle Larkins



Notary Public for the State of Oregon, Residing at Astoria, Oregon, Clatsop County.

AB4896
CITY OF ASTORIA
NOTICE OF PUBLIC HEARING

The City of Astoria Planning Commission will hold a public hearing on Wednesday, September 16, 2015 at 6:30 p.m., in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Conditional Use CU15-04 by Bruce C. Jones to allow indoor family entertainment at The Armory, 1636 Exchange in the MH, Maritime Heritage zone.
2. Wireless Communication Facilities WCF15-02 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless to construct a 150' high wireless communication facility at 3850 Reservoir Road in the LR, Land Reserve zone.
3. Variance V15-02 by Sarah Grant from the maximum 45' height to construct a 150' high wireless communication facility at 3850 Reservoir Road in the LR, Land Reserve zone.
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For information, call or write the Community Development Department, 1095 Duane St., Astoria OR 97103, phone 503-338-5183.

The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours prior to the meeting.

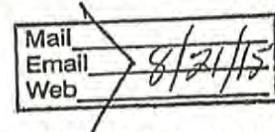
The Astoria Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA
Sherri Williams, Administrative Assistant

Published: September 9th, 2015

YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A
PROPOSED LAND USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA

CITY OF ASTORIA
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A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost and will be provided at reasonable cost. All

such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the Planner at 503-338-5183 for additional information.

The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours prior to the meeting.

All interested persons are invited to express their opinion for or against the request(s) at the hearing or by letter addressed to the Planning Commission, 1095 Duane St., Astoria OR 97103. Testimony and evidence must be directed toward the applicable criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue precludes an appeal based on that issue.

The Planning Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Planning Commission's decision is mailed. Appellants should contact the Community Development Department concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15 day period, the decision of the Planning Commission shall be final.

The public hearing, as conducted by the Planning Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those in opposition to the request, and deliberation and decision by the Planning Commission. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA



Sherri Williams

Administrative Assistant

MAIL: August 21, 2015

80917CA00500
ASTORIA SCHOOL DIST #1-C
785 Alameda
Astoria OR 97103

80917AB03402
CASE TONYA
90244 Shoreline Dr
Warrenton, OR 97146-7136

WCI 1-2-0-1-2-0-1
(Shively Park)
500+
80917BD02500
CLATSOP COUNTY
Sirpa Duoos
820 Exchange #230
Astoria OR 97103

80917BD01900
DI BARTOLOMEO JOSEPH A
1525 16th St
Astoria, OR 97103-3745

80917DC00100
DUNCAN DUFFY
1798 SE Wall St
Astoria, OR 97103-5438

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3425 Hill Cir
Colorado Springs, CO 80904-1004

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1670 James St
Astoria, OR 97103

80917BD00800
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1432 15th St
Astoria, OR 97103

80917AB03600
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David Olson
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Sharon Gretch, Planner
Sharon.gretch@lexcomcorp.com

Sarah Grant
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2600 SE 98th Ave # 100
Astoria OR 97266

ODFW
North Coast Watershed District
4907 Third Street
Tillamook OR 97141

Clatsop County Taxation
820 Exchange Street # 210
Astoria OR 97103

Port of Astoria
10 Pier 1 # 308
Astoria OR 97103

Tom Highland
ODOT Aeronautics Division
3040 25th Street SE
Salem OR 97302-1125

Sirpa Duoos
Clatsop County Property Management
820 Exchange # 230
Astoria OR 97103

Christine Curran
State Historic Preservation Office
OR Parks and Recreation Dept
725 Summer St NE Suite C
Salem OR 97301

US Fish & Wildlife
Newport Field Office
2127 SE Marine Drive
Newport OR 97365-5258

Clatsop County Planning
820 Exchange # 100
Astoria OR 97103

Federal Aviation Administration
Northwest Mountain Region
1601 Lind Avenue Southwest
Renton WA 98057

Clatsop County Sheriff
PO Box 658
Astoria OR 97103

Oregon State Police
Astoria Area Command
413 Gateway Ave
Astoria OR 97103

Justin Gray
Justin.W.Gray@uscg.mil
USCG, MLCP(s)
Civil Engineering Division
Thirteenth District Planner (stn)

OR Dept of Aviation
aviation.mail@state.or.us
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97302-1125

Adriana.J.Knies@uscg.mil
Sector Columbia River
Public Affairs Officer

Jeff Rusiecki
11 Coordinator
APD
rusiecki@astoria.or.us

Ken Cook
Public Works Director
kcook@astoria.or.us

Sherri Williams

From: Sherri Williams
Sent: Friday, August 21, 2015 11:16 AM
To: 'Adriana J Knies Sector Columbia River'; Jeff Rusiecki; Ken Cook; 'OR Dept of Aviation';
Subject: 'USCG - Civil Engineering Division'
Public Notice

CITY OF ASTORIA NOTICE OF PUBLIC HEARING

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A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are

Sherri Williams

From: Sherri Williams
Sent: Friday, August 21, 2015 11:24 AM
To: 'marsha@convergecomm.com'; adamhaas@convergecomm.com; 'cableworks.c21@gmail.com'; 'yogi.sandstrom@lxcomcorp.com'; 'douglas.briedwell@verizonwireless.com'; 'Sharon Gretch'; 'sarah.grant@verizonwireless.com'
Subject: Public Notice

CITY OF ASTORIA NOTICE OF PUBLIC HEARING

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Floral Alameda Ngbhd Assoc
c/o Bruce Conner
P.O. Box 543
Astoria OR 97103

Leroy Aldolphson
Uniontown Neighborhood Assoc
c/o 165 W. Bond
Astoria OR 97103

JIM STOFFER
ALDERBROOK GROUP
jstoffer@charter.net E-MAIL

SUSAN MARSHALL
EMERALD HEIGHTS GRP
1 EMERALD DRIVE
ASTORIA OR 97103

ATTN: HOUSING OFFICER
COMMANDING OFFICER
USCG AIRSTA ASTORIA
2185 SE 12TH PLACE
WARRENTON OR 97146-9693

Planning & Development Manager
Oregon Department of Transportation
Region 2 Headquarters
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Jim Wolcott
Mill Pond Village Home Owners' Assoc
2735 Mill Pond Lane
Astoria OR 97103 E-MAIL

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office/@astoriadowntown.com
E-MAIL

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Coastal Services Representative
DLCD
4301 Third Street, Room 206
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Karen Mellin E-MAIL
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alamear@astoria.or.us

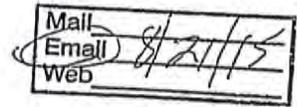
Jennifer Holen E-MAIL
ADHDA
jennifer@bakedak.com

Tryan Hartill E-MAIL
editor@northcoastoregon.com

Sirpa Duoos E-MAIL
sduoos@co.clatsop.or.us

Eagle Ridge Home Owner Association
Mark Hedeem E-MAIL
Mark.hedeem@raymondjames.com

Columbia House Condominiums
1 3rd Street # 510
Astoria OR 97103



August 21, 2015

E-MAILED TO: LEGAL ADS, DAILY ASTORIAN VIA E-MAIL legals@dailyastorian.com
FROM: SHERRI WILLIAMS, COMMUNITY DEVELOPMENT, 338-5183
SUBJECT: PLEASE PUBLISH THE FOLLOWING PUBLIC NOTICE ONE TIME

CITY OF ASTORIA
NOTICE OF PUBLIC HEARING

The City of Astoria Planning Commission will hold a public hearing on **Wednesday, September 16, 2015 at 6:30 p.m.**, in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

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THE CITY OF ASTORIA
Sherrri Williams, Administrative Assistant

PUBLISH: September 9, 2015

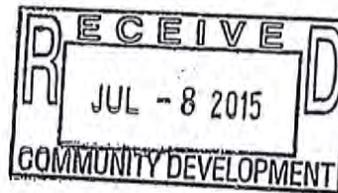
APPLICATIONS

8-4-15	Wireless Communications Facility Application WCF15-03 by Verizon Wireless (VAW), LLC dba, Verizon Wireless, to construct a 150' wireless communications facility at 1580 Shively Park Road, deemed complete August 4, 2015	76
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CITY OF ASTORIA
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COMMUNITY DEVELOPMENT



No. WCF 15-03

Deposit: \$3,000.00

Pl. by Lycom

WIRELESS COMMUNICATION FACILITY APPLICATION

Property Location: Address: 1580 Shively Park Road, Astoria, OR 97103

*unplatted lot; 8
Lot Lots 1-8*

Block 18

Subdivision Central Astoria & 1/2
located portion of
N 1st St.

Map 17
17CA

Tax Lot 809170001200
17CA 600

Zone Institutional

Applicant Name: Verizon Wireless (VAW), LLC dba, Verizon Wireless

Mailing Address: 5430 NE 122nd Avenue, Portland, OR 97317

Phone: _____ Business Phone: _____ Email: _____

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street, Astoria, OR 97103

Representative: Lexcom Development, Sharon Gretch, 541-515-8263, sharon.gretch@lexcomcorp.com

Business Name (if applicable): _____

Signature of Applicant: *[Signature]*

Date: 2/13/15

Signature of Property Owner: *AK per 8/3/15 City Council*

Date: 8/4/15

Existing Use: Park

Proposed Use: Unmanned Wireless Communication Facility

to construct a 150' high wireless communication facility

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 13th of the month to be on the next month's agenda. A Pre-Application meeting with the Associate Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended. *The Community Development Director shall determine the classification and appropriate process for any application. Applicant shall submit three (3) copies of a complete application and plans; the fee; and other required information in accordance with Article 15.*

For office use only:

Application Complete:	<u>8/4/15</u>	Permit Info Into D-Base:	<u>8/13/15</u>
Labels Prepared:	<u>8/13/15</u>	Tentative APC Meeting Date:	<u>9/22/15</u>
120 Days:			

FEES: Applicant shall pay the filing fee at the time of submission of an application. Actual costs incurred in processing the application shall be billed from the filing fee. Upon final decision on an application, and after all expenses have been determined, any remaining filing fee shall be returned to the applicant.

15.060. APPLICATION SUBMITTAL REQUIREMENTS.

A. All applications for permits for the placement and construction of Wireless Communication Service Facilities shall be accompanied by the following:

(Please check the to indicate that all submittal requirements are included with the application.)

Included

1. A complete description of the proposed WCSF including use of concealment technology, height, location, siting, and design, and description of services the applicant intends to provide from the facility.
2. Proof of ownership of the land upon which the WCSF is proposed; or evidence of an appropriate easement, lease, rental agreement, or land use application signed by the applicant and signed by the underlying property owner.
3. Copy of the carrier's current FCC license for the proposed coverage area.
4. Evidence demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the FCC particularly with respect to any habitable areas within the structure on which the antennas are co-locating or in structures adjacent to or across a public right-of-way from the antennas.
5. An accurate and scaled site plan, scaled elevation views, and other supporting drawings, illustrating the location and dimensions of the proposed WCSF, including but not limited to: antenna support structure, alternative antenna support structure, antenna array, antennas, equipment enclosures, and any and all other devices and attachments.
6. Readily discernible map of the proposed area of coverage.
7. Location map of all sites currently operated by the carrier in a five (5) mile radius of the proposed site. Such locations shall be of sufficient detail to be added to the City's GIS data system. For each such site, the targeted area and capabilities of the sites shall be adequately described.
8. Visual impact analysis and demonstrations including mock-ups and/or photo simulations from at least three (3) directional perspectives.
9. Evidence demonstrating that the applicant has filed a request with the Federal Aviation Administration (FAA) and the Oregon Department of Aviation (ODA) to review the application, or evidence demonstrating that the applicant has complied with all FAA and ODA requirements.
10. Evidence demonstrating that the applicant has filed a request with the State Historic Preservation Office to review the application under Section 106 of the National Historic Preservation Act, or evidence demonstrating that the applicant has complied with all State Historic Preservation Office requirements as a result of the Section 106 consultation.

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- 11. A collocation feasibility study conducted for the proposed service area of the facility being proposed. The study will describe the applicant's policy on collocation and demonstrate that collocation efforts were made and provide findings on why collocation can or cannot occur as indicated in Section 15.045.B.
- 12. Where less preferred locations or design are proposed, a description of other alternatives considered (alternate sites, alternative heights, number of facilities, and equipment utilized) and the reasons why higher priority locations or designs were not selected.
- 13. Payment of fees.
- 14. All such additional information as the Community Development Director may identify as being relevant to the permitting process. No additional information has been requested.
- 15. The Community Development Director may release an applicant from the requirement to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted.

**BRIEFLY ADDRESS EACH OF THE FOLLOWING CRITERIA.
USE ADDITIONAL SHEETS IF NECESSARY.**

(Note page number or attachment number when indicating "see attached".)

15.065. STANDARDS AND REVIEW CRITERIA.

All applications for Wireless Communication Service Facilities shall demonstrate compliance and conformity with the following requirements. The burden of proof is on the applicant to demonstrate such compliance and conformity. The Community Development Director may release an applicant from a requirement when it is determined that the requirement is not applicable to the request.

A. General and Operating Requirements.

1. Owner and Applicant Responsibilities.

The owner and applicant of the Wireless Communication Service Facility and his or her successors and assigns at all times shall have the following responsibilities:

- a. The owner shall respond in a reasonable and timely manner to a request for information from a potential collocation applicant. In responding to such a request, the owner and potential collocation applicant shall furnish to each other all non-proprietary information necessary to enable the potential collocation applicant and the owner to determine the feasibility of collocation.
- b. The owner and potential collocation applicant shall negotiate in good faith for shared use of the owner's Wireless Communication Service Facility.

See attached, page 9 of 17

2. Environmental and Historic Resource Protection.

All Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:

- a. The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;

See attached. Section 2, subsections (a) and (b) are addressed on page 9 of 17.

- b. Alteration or disturbance of natural vegetation and topography shall be minimized;
-
-

3. Noise.

No testing of back-up power generators shall occur between the hours of 6:00 PM and 7:00 AM. Emergency operation of back-up power generators is permitted at any time.

See attached, page 9 of 17

4. Permits Required.

- a. A Building Permit issued by the City is required for each Wireless Communication Service Facility. A building permit will not be issued until all land use approvals have been obtained; until any associated conditions have been met; and until all other applicable local, State, and Federal approvals have been secured and complied with, including but not limited to Astoria Development Code, Article 6 Historic Properties, and Section 106 requirements as set forth by the State Historic Preservation Office.

See attached. Section 4, subsections (a) and (b) are addressed on page 10 of 17

- b. No Wireless Communication Service Facility shall be constructed or operated within the City limits until all necessary City, State, and Federal approvals have been secured. Evidence of approvals shall be provided to the City.
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5. Prohibited Structures.

Lattice and guyed wire towers and support structures and speculation ("spec") support structures are prohibited in all zones.

See attached, page 10 of 17.

6. Radio Frequency Standards.

- a. The applicant shall provide evidence that the Wireless Communication Service Facility is in compliance with FCC standards and that the Wireless Communication Service Facility will not cause interference with the reception of area television, radio, or emergency communication broadcasts. If at any time, the City finds that the Wireless Communication Service Facilities interfere with such reception, the applicant shall mitigate the interference. If the applicant does not mitigate the interference to the City's satisfaction, the City may revoke or modify the permit.

See attached, page 10 of 17 and Attachment 4, NIER.

7. Security.

The applicant shall insure that sufficient anti-climbing measures have been incorporated into the WCSF, as needed, to reduce potential for trespass and injury.

See attached, page 10 of 17.

8. Technical Expert Support.

The Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required.

B. Location, Siting and Design Requirements.

1. Preferred Location, Siting, and Designs in Priority Order.

See Section 15.035.B of the Wireless Communication Facility Code.

See attached, page 11 of 17.

2. Adverse Impact.

WCSF shall not create a substantial adverse impact on the view from any public park, natural scenic vista, historic property (locally designated or on National Register), major scenic and view corridor, or residential area. In determining the potential substantial adverse impact of the proposed facility upon scenic, natural, historic, and cultural resources or vicinity, the following points shall be considered:

- a. The extent to which the proposed WCSF is visible from the viewpoint(s) of the impacted resource or vicinity.

See attached. Section 2, subsections (a) through (e) are addressed on page 11 of 17 and represented Attachment 8, photo simulations.

- b. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.
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- c. The amount of vegetative screening.
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- d. The distance of the proposed facility from the impacted resource or vicinity.
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- e. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.

3. Use of Concealment Technology.

All Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.

See attached, pages 11/12 of 17.

4. Access Driveways and Parking.

All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the Astoria Development Code and Astoria City Code.

- a. Existing driveways shall be used for access whenever possible.

See attached. Section 4, subsections (a) and (b) are addressed on page 12 of 17.

- b. New parking areas shall, whenever feasible, be shared with subsequent Wireless Communication Service Facilities and/or other permitted uses.

5. Color and Materials.

- a. All buildings, poles, antenna support structures, antennas, antenna arrays, and other associated components of each Wireless Communication Facility site shall be initially coated and thereafter recoated as necessary with a non-reflective neutral color in muted tones.

See attached. Section 5, subsections (a) through (d) are addressed on page 12 of 17.

- b. The color selected shall be one that will minimize visibility of the WCSF to the greatest extent feasible. To this end, improvements which will be primarily viewed

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against soils, trees, or grasslands shall be coated with colors matching those landscapes, while elements which rise above the horizon shall be coated a color that matches the typical overcast sky (i.e. white, light gray, etc.) or background color at that location.

- c. The color and coating shall be reviewed and approved by the Community Development Director or Astoria Planning Commission.
 - d. Upon a clear showing by the applicant that compliance with the requirements of this section would void a manufacturer's warranty on any specific equipment, or that natural aging of the material would provide greater concealment, the Community Development Director or Astoria Planning Commission may waive the requirements of this section for such specifically identified equipment.
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6. Height.

In addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:

- a. WCSF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.

See attached. Section 6, subsections (a) through (e) are addressed on page 13 of 17. See response to Article 12 - Variance: regarding 6(c)(1) and (2), starting on page 16.

- b. If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.
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- c. In reviewing Variance requests to the above described height limits, the following shall be considered:

- 1) The proposed structure and facility uses concealment technology; *and*

- 2) It is demonstrated that a greater height is required to provide the necessary service.

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- d. Building or other structure-mounted Wireless Communication Service Facilities shall not project more than ten (10) additional feet above the highest point on the existing building or structure and shall not project higher than the height requirements of the underlying zone, unless a variance to the height limit of the underlying zone is approved.

N/A

- e. WCSF shall not penetrate imaginary surfaces around the Astoria Airport as defined by the Oregon Department of Aviation, unless a waiver is granted pursuant to Oregon Revised Statutes.
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7. Landscape and Screening.

All Wireless Communication Service Facility sites shall be improved with existing native vegetation, suitable landscaping and/or fencing installed to screen the facility, where necessary. To this end, all of the following requirements shall be implemented for all Wireless Communication Service Facilities which are installed on antenna support structures:

- a. A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, shall be submitted as part of the application.

See attached. Section 7, subsections (a) through (j) is addressed on pages 13/14 of 17 and represented in Attachment 5, page L1.

- b. Any proposed or required fenced area is to be surrounded, where feasible, by a landscaped strip of sufficient width and height to create a visual screen.
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- c. Planted vegetation shall be of the evergreen variety.
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- d. The landscape plan shall be subject to review and approval of the Community Development Director or Astoria Planning Commission.
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e. The fence shall be a maximum of six (6) feet in height.

f. The fenced area is to be surrounded by evergreen shrubs (or similar type of evergreen landscaping). Required landscaping shall be located outside of the fenced area.

g. The fence shall, where feasible, be installed and maintained around the entire perimeter of the site and surround the WCSF and the equipment shelter.

h. If the Community Development Director determines that a fence surrounding antenna support structures located in a public right-of-way or adjacent to existing structures is not feasible, such structures may be exempted from the fencing requirements of this Section.

i. Chain link fences shall be painted or coated with a non-reflective color.

j. Electric, barbed wire, and concertina wire fences are prohibited.

8. Lighting.

a. A Wireless Communication Service Facility shall only be illuminated as necessary to comply with FAA or other applicable State and Federal requirements. Documentation from such State and Federal agencies describing required compliance measures is required.

See attached, Section 8, subsections (a) through (c) is addressed on page 14 of 17.

b. Exterior lighting shall not glare onto adjacent properties.

c. Strobe lights are prohibited.

9. Setback.

a. Antenna support structures, excluding those utility poles and similar structures which are located within the right-of-way, and excluding equipment enclosures, shall be located no closer to a structure on the subject property, or from the property line of the subject property, than a distance equal to the total height of the structure measured from finished grade, or the distance of "worst-case scenarios", as recommended in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000, whichever is greater. However, utility

poles and similar structures which are located within the right-of-way, and equipment enclosures are subject to recommendations in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000.

See attached, Section 9, subsections (a) through (c) is addressed on page 14/15 of 17

- b. All WCSF equipment enclosures shall be set back from property lines according to the requirements of the Zone.
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- c. A setback requirement to a property line may be reduced, through Variance approval. A Variance to the setback requirement shall be in accordance with the requirements of Article 12, and the following additional criteria:
- 1) It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

Do you intend to submit a Variance Request from setback requirements? No

10. Signs.

The use of any portion of a Wireless Communication Service Facility for signs other than warning or equipment information signs is prohibited. For emergency purposes, equipment information limited to the WCSF provider(s) name and contact phone number shall appear at the facility in a discreet yet visible location, either on the equipment cabinet or supporting structure.

See attached, page 15 of 17.

11. Storage.

- a. WCSF storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only) and shall be placed underground where feasible or be sited (i.e., depressed, or located behind earth berms) to minimize their profile.

See attached. Section 11, subsections (a) through (c) are addressed on page 15 of 17.

- b. WCSF storage facilities shall be no taller than one story (15 feet) in height and shall be designed to look like a building or facility typically found in the surrounding area.

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- c. On-premises storage of material or equipment shall not be allowed other than that which is necessary to the use, operation, and maintenance of the WCSF.
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15.046(B). Collocation Required.

Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission.

If an applicant proposes to construct a new antenna support structure, evidence shall be submitted by the applicant to demonstrate the following:

1. That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the service provider's engineering requirements to provide service; OR
2. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the service provider's engineering requirements to provide service; OR
3. That existing support structures and alternative antenna support structures do not have sufficient structural strength to support the service provider's engineering requirements to provide service; OR
4. That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference, or NIER field interference with nearby antennas or antenna arrays, or vice-versa; OR
5. That there are other limiting factors, such as inadequate space for an equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable.

See attached, page 6 / 7 of 17.

- 11.030(A)(1) The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.

See attached. Subsections (A)(1) through (A)(5) are addressed on page 15 / 16 of 17.

11.030(A)(2) An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.

11.030(A)(3) The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

11.030(A)(4) The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

ATTACHMENTS

WIRELESS COMMUNICATIONS FACILITY
1580 SHIVELY PARK ROAD

WCF15-03
V15-03
NC15-03

Application, 8-4-15

Statement of Compliance for Proposed Wireless Facility, 7-20-15

FCC License

Non-Ionizing Electromagnetic (NEIR) Report, January 2015

Architectural Drawings

RF Propagation Maps

Location Map of All Sites

Photo Simulations

Federal Aviation Administration Determination, 1-15-15

Oregon Department of Aviation Determination, 3-4-15

Oregon Department of Aviation Letter, 8-26-15

National Historic Preservation Office Section 106 NEPA Review Determination, 2-24-15

Mail from Lexcom on site selection, 7-13-15

Statement of Compliance for Proposed Wireless Facility

Verizon Wireless Site ID: OR1 City Park

Submitted to the City of Astoria

July 20, 2015

I. General Information

Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland, OR 97317

Representative: Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath, OR 97370
(541) 515-8263

Project Information:

Property Owner: City of Astoria
Site Address: 1530 Shively Park Road, Astoria
Parcel: 809170001200
Parcel Area: 12.4 acres
Zone Designation: Institutional
Existing Use: Park

Attachments List

00. Land Use Application signed by Applicant
 - a. Wireless Communication Facility Application
 - b. Variance Application – General (for height)
 - c. New Construction (Adjacent to Historic Property)
01. Statement of Compliance Narrative
02. Deed
03. FCC License
04. Non-Ionizing Electromagnetic Report (NIER)
05. Architectural Drawings
06. Propagation Maps
07. Location map of all sites
08. Photo Simulations
09. FAA / ODA Determinations
10. State Historic Preservation Office Determination

II. Project Overview

Lexcom Development is submitting an application on behalf of Verizon Wireless (VAW), LLC, dba Verizon Wireless and the property owner, City of Astoria. The site proposed herein is designed to improve the voice and data capacity for its customers living in the City of Astoria along and south of Lexington Avenue area and will be one of two towers designed to replace the existing tower located near the Column of Astoria.

The applicant proposes to construct a 150-foot tall monopole with up to a total of twelve panel antennas (eight initial, four future) and future microwave antennas. Ancillary ground equipment inclusive of radio equipment cabinets, generator and utility frame¹ will be located within a landscaped, 40' x 28' lease area. The site will be accessed via Shively Park Road. Further, the site has been designed for at least two additional carriers to minimize the proliferation of towers within the City.

The location of the proposed site maximizes coverage while minimizing visual impacts by utilizing existing topography and natural screening². The proposed antenna height, with an overall antenna tip height of 150-feet, is the minimum height necessary to provide the required coverage relative to nearby complementary wireless facilities.

This site can meet the City of Astoria's criteria for siting of new wireless telecommunication facilities, including height, setbacks and design as will be demonstrated herein. As shown throughout this application, Verizon's proposal is the least intrusive means of meeting coverage objectives. Verizon Wireless respectfully requests that the City of Astoria approve the facility as proposed herein.

III. Site Selection & Design

Verizon seeks to improve a significant coverage and capacity deficiency in its 3G and 4G LTE coverage in the City of Astoria. Wireless service is a critical today, with many people relying on their wireless devices for everything from information gathering to financial transactions to primary home phone service. The proposed location was chosen by Verizon Wireless to improve the quality of voice and data service as well as 911 services, for its customers living in the City of Astoria along and south of Lexington Ave. The site will also provide service to a large rural area southeast of the City³.

Verizon constructs wireless communication facilities at carefully selected locations. The need for service in this particular geographic area was determined by market demand, coverage requirements for a specific geographic area, and the need to provide continuous coverage from one site to another. Once the need for additional coverage or capacity was established, Verizon's RF engineers performed a study to determine the approximate site location and antenna height required to provide service in the desired coverage area. Using a computer modeling program that accounts for the terrain within the service area and other variables, such as proposed antenna height, available radio frequencies and wireless equipment characteristics, the engineers identified a "search ring," wherein a site could be located to fill the coverage gap. The engineers took the following objectives into consideration when

¹ See, *Architectural Drawings*, enclosed as Attachment 5.

² See, *Photo simulations*, enclosed as Attachment 8.

³ See, *RF Propagation Maps for site "ORI City Park", Exhibits 1 through 5*, enclosed as Attachment 6.

identifying the search ring:

1. Coverage. The antenna site must be located in an area where the radio frequency broadcasts will provide adequate coverage within the significant gap in coverage. The RF engineer must take into consideration the coverage objectives for the site as well as the terrain in and around the area to be covered. Since radio frequency broadcasts travel in a straight line and diminish as they travel further away from the antennas, it is generally best to place an antenna site near the center of the desired coverage area. However, in certain cases, the search ring may be located away from the center of the desired coverage area due to the existing coverage, the surrounding terrain, or other features which might affect the radio frequency broadcasts like buildings or sources of electrical interference.
2. Capacity. Capacity refers to the technological limitation of a wireless communication facility to provide communication. Mobile phones and wireless devices transmit to and receive radio frequency signal from antennae at wireless communication facilities. Antennae are capable of transmitting and receiving a finite amount of signal – the capacity. When capacity is reached, busy signals on phone result and data transmission is lost. Monitoring of each wireless facility is continuous and the data collected analyzed for planning to prevent overloading. Projections based on the data allow Verizon to plan, design, permit, and construct new facilities or modify existing wireless communication facility before reaching capacity.
3. Clutter. Verizon's antennas must "clear the clutter" in the area. The radio frequencies used in Verizon's systems are adversely affected by trees, buildings, and other natural and man-made obstacles. Radio frequencies do not penetrate mountains, hills, rocks or metal, and radio frequencies are diminished by trees, brick and wood walls, and other structures. Therefore, antennas must be installed above or close to the "clutter" in order to provide high quality communications services in the desired coverage areas. In addition, if the local code requires us to accommodate additional carriers on the structure, the structure must be even higher in order to allow the other carriers' antennas to clear the clutter as well.
4. Call Handoff. The antenna site must be located in an area where the radio broadcasts from this site will allow seamless call handoff with adjacent sites. "Call handoff" is a feature of a wireless communications system which allows an ongoing telephone conversation to continue uninterrupted as the user travels from the coverage area of one antenna site into the coverage area of an adjacent antenna site. This requires coverage overlap for a sufficient distance and/or period of time to support the mechanism of the handoff.
5. Quality of Service. Users of wireless communications services want to use their services where they live, work, commute and play, including when they are indoors. Verizon's coverage objectives include the ability to provide indoor coverage in areas where there are residences, businesses and indoor recreational facilities.
6. Radio Frequencies used by System. The designs of telecommunications systems will vary greatly based upon the radio frequencies that are used by the carrier. If the carrier uses radio frequencies that are in the 850 MHz to 950 MHz range, the radio signals will travel further and will penetrate buildings better than the radio frequencies in the 1900 MHz band. Thus, Verizon needs more antennas in a given area to support technologies that use the 1900 MHz band.
7. Land Use Classifications. Verizon's ability to construct a cell site on any particular property is affected by Oregon state law and Astoria city code.

Terrain data within the service area is entered into a modeling program along with a series of variables, such as proposed antenna height, available radio frequencies and wireless equipment characteristics. Using this information, Verizon's RF engineers identified an area of optimum location for and height of a new wireless communication facility antenna to maximize the coverage objective. When this technical analysis was completed, a search area map and a description of other requirements were provided to Verizon's site development specialists.

When designing an existing or new area for coverage or capacity, Verizon Wireless will first attempt to utilize an existing tower or structure for collocation at the desired antenna height. If an existing tower or structure is not available or not attainable because of space constraints or unreliable structural design, Verizon Wireless will propose a new tower. In this instance, our real estate group with the help of outside consultants did several searches and concluded there is no existing cell towers nearby for collocation, to meet the OR1 City Park objectives.

The following sites listed below represent the Verizon priority siting and alternate candidates reviewed within the search area. The analysis of site viability is included under, 'Summary'.

Verizon Priority Siting	Type of Property	Description	Summary
1)	Existing Structures	Collocation on existing WCF towers	There are no existing WCF towers within this desired search area on which to collocate.
		Upgrade to existing WCF towers	None available in the search area to upgrade.
		Existing alternative tall structures (i.e., water tanks, Stadium Lighting, etc.)	No alternate tall structures were identified within the search ring on which to locate.
		Rooftop Installation Opportunities	No tall buildings are located within the search ring. The concrete building identified as Reservoir 2 was reviewed, but deemed too low to meet coverage needs. See attached email from Arden Yundt, Verizon RF Engineering PNW Region.

2)	Utility Structures (i.e., power poles, high tension power lines, etc.)	Existing utility poles	Existing poles in the area are 20-35 feet. These poles are structurally insufficient to support the required antenna installation and are unable to achieve the required height to reach coverage/capacity objectives.
3)	New Facility	Two Opportunities	<p>(1) <i>Fred Lindstrom Memorial Park:</i> Areas within the park were reviewed, however deemed to be too low of an elevation to meet coverage objectives and hand-off to adjacent sites.</p> <p>(2) <i>Shively Park:</i> Site proposed herein; Alternate locations within the park were reviewed, however, the location herein was chosen as primary as it afforded the best natural camouflage and met all coverage/capacity objectives and can effectively hand-off to adjacent sites.</p>

Table 1 - Priority Site Analysis

Coverage plots are attached herein under Attachment 6 and labeled as Exhibits 1 through 6.

- Exhibit 1 shows current coverage, inclusive of the site near the Astoria Column titled 'Astoria HD' and existing sites, OR1 Gearhart and OR1 Warrenton.
- Exhibit 2, shows coverage following the removal of the 'Astoria HD' site, depicting the area as it would exist without any coverage. The dotted circle in Exhibit 2 depicts area of RF coverage and capacity gap that the site herein is proposed to fill.
- Exhibit 3&4 shows coverage/ RF signal emitting from the site proposed herein. With the antenna at 150-feet, nearly the entire coverage objective area will be covered by high to moderate RF signal strength, as depicted by the purple and blue portions of the map. Therefore Exhibit 3&4 meets our design objective for this site and clearly shows the proposed location improving, and in many cases adding signal strength to this large rural area.
- Exhibits 5 depicts how the proposed site will be integrated into our network system for that area. Therefore our antenna with a tip height of 150 feet (AGL) will fulfill the capacity objective for the proposed site as depicted in Exhibit 5 & 6. The proposed site ensures, RF

signal overlaps with adjacent sites to allow continuity of call(s) or "handoff." Therefore a 150' (AGL) antenna centerline is required at the OR1 City Park site location as shown to provide service for its customers living in the City of Astoria along and south of Lexington Avenue and to a large rural area southeast of the city.

Enhanced 911 (E911) Requirements

In addition to providing improved service to Verizon customers, the proposed antenna location is needed to meet Federal Communications Commission (FCC) requirements for Enhanced 911 (E911) service. The wireless E911 program is divided into two phases. Phase I requires wireless carriers, upon request from a local Public Safety Answering Point (PSAP), to report the telephone number of a wireless 911 caller and the location of the antenna that received the call. Phase II of the E911 program requires wireless carriers to provide far more precise location information, within 50 to 100 meters in most cases.

The FCC established a four-year schedule for Phase II. It began on October 1, 2001 with a target completion date of December 31, 2005. Provision of E911 service in accordance with FCC requirements is a major component of the demand for additional cell sites. In addition to providing greater signal strength for in-building coverage that will provide better service to residential customers in the area, the proposed WCF will provide more precise triangulation for providing E911 service as required by the FCC. This will allow a person who is using E911 because of an emergency to be found more quickly because their location will be more easily determined as this and other antenna sites are added to the wireless network.

Verizon engineers have carefully designed this site to maximize quality of service to our customers, which can best be accomplished at a height of 150-feet (antenna tip height). This location was also selected because of its position relative to existing and proposed sites, providing favorable site geometry for federally mandated E911 location accuracy requirements and efficient frequency reuse. Good site geometry is needed to achieve accurate location of mobile users through triangulation with existing and proposed sites.

IV. Applicable Law

Federal, state and local laws will apply to this application.

Federal law, primarily found in the Telecommunications Act, acknowledges a local jurisdictions zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways. First, a local government must approve an application for a wireless communications site if three conditions are met: (1) there is a significant gap in coverage; (2) the carrier has shown that the manner in which it proposes to provide service in the significant gap is the least intrusive on the values that the community seeks to protect as allowed by applicable law; and (3) there are no potentially available and technologically feasible alternatives that are less intrusive on the goals that the community seeks to protect as allowed by applicable law. 47 U.S.C. Section 332(c)(7)(A) and (B)(i)(II); and *T-Mobile USA, Inc. v. City of Anacortes*, 572 P.3d 987 (9th Cir. 2009).

In addition, under the Telecommunications Act, the City of Astoria is prohibited from considering the environmental effects (including health effects) of the proposed site if the site will operate in

compliance with federal regulations. 47 U.S.C. Section 332(c)(7)(B)(iv). Therefore, this issue is preempted under federal law and any testimony or documents introduced relating to the environment or health effects of the proposed site should be disregarded in this proceeding.

Finally, the Telecommunications Act requires local jurisdictions to act upon applications for wireless communications sites within a 'reasonable' time. The FCC has issued a 'Shot Clock' rule to establish a deadline for the issuance of land use permits for wireless facilities. According to the FCC, a reasonable period of time for local government to act on wireless applications is 90-days for a co-location application and 150-days for all other applications. This time period includes all application notice and appeal periods. Therefore, under federal law, the reasonable period for the City of Astoria to review this application is 150-days unless more restrictive timelines apply.

V. Application submittal requirements: Astoria Development Code

Verizon proposal complies with the submittal requirements of the City of Astoria Development Code. These are addressed in the order laid out below.

- Article 15 – Wireless Communication Service Facilities
- Article 11 – Conditional Use
- Article 12 – Variances

Article 15 – Wireless Communication Service Facilities

15.035. PERMITTED LOCATIONS OF WIRELESS COMMUNICATION SERVICE FACILITIES.

A. Zones: Wireless Communication Service Facilities, including antenna, antenna arrays, and antenna support structures are permitted with administrative or conditional use review in the zones as provided below:

1. Permitted Zones: Wireless Communication Service Facilities are permitted in the following zones through the Administrative or Conditional Use process in accordance with Astoria Development Code Article 9:

f. IN (Institutional)

B. Preferred Location, Siting, and Designs in Priority Order.

2. Conditional Use Review.

a. Location on New Antenna Support Structure

Response: The proposed use is for new antenna support structure in an IN zone which is permitted use subject to a Conditional Use Review.

15.045. COLLOCATION AND USE OF ALTERNATIVE ANTENNA SUPPORT STRUCTURES FOR WIRELESS COMMUNICATION SERVICE FACILITIES.

B. Collocation Required: Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission. If an applicant proposes to construct a new antenna support structure, evidence shall be submitted by the applicant to demonstrate the following:

1. That no existing antenna support structures or alternative antenna support

- structures are located within the geographic area which meet the service provider's engineering requirements to provide service; OR*
- 2. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the service provider's engineering requirements to provide service;*
 - 3. That existing support structures and alternative antenna support structures do not have sufficient structural strength to support the service provider's engineering requirements to provide service; OR*
 - 4. That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference, or NIER field interference with nearby antennas or antenna arrays, or vice-versa; OR*
 - 5. That there are other limiting factors, such as inadequate space for an equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable.*

Response: Verizon consultants worked closely with the City of Astoria and Parks Department staff to identify a viable location that would minimize the visual impact to the surrounding area and minimize any impact on the flora/fauna within the park. See Table I, under III. Site Selection & Design, above for detailed analysis on alternative sites reviewed.

When designing an existing or new area for coverage or capacity, Verizon Wireless will first attempt to utilize an existing tower or structure for collocation at the desired antenna height. If an existing tower or structure is not available or not attainable because of space constraints or unreliable structural design, only then will Verizon Wireless propose a new tower. The consultants did several searches and concluded there are no existing cell towers or viable alternative structures such as water tanks, tall power poles or similar structures nearby for collocation that would meet the OR1 City Park objectives. The nearest existing vertical structure is roughly a ½ mile away and is the tower located at the Astoria Column.

15.060. APPLICATION SUBMITTAL REQUIREMENTS.

A. All applications for permits for the placement and construction of Wireless Communication Service Facilities shall be accompanied by the following:

- 1. A complete description of the proposed WCSF including use of concealment technology, height, location, siting, and design, and description of services the applicant intends to provide from the facility.*
- 2. Proof of ownership of the land upon which the WCSF is proposed; or evidence of an appropriate easement, lease, rental agreement, or land use application signed by the applicant and signed by the underlying property owner.*
- 3. Copy of the carrier's current FCC license for the proposed coverage area.*
- 4. Evidence demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the FCC particularly with respect to any habitable areas within the structure on which the antennas are co-locating or in structures adjacent to or across a public right-of-way from the antennas.*

5. *An accurate and scaled site plan, scaled elevation views, and other supporting drawings, illustrating the location and dimensions of the proposed WCSF, including but not limited to: antenna support structure, alternative antenna support structure, antenna array, antennas, equipment enclosures, and any and all other devices and attachments.*
6. *Readily discernible map of the proposed area of coverage.*
7. *Location map of all sites currently operated by the carrier in a five (5) mile radius of the proposed site. Such locations shall be of sufficient detail to be added to the City's GIS data system. For each such site, the targeted area and capabilities of the sites shall be adequately described.*
8. *Visual impact analysis and demonstrations including mock-ups and/or photo simulations from at least three (3) directional perspectives.*
9. *Evidence demonstrating that the applicant has filed a request with the Federal Aviation Administration (FAA) and the Oregon Department of Aviation (ODA) to review the application, or evidence demonstrating that the applicant has complied with all FAA and ODA requirements.*
10. *Evidence demonstrating that the applicant has filed a request with the State Historic Preservation Office to review the application under Section 106 of the National Historic Preservation Act, or evidence demonstrating that the applicant has complied with all State Historic Preservation Office requirements as a result of the Section 106 consultation.*

Response: A description of the proposed facility addressing 15.060(A)(1) is located under Section 2: Project Overview and Section 3: Site Design and Selection and submittal requirements as described under 15.060(A)(2-10) are attached herein. See, Attachments 10.

11. *A collocation feasibility study conducted for the proposed service area of the facility being proposed. The study will describe the applicant's policy on collocation and demonstrate that collocation efforts were made and provide findings on why collocation can or cannot occur as indicated in Section 15.045.B.*

Response: See, response to Section 15.045(B) above and Table I, under III. Site Selection & Design, above for detailed analysis on alternative sites reviewed. There are no existing cell towers or viable alternative structures such as water tanks, tall power poles or similar structure nearby for collocation, to meet the OR1 City Park objectives. The nearest existing vertical structure is roughly a ½ mile away and is the tower located at the Astoria Column which this site, in conjunction with three other proposed sites, is designed to replace

12. *Where less preferred locations or design are proposed, a description of other alternatives considered (alternate sites, alternative heights, number of facilities, and equipment utilized) and the reasons why higher priority locations or designs were not selected.*

Response: See, response to Section 15.045(B) above and Table I, under III. Site Selection & Design,

above for detailed analysis on alternative sites reviewed. Verizon consultants worked closely with the City of Astoria and Parks Department staff to identify a viable location that would minimize the visual impact to the surrounding area and minimize any impact on the flora/fauna within the park. Other locations within in the park were reviewed, however, the site proposed herein offered significantly more screening of the tower with the least impact, requiring no tree removal and minimal site grading. Other locations within the park would have required additional tree removal and significant tree trimming.

15.065. STANDARDS AND REVIEW CRITERIA: All applications for Wireless Communication Service Facilities shall demonstrate compliance and conformity with the following requirements. The burden of proof is on the applicant to demonstrate such compliance and conformity. The Community Development Director may release an applicant from a requirement when it is determined that the requirement is not applicable to the request.

A. General and Operating Requirements.

1. Owner and Applicant Responsibilities. The owner and applicant of the Wireless Communication Service Facility and his or her successors and assigns at all times shall have the following responsibilities:

- a. The owner shall respond in a reasonable and timely manner to a request for information from a potential collocation applicant. In responding to such a request, the owner and potential collocation applicant shall furnish to each other all non-proprietary information necessary to enable the potential collocation applicant and the owner to determine the feasibility of collocation.
- b. The owner and potential collocation applicant shall negotiate in good faith for shared use of the owner's Wireless Communication Service Facility.

Response: It is the industry standard to allow collocation of multiple carriers on a single tower. Further, collocation is mandated under the Telecommunications Act, obligating carriers to provide, "on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements."

2. Environmental and Historic Resource Protection. All Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:

- a. The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;
- b. Alteration or disturbance of natural vegetation and topography shall be minimized;

Response: The site shall comply with all applicable local, State and Federal Regulations. The site proposed herein was designed in conjunction with City of Astoria staff and the Parks Department and was chosen as it preserves existing vegetation and afforded the best screening for the tower from on-site and off-site locations⁴. The site will be minimally graded and a retaining wall constructed in order to place the radio equipment cabinets at a lower elevation than the tower⁵. Alternate sites that were

⁴ See, *Photo simulations*, enclosed as Attachment 8.

⁵ See, *Grading & Drainage Plan*, enclosed as Attachment 5, page C3.

reviewed within the park would have required significantly more disturbance, requiring tree and limb removal prior to construction.

3. Noise. No testing of back-up power generators shall occur between the hours of 6:00 PM and 7:00 AM. Emergency operation of back-up power generators is permitted at any time.

Response: The back-up generator shall only be tested as detailed above.

4. Permits Required.

- a. *A Building Permit issued by the City is required for each Wireless Communication Service Facility. A building permit will not be issued until all land use approvals have been obtained; until any associated conditions have been met; and until all other applicable local, State, and Federal approvals have been secured and complied with, including but not limited to Astoria Development Code, Article 6 Historic Properties, and Section 106 requirements as set forth by the State Historic Preservation Office.*
- b. *No Wireless Communication Service Facility shall be constructed or operated within the City limits until all necessary City, State, and Federal approvals have been secured. Evidence of approvals shall be provided to the City.*

Response: A Building Permit request will be filed once land use has been reviewed and approvals obtained. All City State and Federal approvals have been applied for and shall be obtained prior to construction start.

5. Prohibited Structures.

- a. *Lattice and guyed wire towers and support structures and speculation ("spec") support structures are prohibited in all zones except as noted in Section 5.b.*
- b. *Lattice towers and support structures that are required for Emergency Communications Facilities and Temporary Communications Facilities operated by public officials may be located in the LR Zone (Land Reserve). Co-location by private communication providers on a lattice tower with emergency communication facilities is allowed.*

Response: Not applicable. This proposal is for a monopole.

6. Radio Frequency Standards.

- a. *The applicant shall provide evidence that the Wireless Communication Service Facility is in compliance with FCC standards and that the Wireless Communication Service Facility will not cause interference with the reception of area television, radio, or emergency communication broadcasts. If at any time, the City finds that the Wireless Communication Service Facilities interfere with such reception, the applicant shall mitigate the interference. If the applicant does not mitigate the interference to the City's satisfaction, the*

City may revoke or modify the permit.

Response: See Attachment 4, NIER report.

7. Security. *The applicant shall insure that sufficient anti-climbing measures have been incorporated into the WCSF, as needed, to reduce potential for trespass and injury.*

Response: The facility will be surrounded by a 6 foot fence for security and all climbing pegs will be removed once construction is complete.

8. Technical Expert Support. *The Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required.*

B. Location, Siting and Design Requirements.

1. Preferred Location, Siting, and Designs in Priority Order. *See Section 15.035.B of this Code.*

Response: Per 15.035(B) Preferred Location, Siting, and Designs in Priority Order; sites that are located on an existing support structure or existing alternative support structure are given the highest priority. As is demonstrated, there are no existing structures in the area to locate a facility meet the OR1 City Park objectives. As the second priority siting, the preferred design is a camouflaged/concealed tower. This site was specifically located in such a manner to utilize the existing topography and surrounding tall trees to conceal the tower. See Attachment 08, photo simulations.

2. Adverse Impact. *WCSF shall not create a substantial adverse impact on the view from any public park, natural scenic vista, historic property (locally designated or on National Register), major scenic and view corridor, or residential area. In determining the potential substantial adverse impact of the proposed facility upon scenic, natural, historic, and cultural resources or vicinity, the following points shall be considered:*

- a. The extent to which the proposed WCSF is visible from the viewpoint(s) of the impacted resource or vicinity.*
- b. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.*
- c. The amount of vegetative screening.*
- d. The distance of the proposed facility from the impacted resource or vicinity.*
- e. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.*

Response: This site was specifically located in heavy tree cover and utilizes the existing topography to conceal the tower. The existing trees in the area are inclusive of approximately twenty-two (+/-) deciduous trees ranging in height from 20 – 120 feet and roughly fifteen (+/-) Douglas Fir trees ranging in height from 18 – 150 feet. Given the existing tree height and density along with the distance to the

nearest development, the visual impact from the surrounding area is significantly mitigated. No adverse impact to adjacent parcels or other resources is anticipated. Further, the lease area will be surrounded by a landscape buffer to further conceal the ground level equipment. See Attachment 08, Photo simulations.

3. Use of Concealment Technology. All Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.

Response: This site was specifically located to conceal the tower by utilizing the existing topography and surrounding heavy tree cover, inclusive of tall, Douglas Fir trees and shorter, deciduous trees. The existing trees are of similar height, ranging in heights from 18-feet to 150-feet. Given the existing tree height and density along with the distance to the nearest development, the visual impact from the surrounding area is significantly mitigated. See Attachment 08, photo simulations.

4. Access Driveways and Parking. All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the Astoria Development Code and Astoria City Code.

- a. Existing driveways shall be used for access whenever possible.*
- b. New parking areas shall, whenever feasible, be shared with subsequent Wireless Communication Service Facilities and/or other permitted uses.*

Response: No new access driveways or parking is proposed for this site.

5. Color and Materials.

- a. All buildings, poles, antenna support structures, antennas, antenna arrays, and other associated components of each Wireless Communication Facility site shall be initially coated and thereafter recoated as necessary with a non-reflective neutral color in muted tones.*
- b. The color selected shall be one that will minimize visibility of the WCSF to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees, or grasslands shall be coated with colors matching those landscapes, while elements which rise above the horizon shall be coated a color that matches the typical overcast sky (i.e. white, light gray, etc.) or background color at that location.*
- c. The color and coating shall be reviewed and approved by the Community Development Director or Astoria Planning Commission.*
- d. Upon a clear showing by the applicant that compliance with the requirements of this section would void a manufacturer's warranty on any specific equipment, or that natural aging of the material would provide greater*

concealment, the Community Development Director or Astoria Planning Commission may waive the requirements of this section for such specifically identified equipment.

Response: All equipment shall be of a non-reflective, earth tone color that shall blend with the natural environment and located behind a 6' tall chain link fence. The tower is a non-reflective, powder coated, grey tone. This tone tends to blend better with the varied colors as occur in nature, taking on the surrounding tones of both sky and earth.

6. Height. *In addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:*

- a. WCSF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- b. If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.*
- c. In reviewing Variance requests to the above described height limits, the following shall be considered:*
 - 1) The proposed structure and facility uses concealment technology; and*
 - 2) It is demonstrated that a greater height is required to provide the necessary service.*
- d. Building or other structure-mounted Wireless Communication Service Facilities shall not project more than ten (10) additional feet above the highest point on the existing building or structure and shall not project higher than the height requirements of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
- e. WCSF shall not penetrate imaginary surfaces around the Astoria Airport as defined by the Oregon Department of Aviation, unless a waiver is granted pursuant to Oregon Revised Statutes.*

Response: A variance to height is being requested for this location. The site proposed herein was submitted to the FAA and ODA for review. A determination of 'No Hazard' has been received from the FAA and the ODA does not object to construction as proposed⁶. See response to Article 12 regarding 6(c)(1) and (2), starting on page 16 herein.

7. Landscape and Screening. *All Wireless Communication Service Facility sites shall be improved with existing native vegetation, suitable landscaping and/or fencing installed to screen the facility, where necessary. To this end, all of the following requirements shall be implemented for all Wireless Communication Service Facilities which are installed on antenna support structures:*

- a. A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, shall be submitted as part of the application.*

⁶ See, *FAA / ODA Determinations*, enclosed as Attachment 9.

- b. Any proposed or required fenced area is to be surrounded, where feasible, by a landscaped strip of sufficient width and height to create a visual screen.
- c. Planted vegetation shall be of the evergreen variety.
- d. The landscape plan shall be subject to review and approval of the Community Development Director or Astoria Planning Commission.
- e. The fence shall be a maximum of six (6) feet in height.
- f. The fenced area is to be surrounded by evergreen shrubs (or similar type of evergreen landscaping). Required landscaping shall be located outside of the fenced area.
- g. The fence shall, where feasible, be installed and maintained around the entire perimeter of the site and surround the WCSF and the equipment shelter.
- h. If the Community Development Director determines that a fence surrounding antenna support structures located in a public right-of-way or adjacent to existing structures is not feasible, such structures may be exempted from the fencing requirements of this Section.
- i. Chain link fences shall be painted or coated with a non-reflective color.
- j. Electric, barbed wire, and concertina wire fences are prohibited.

Response: A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, is included herein, all fencing is of a non-reflective color and no electric, barbed wire or concertina wire is proposed⁷.

8. Lighting.

- a. A Wireless Communication Service Facility shall only be illuminated as necessary to comply with FAA or other applicable State and Federal requirements. Documentation from such State and Federal agencies describing required compliance measures is required.
- b. Exterior lighting shall not glare onto adjacent properties.
- c. Strobe lights are prohibited.

Response: FAA and ODA have been notified of the proposed development, however, determinations have yet to be received. Should aviation lighting be required, the site will comply with State or Federal requirements. The most restrictive shall apply. Proposed on-site maintenance lighting is proposed for the equipment and shall be downward tilted and on a timer. Strobe lights are not proposed.

9. Setback.

- a. Antenna support structures, excluding those utility poles and similar structures which are located within the right-of-way, and excluding equipment enclosures, shall be located no closer to a structure on the subject property, or from the property line of the subject property, than a distance equal to the total height of the

se, Landscape Plan, enclosed as Attachment 5, page L-1.

structure measured from finished grade, or the distance of "worst-case scenarios", as recommended in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000, whichever is greater. However, utility poles and similar structures which are located within the right-of-way, and equipment enclosures are subject to recommendations in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000.

- b. All WCSF equipment enclosures shall be set back from property lines according to the requirements of the Zone.
- c. A setback requirement to a property line may be reduced, through Variance approval. A Variance to the setback requirement shall be in accordance with the requirements of Article 12, and the following additional criteria:
 - 1.) It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

Response: The minimum setbacks in the IN zone are satisfied as the site is a minimum of 20' from the front and rear property lines, 5' from the side property line.

10. Signs. The use of any portion of a Wireless Communication Service Facility for signs other than warning or equipment information signs is prohibited. For emergency purposes, equipment information limited to the WCSF provider(s) name and contact phone number shall appear at the facility in a discreet yet visible location, either on the equipment cabinet or supporting structure.

Response: Signage for the site will comply with this standard.

11. Storage.

- a. WCSF storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only) and shall be placed underground where feasible or be sited (i.e., depressed, or located behind earth berms) to minimize their profile.
- b. WCSF storage facilities shall be no taller than one story (15 feet) in height and shall be designed to look like a building or facility typically found in the surrounding area.
- c. On-premises storage of material or equipment shall not be allowed other than that which is necessary to the use, operation, and maintenance of the WCSF.

Response: No on-site storage is proposed.

Article 11 – Conditional Use

11.030 Basic Conditional Use Standards.

1. Before a conditional use is approved, findings will be made that the use (except for housing developments) will comply with the following standards:

1. *The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.*
2. *An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.*
3. *The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.*
4. *The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.*
5. *The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.*

Response: The subject 12.4 acre parcel is zoned Institutional and the use proposed herein, Wireless Communication Facility, is permitted subject to a Conditional Use review. The scale of the proposed project, both the monopole and the ancillary equipment cabinets, are consistent with the scale of trees in the immediate area and the ground lease area will be fully landscaped to further minimize visual impact at ground level. The site is an unmanned, passive use requiring 1 to 2 trips per month for maintenance purposes. This monthly maintenance visit would have no impact on the existing vehicular access to and from the proposed site, or to pedestrian, bicycle and transit circulation. The facility requires only power and fiber and does not require water, sewer or surface water drainage. Further, this proposal would not produce any adverse noise, glare or noxious odors. As demonstrated herein, there are no existing structures in the vicinity that can accommodate this use and the site is well removed from any other development. The minimal footprint, 1,120 sq. feet, will have little impact on existing and projected uses on-site and will not interfere with normal park usage. The topography and physical characteristics of the site are ideal for the site as they provide natural camouflage for the facility. A core drilling was completed on site and is being evaluated to determine the type of foundation required for the site.

Article 12 – Variances

12.030. GENERAL CRITERIA.

Variances to a requirement of this Code, with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, and other quantitative requirements may be granted only if, on the basis of the application, investigation and evidence submitted by the applicant, findings are made based on the four factors listed below. Variances from off-street parking, sign requirements, and Flood Hazard Overlay Zone are not subject to General Criteria (refer to Sections 12.040, 12.050, and 12.055 as applicable).” (Amended by Ordinance 09-03, 8/3/09)

The granting authority may grant a variance from the requirements of this chapter, if on the basis

of the application, investigation, and the evidence submitted by the applicant, all four (4) of the following expressly written findings are made:

1. The request is necessary to prevent unnecessary hardship; and
 2. Development consistent with the request will not be substantially injurious to the neighborhood in which the property is located; and
 3. The request is necessary to make reasonable use of the property; and
 4. The request is not in conflict with the Comprehensive Plan.
- B. In evaluating whether a particular request is to be granted, the granting authority shall consider the following, together with any other relevant facts or circumstances.
1. Relevant factors to be considered in determining whether a hardship exists include:
 - a. Physical circumstances related to the property involved;
 - b. Whether a reasonable use, similar to like properties, can be made of the property without the variance;
 - c. Whether the hardship was created by the person requesting the variance;
 - d. The economic impact upon the person requesting the variance if the request is denied.
 2. Relevant factors to be considered in determining whether development consistent with the request is substantially injurious to the neighborhood include:
 - a. The physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards.
 - b. The incremental impacts occurring as a result of the proposed variance.
 3. A determination of whether the standards set forth in Section 12.030(A) are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in Section 12.030(B) (1) & (2) are not standards and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.
 4. Prior variances allowed in the neighborhood shall not be considered by the granting authority in reaching its decision. Each request shall be considered on its own merits.

Response: Verizon Wireless is requesting a variance to the height limitation of 45-feet for new wireless facilities. This request is necessary as, at 45-feet, the site would sit below the existing tree cover and would not meet the requirements needed to replace the site at the Astoria Column and hand-off to the adjacent sites, Warrenton, Reservoir, Astor and Stavebolt. As detailed herein, the radio frequencies used in Verizon's systems are adversely affected by trees, diminishing the signal significantly. Therefore, antennas must be installed at or above tree height in order to provide high quality communications services in the desired coverage area. The minimum height required to clear the existing tree canopy is 150-feet.

Further, the site would not impact neighboring properties as wireless facilities are a passive use, requiring no on-site sewer or water services and creating no glare, noxious odors or significant traffic. As is demonstrated herein, the site is not in conflict with the Comprehensive Plan and could support the goals of the Plan by providing quality communication services that can support residential, commercial, industrial growth and enhance emergency 911 services.

- C. *No variance may be granted which will permit a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction.*

Response: This proposed use is permitted in the applicable zone and will not increase residential density.

VI. Conclusion

The Verizon proposal herein can meet all requirements of the City of Astoria Development Code (to the extent that they are not preempted by federal law). As such, it is respectfully requested that the City of Astoria approve this proposal as designed, subject only to standard conditions of approval.

Common Name: Verizon Wireless / Call Sign: KNLH685

Frequency Band (MHz): 1885-1890, 1965-1970

Expiration Date 06/26/2017

Market BTA358 - Portland, OR

Frequency Band (MHz) 1885-1890, 1965-1970

Licensee FRN 0003800307

Radio Service CW-PCS Broadband

Licensee Details Verizon Wireless (VAW) LLC
1120 Sanctuary Pkwy, #150 GASA5REG
Alpharetta, GA 300097630
Attn: Regulatory
Phone: (770) 797-1070
Fax: (770) 797-1036
Email:
LicensingCompliance@VerizonWireless.com

Contact Details Verizon Wireless
1120 Sanctuary Pkwy, #150 GASA5REG
Alpharetta, GA 300097630
Attn: Regulatory
Phone: (770) 797-1070
Fax: (770) 797-1036
Email: LicensingCompliance@VerizonWireless.com

Market Details

* Population is based on 2010 Census figures (Note: US territories are based on 2000 Census figures)

1. Spectrum (MHz): 1885.375-1886.875, 1965.375-1966.875

State/County

Oregon 4 of 36 Counties

County	Population *	Geographic Coverage (%)
1. Clatsop County	37,039	100
2. Harney County	7,422	100
3. Lincoln County	46,034	100
4. Wheeler County	1,441	100

2. Spectrum (MHz): 1885-1890, 1965-1970

State/County

Oregon 10 of 36 Counties

County	Population *	Geographic Coverage (%)
1. Clackamas County	360,960	90.2
2. Columbia County	49,351	100
3. Grant County	7,445	100
4. Hood River County	22,346	100
5. Multnomah County	735,334	100
6. Sherman County	1,765	99.77
7. Tillamook County	25,250	100
8. Wasco County	23,322	69.45
9. Washington County	529,710	100
10. Yamhill County	99,193	100

Common Name: Verizon Wireless / Call Sign: KNLH685

Frequency Band (MHz): 1885-1890, 1965-1970

Washington 3 of 39 Counties

County	Population *	Geographic Coverage (%)
1. Clark County	425,363	100
2. Klickitat County	20,318	100
3. Skamania County	11,066	100

BENJAMIN F. DAWSON III, PE
THOMAS M. ECKELS, PE
STEPHEN S. LOCKWOOD, PE
DAVID J. PINION, PE
ERIK C. SWANSON, PE

THOMAS S. GORTON, PE
MICHAEL H. MEHIGAN, PE

HATFIELD & DAWSON
CONSULTING ELECTRICAL ENGINEERS
9500 GREENWOOD AVE. N.
SEATTLE, WASHINGTON 98103

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E-MAIL pinion@hatdaw.com

JAMES B. HATFIELD, PE
CONSULTANT

MAURY L. HATFIELD, PE
(1942 – 2009)
PAUL W. LEONARD, PE
(1925 – 2011)

NON-IONIZING ELECTROMAGNETIC EXPOSURE
ANALYSIS
AND
ENGINEERING CERTIFICATION

PREPARED FOR

Verizon Wireless

“OR1 CITY PARK”

NEW PERSONAL WIRELESS FACILITY

1530 SHIVELY PARK ROAD

ASTORIA

CLATSOP COUNTY, OREGON

JANUARY 2015

INTRODUCTION

Hatfield & Dawson Consulting Engineers has been retained to evaluate the proposed Verizon Wireless personal wireless telecommunications facility "OR1 CITY PARK" for compliance with current Federal Communications Commission (FCC) and local guidelines regarding public exposure to radio frequency (RF) electromagnetic fields (EMFs).

BACKGROUND

Construction drawings furnished by Verizon representatives show that the proposed wireless facility will have panel antennas installed atop a new monopole tower at 1530 Shively Park Road, Astoria, in Clatsop County, Oregon 97103.

The drawings show the proposed Verizon panel antennas mounted and centered approximately 145 feet above ground level and far removed from any habitable space. Two future microwave dish antennas are shown mounted just below the panel antennas. Thus all of the Verizon antennas will be mounted well above head height for persons at the project site, on adjacent properties, or within nearby buildings.

The tower is shown without climbing appurtenances. Therefore it is unlikely that anyone other than authorized workers could approach near enough to any of the tower-mounted antennas to cause that person's RF exposure to exceed FCC limits.

All of the Verizon antennas are highly directional in the vertical plane, and they project the majority of the transmitted RF energy horizontally and well above all nearby habitable areas. It is expected that RF exposure conditions will be well below FCC and local public exposure limits at the project site and on adjacent properties, due to the contributions from all of the Verizon wireless operations at the project site.

EMISSION CHARACTERISTICS

The proposed Verizon facility may operate within the 700 MHz Upper Block "C" band, the 800 MHz Cellular "B" band, the Personal Communications Service (PCS) bands, and the Advanced Wireless Service (AWS) "B" band 2.1 GHz frequency range.

COMPLIANCE WITH FCC AND LOCAL REGULATIONS

The operation of the proposed Verizon facility will NOT create significant RF exposure conditions in any occupancy, publicly accessible area, or within any habitable area. There does not appear to be any habitable areas near the project location which is within a park.

Installation of the proposed Verizon antennas will not cause any any publicly accessible area to exceed the Federal Communications Commission's (FCC) limits for human exposure to radio frequency electromagnetic fields. Thus the proposed Verizon wireless operations at the OR1 CITY PARK project site will not have a significant environmental impact as defined by the FCC Public MPE limits.

The FCC has determined through calculations and technical analysis that personal wireless facilities, such as those operated by Verizon, are highly unlikely to cause human RF exposures in excess of FCC guideline limits. In particular, personal wireless facilities with non-building-mounted antennas greater than 10 meters (about 33 feet) above ground level are considered to have such a low impact on overall exposure conditions that they are "categorically excluded" (i.e., exempt) from the requirement for routine environmental assessment regarding RF exposure hazards. Thus according to FCC rules, the proposed Verizon personal wireless facility, with all antennas centered at well above the 33 foot level, is exempt from further RF safety environmental assessment because it is presumed to be in compliance with the FCC RF exposure rules and guidelines. The proposed facility is expected to be compliant with FCC rules regarding public RF exposure provided that direct access to the Verizon antennas is positively restricted.

COMPLIANCE WITH FCC REGULATIONS FOR RF EMISSIONS AND RF INTERFERENCE

It is expected that the RF interaction between all of the Verizon wireless operations at the project site will be low enough to preclude the likelihood of localized interference caused by the proposed Verizon Wireless facility to the reception of any other communications signals. All of the Verizon antennas are sufficiently high enough, and far enough removed from all occupancies, that they are unlikely to cause interference with nearby consumer receivers or other consumer electronic devices.

Transmission equipment for the proposed Verizon wireless facility is certified by the FCC under the equipment authorization procedures set forth in the FCC rules. This assures that the wireless facility will transmit within the desired base-station frequency bands at authorized power levels. The proposed Verizon Wireless facility will operate in accordance with all FCC rules regarding power, signal bandwidth, interference mitigation, and good RF engineering practices.

The proposed Verizon facility will comply with all FCC standards for radio frequency emissions.

COMPLIANCE WITH LOCAL REGULATIONS

Because the proposed Verizon Wireless facility is in compliance with federal rules, it is also in compliance with local regulations concerning RF emissions. The following is the complete text of 47 U.S.C. § 332(c)(7)(B)(iv):

"No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

CONCLUSIONS BASED ON CALCULATIONS AND REGULATIONS

The proposed Verizon Wireless facility "OR1 CITY PARK" will be in compliance with current FCC and local rules regarding radio frequency interference and public exposure to radio frequency electromagnetic fields. This conclusion is based on information supplied by Verizon representatives, and estimates of future RF exposure conditions due to the proposed Verizon facility in specific areas with the corresponding safe exposure guidelines set forth in the FCC rules.

The FCC exposure limits are based on recommendations by federal and private entities with the appropriate expertise in human safety issues. Under the Commission's rules and guidelines, licensees are required to ensure compliance with the limits for maximum permissible exposure (MPE) established by the FCC. These limits have been developed based on guidelines provided by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and the National Council on Radiation Protection and Measurements (NCRP). Both the NCRP and IEEE guidelines were developed by scientists and engineers with a great deal of experience and knowledge in the area of RF biological effects and related issues.

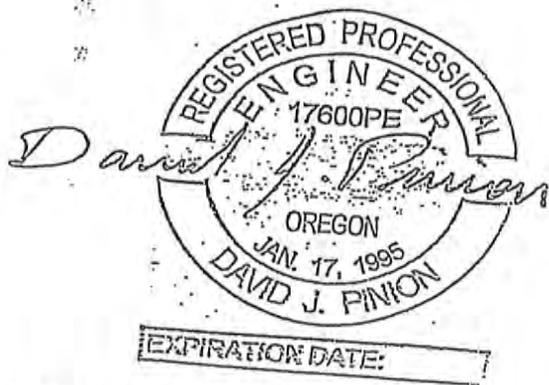
To ensure full compliance with current FCC rules regarding human exposure to radio frequency electromagnetic fields, the Verizon transmitters should be turned off whenever maintenance and repair personnel are required to work in the immediate vicinity of the Verizon antennas. This safety procedure should apply to all proposed and future wireless transmission facilities at the project site. All instances of antenna-related work require that the subject antennas be completely deactivated.

QUALIFICATIONS

I am a Senior Member of the IEEE. As a partner in the firm of Hatfield & Dawson Consulting Engineers I am registered as a Professional Engineer in the States of Oregon, Washington, California and Hawaii. I am an experienced radio engineer with over 30 years of professional engineering experience whose qualifications are a matter of record with the Federal Communications Commission, and I hold an FCC General Radiotelephone Operator License PG-12-21740.

All representations contained herein are true to the best of my knowledge.

6 January 2015



David J. Pinion, P.E.

PE Expiration Date 12/31/2016

Hatfield & Dawson Consulting Engineers

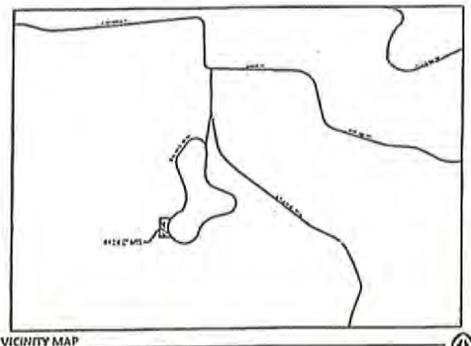
OR1-CITY PARK

1530 SHIVELY ROAD
ASTORIA, OR 97130

APPLICANT	LEGAL DESCRIPTION
DEVELOPER: OR1-CITY PARK	1530 SHIVELY ROAD, ASTORIA, OR 97130
OWNER: OR1-CITY PARK	1530 SHIVELY ROAD, ASTORIA, OR 97130
DESIGNER: [Firm Name]	1530 SHIVELY ROAD, ASTORIA, OR 97130
DATE: [Date]	1530 SHIVELY ROAD, ASTORIA, OR 97130

- GENERAL NOTES**
1. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 2. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
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 10. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

SHEET INDEX	
1	COVER SHEET
2	GENERAL NOTES
3	LEGEND
4	PLANS
5	SECTION
6	DETAILS
7	CONSTRUCTION
8	PROFILES
9	ADJUSTMENTS
10	ASPHALT
11	CONCRETE
12	PAVEMENT
13	FINISH
14	UTILITIES
15	LANDSCAPE
16	ENCLOSURES
17	INDEX



VICINITY MAP

LEGEND			
SYMBOL	EXISTING	PROPOSED	ASSOCIATION
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OR1-CITY PARK
(COVER SHEET)

1530 SHIVELY PARK ROAD
ASTORIA, OR 97130

ENGINEERING
1530 SHIVELY PARK ROAD
ASTORIA, OR 97130
PHONE: (503) 325-1100
FAX: (503) 325-1100

PROJECT MANAGER [Name]

PREPARED BY [Name]

APPROVED BY [Name]

SHEET NAME
COVER SHEET AND GENERAL NOTES

SHEET NUMBER
C-1

PROJECT NUMBER



ORICITY PARK
 DEWEUCKI
 1503 BEVELY PARK ROAD
 ALTONA, IA 51202

ENGINEERING
 1000 17th Ave. S.E. Suite 200
 Lincoln, NE 68502
 Phone: (402) 733-0000
 Fax: (402) 733-0000

TEMPERARY EROSION CONTROL PLAN

PROJECT MANAGER JAV

PREPARED BY JAS

APPROVED BY LAR

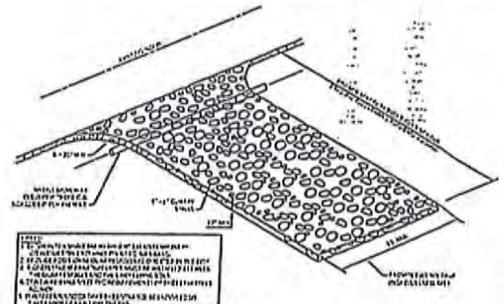
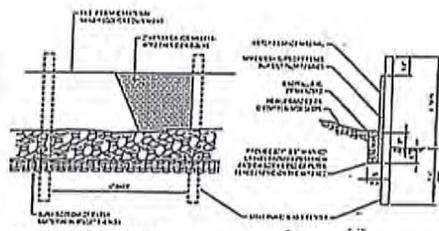
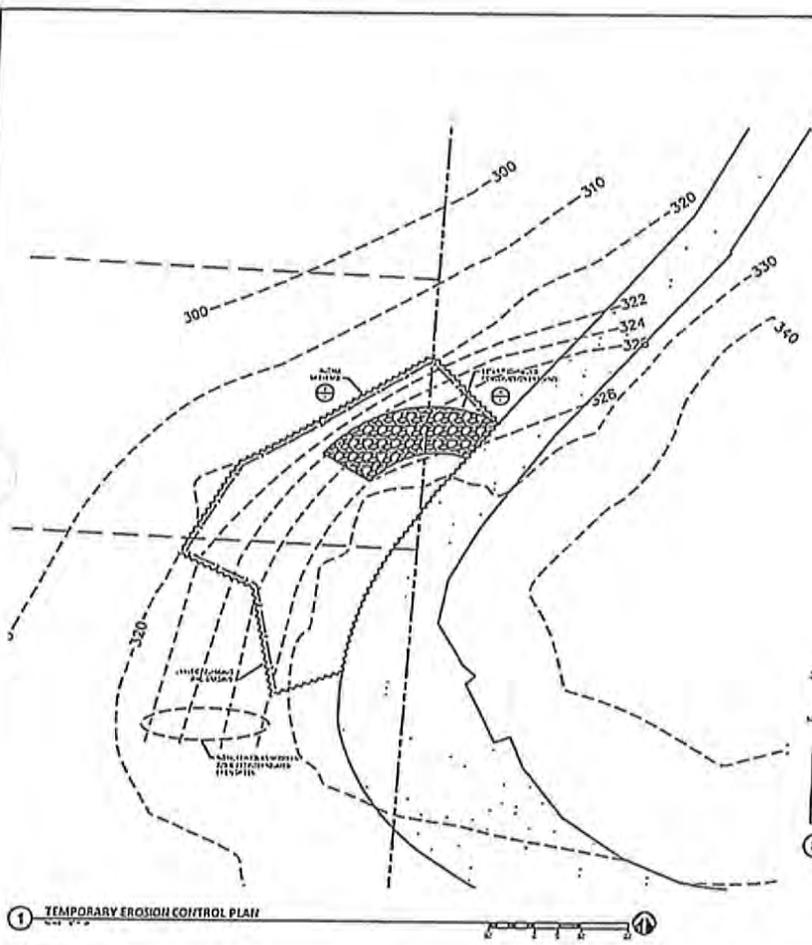
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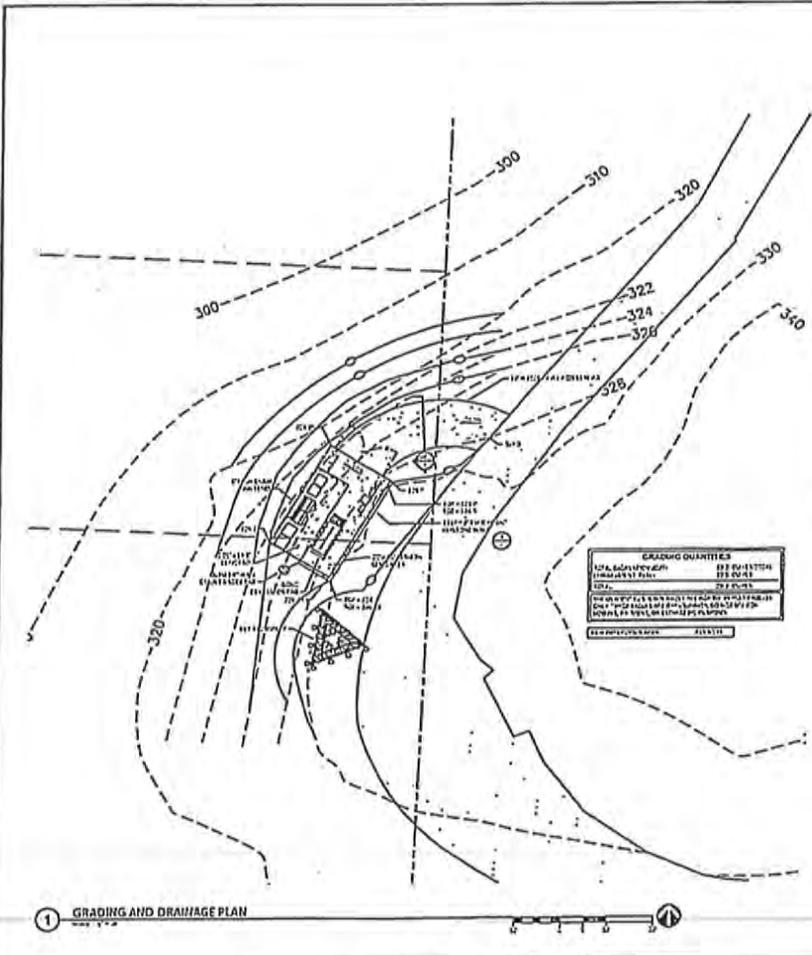
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TEMPORARY EROSION CONTROL PLAN

SHEET NUMBER
C-2

PROJECT NUMBER

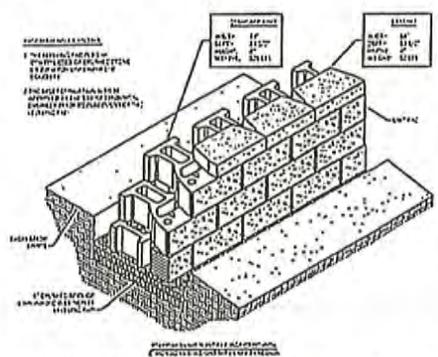
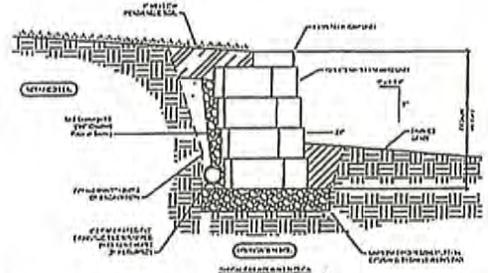
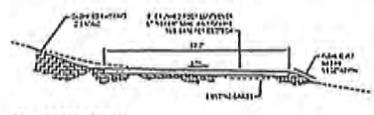


NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE IOWA EROSION CONTROL ACT.
 2. THE EROSION CONTROL PLAN SHALL BE MAINTAINED ON THE SITE AT ALL TIMES.
 3. THE EROSION CONTROL PLAN SHALL BE REVIEWED AND APPROVED BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.
 4. THE EROSION CONTROL PLAN SHALL BE REVIEWED AND APPROVED BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.
 5. THE EROSION CONTROL PLAN SHALL BE REVIEWED AND APPROVED BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.



GRADING QUANTITIES

AREA TO BE GRADED	212 SQUARE FEET
ESTIMATED VOLUME	212 CUBIC FEET
ESTIMATED COST	212 DOLLARS
ESTIMATED TIME	212 HOURS



verizon wireless

ORI-CITY PARK
(REVISED)

150 BRYLEY PARK ROAD
ATLANTA, GA 30323

ENGINEERING
150 BRYLEY PARK ROAD
ATLANTA, GA 30323
PHONE (404) 579-4000
FAX (404) 579-4000

PROJECT MANAGER: JN
PREPARED BY: JS
APPROVED BY: SRS

NO.	DATE	REVISION

DR. DICKER
Professional Engineer
No. 10000
State of Georgia
Exp. 12/31/11

SHEET NAME
GRADING AND DRAINAGE PLAN

SHEET NUMBER
C-3

PROJECT NUMBER

verizon wireless

LEXCOM

ORT-CITY PARK
(1 NEW BUILD)

1570 ENHVELY PARK ROAD
ASTORIA, OR 97103



CAMP+ ASSOCIATES

1541 ARCADE W. SUITE 200
TIGARD, OR 97146
TEL: (503) 325-1211
WWW.CAMPASSOCIATES.COM

PROJECT MANAGER: CJC

PREPARED BY: MJD

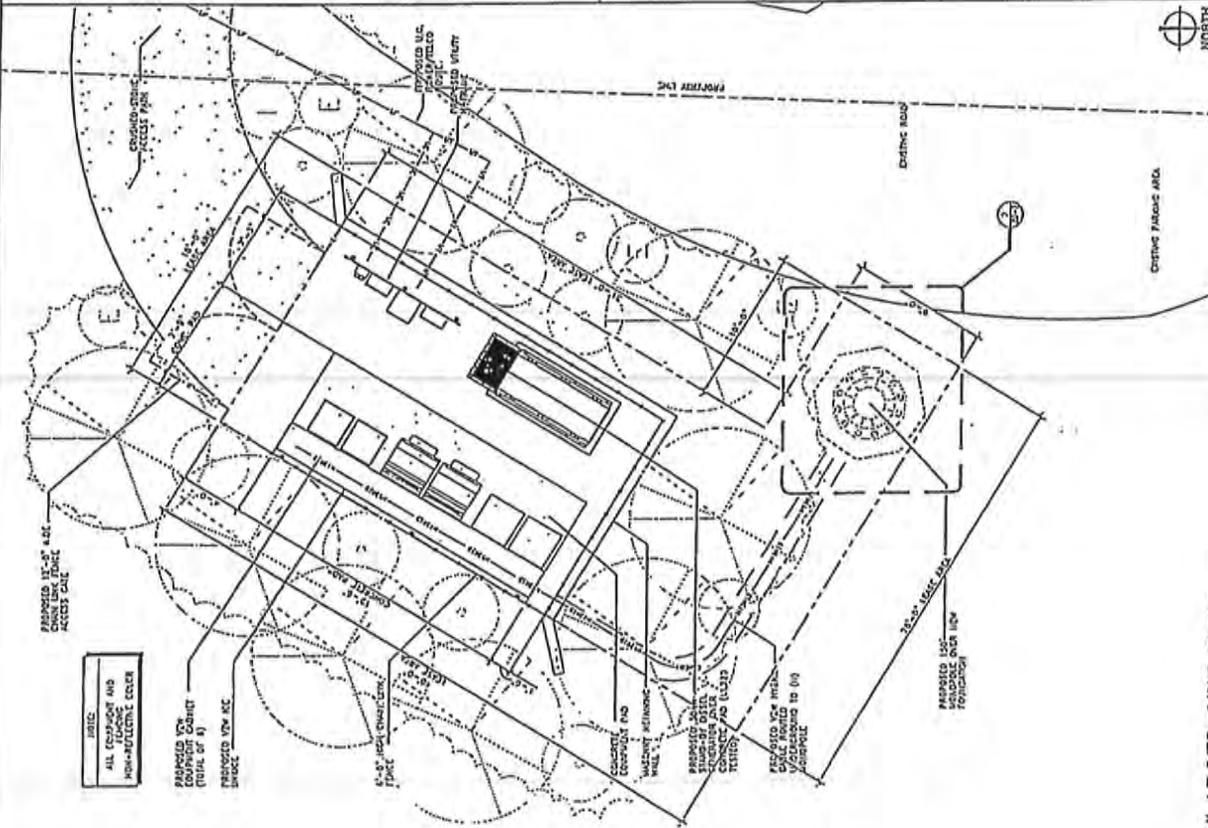
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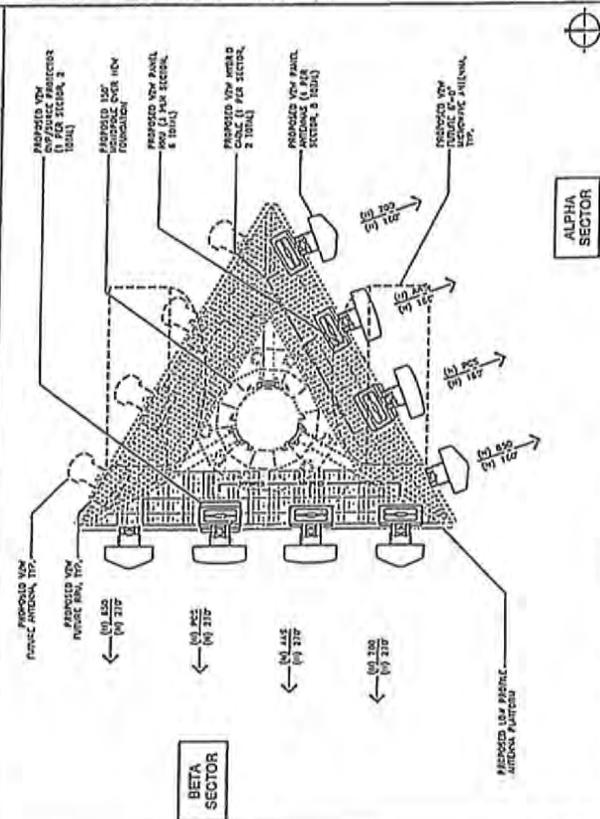
SHEET NAME
ENLARGED SITE
PLAN & ANTENNA
PLAN

SHEET NUMBER
ZD-2

PROJECT NUMBER
2014103253



1 ENLARGED SITE PLAN
SCALE: 1/4" = 1'-0" (1224x), 5/8" = 1'-0" (1147)



2 PROPOSED ANTENNA PLAN
SCALE: 1/2" = 1'-0" (1224x), 1/4" = 1'-0" (1147)

verizon
wireless

LEXCOM

ORI-CITY PARK
(NEW BUILD)
1520 SHIVELY PARK ROAD
ASTORIA, OR 97103



CAMP+
ASSOCIATES
1901 85TH AVE, SUITE 204
PORTLAND, OREGON 97216
PHONE: 503.253.4444
WWW.CAMPPLUSOCIATES.COM

PROJECT MANAGER: GJR

PREPARED BY: MJD

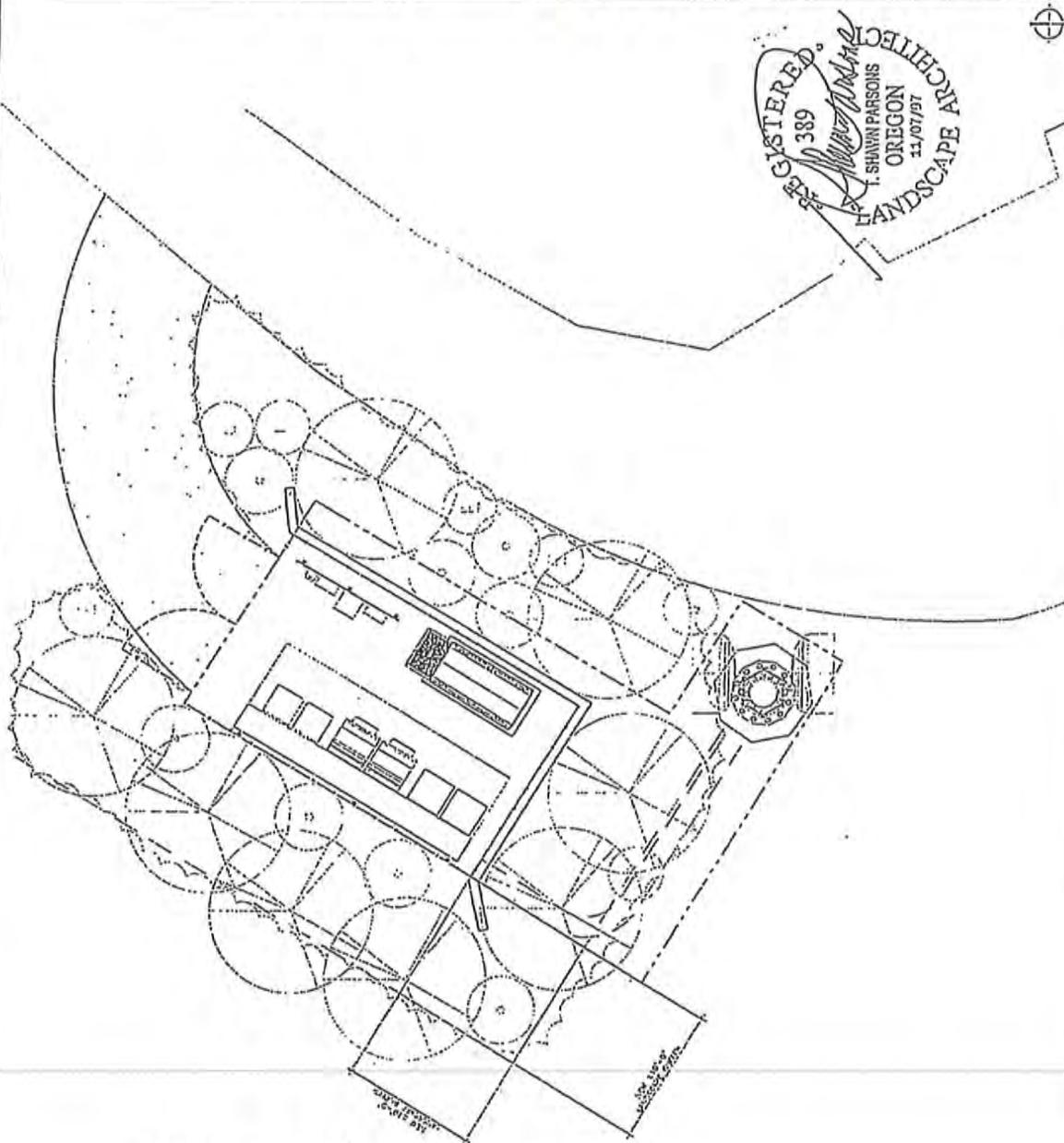
APPROVED BY: LJC

DATE	DESCRIPTION

SHEET NAME
LANDSCAPE PLAN

SHEET NUMBER
L-1

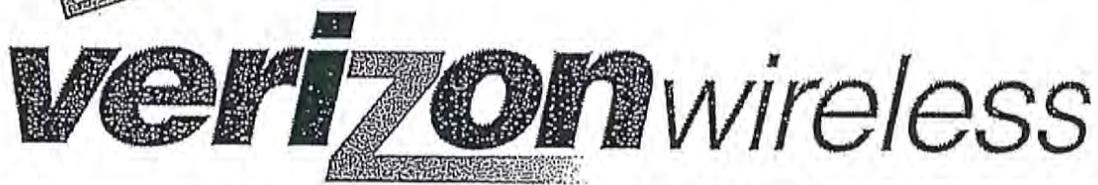
PROJECT NUMBER
201103263



REGISTERED
389
I. SHAWN PARSONS
LANDSCAPE ARCHITECT
OREGON
11/07/97

SYMBOL	BOTANICAL NAME	COMMON NAME	RECOMMENDED
	PAISIA PACIFICA	ROSEY OCEAN	6-24" Ht. ESP.
	MIRICA OSTRINA	POPPLE WILD BIRCH	5-6" CAN.
	QUERCUS ALBA	WHITE OAK	18-24" Ht. TAB.
	QUERCUS DUBIA	SWAMP WHITE OAK	18-24" Ht. TAB.
	QUERCUS PRINCEPIS	PRINCE OF WELLS OAK	18-24" Ht. TAB.

1 ENLARGED SITE PLAN
SCALE: 1/4" = 1'-0" (23x24), 1/8" = 1'-0" (18x27)



RF Propagation Maps

For Site "OR1 City Park"

Map Disclaimer

These maps show approximately where there is wireless coverage based on our own internal data. The maps are not a depiction of actual service or rates availability. The mapped territory contains areas with no service. Voice clarity and reception may vary near coverage boundaries. Wireless service is subject to network and transmission limitations, including cell site unavailability, particularly in remote areas. Customer equipment, weather, topography, and other environmental considerations associated with technology also affect service. Additionally, service may vary significantly within buildings depending on location or building structure.

Exhibit 1 – OR1 City Park current Coverage

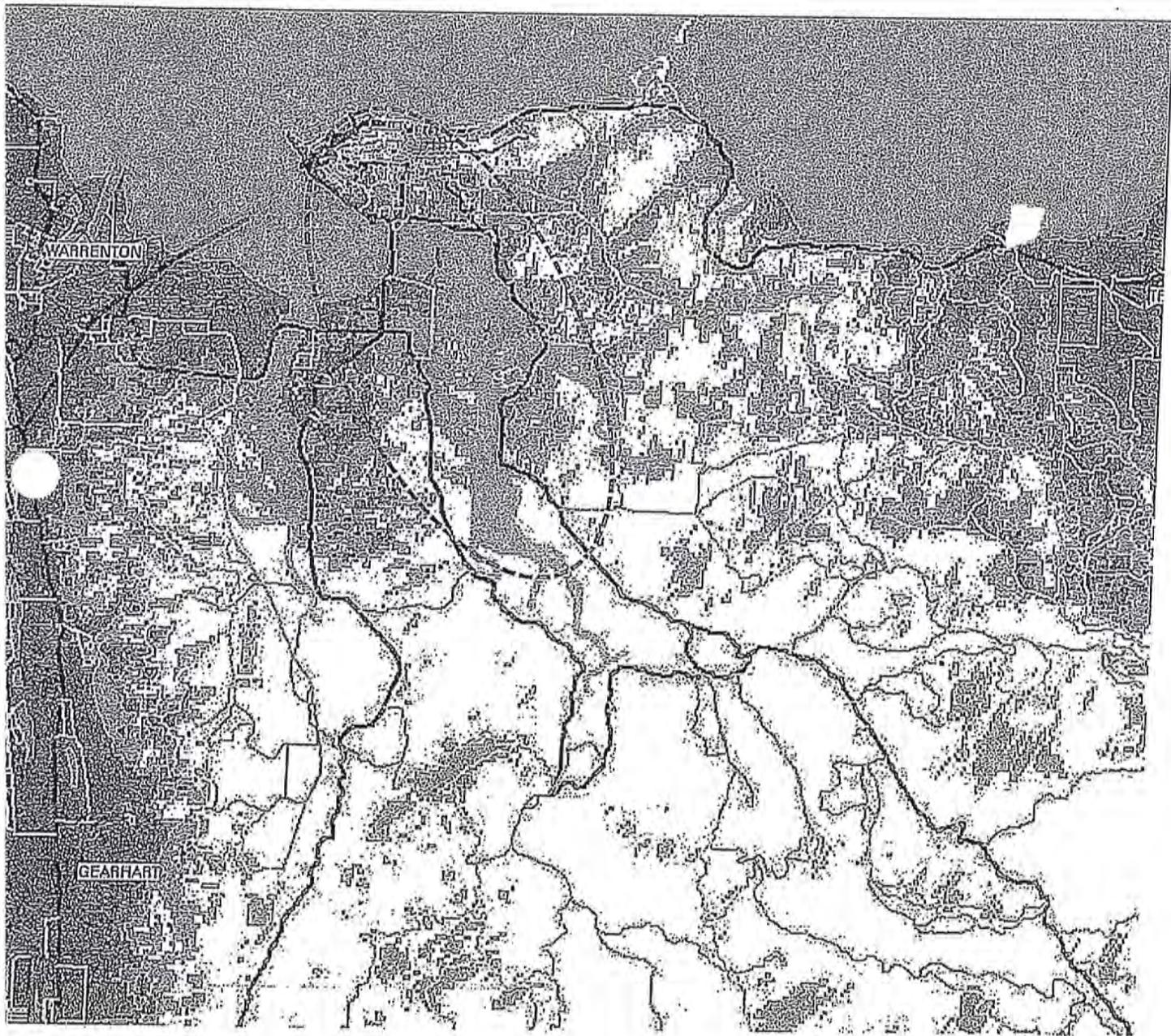


Existing Sites:

OR1 Warrenton
OR1 Astoria HD (near Astoria Column)
OR1 Gearhart

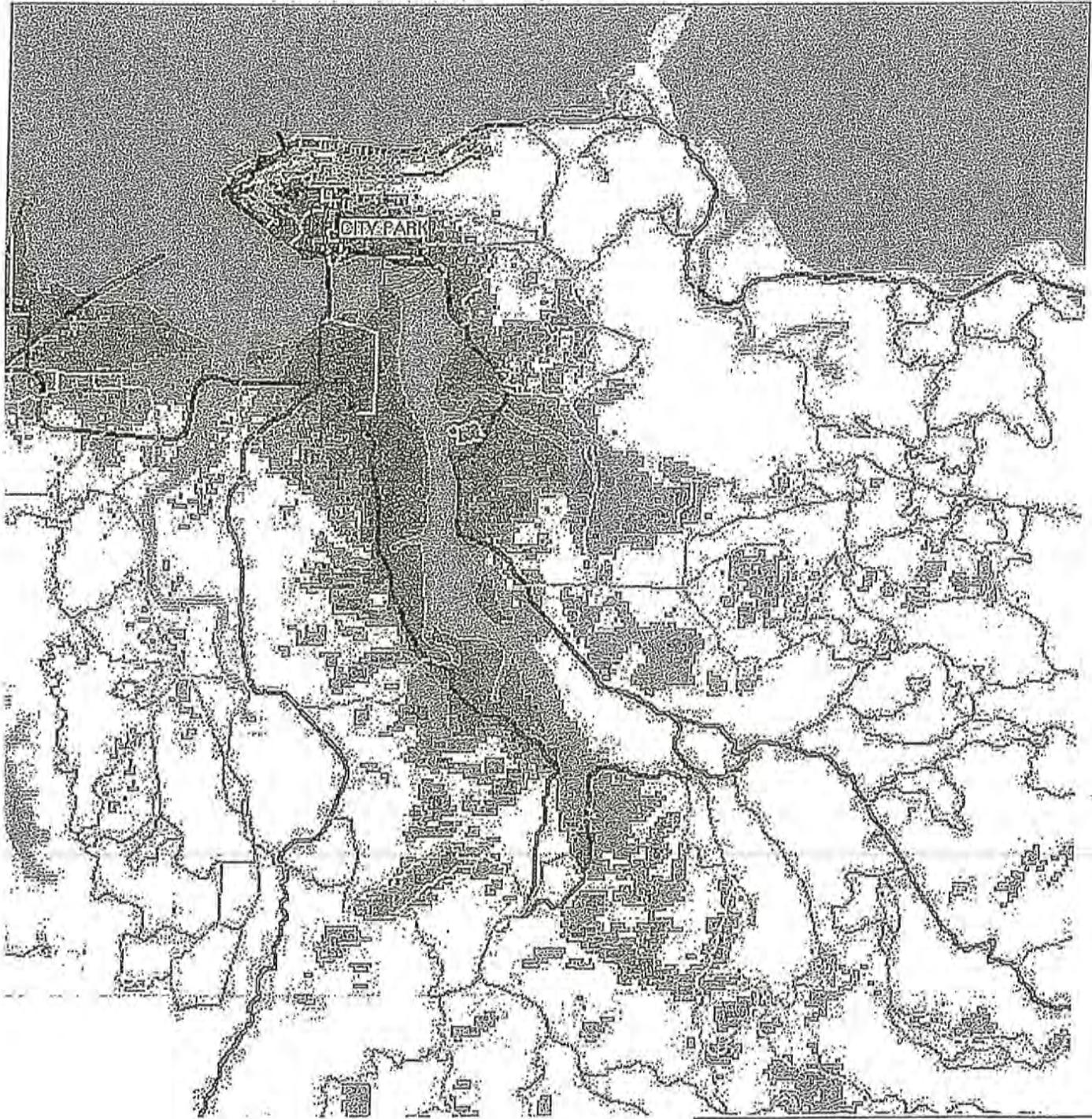
- High RF Signal (≥ -80 dBm)
- Moderate RF Signal (≥ -90 dBm)
- Weak RF Signal (≥ -100 dBm)

*Exhibit 2 – OR1 City Park without Coverage
(Inclusive of removal of Astoria HD site near the Column)*



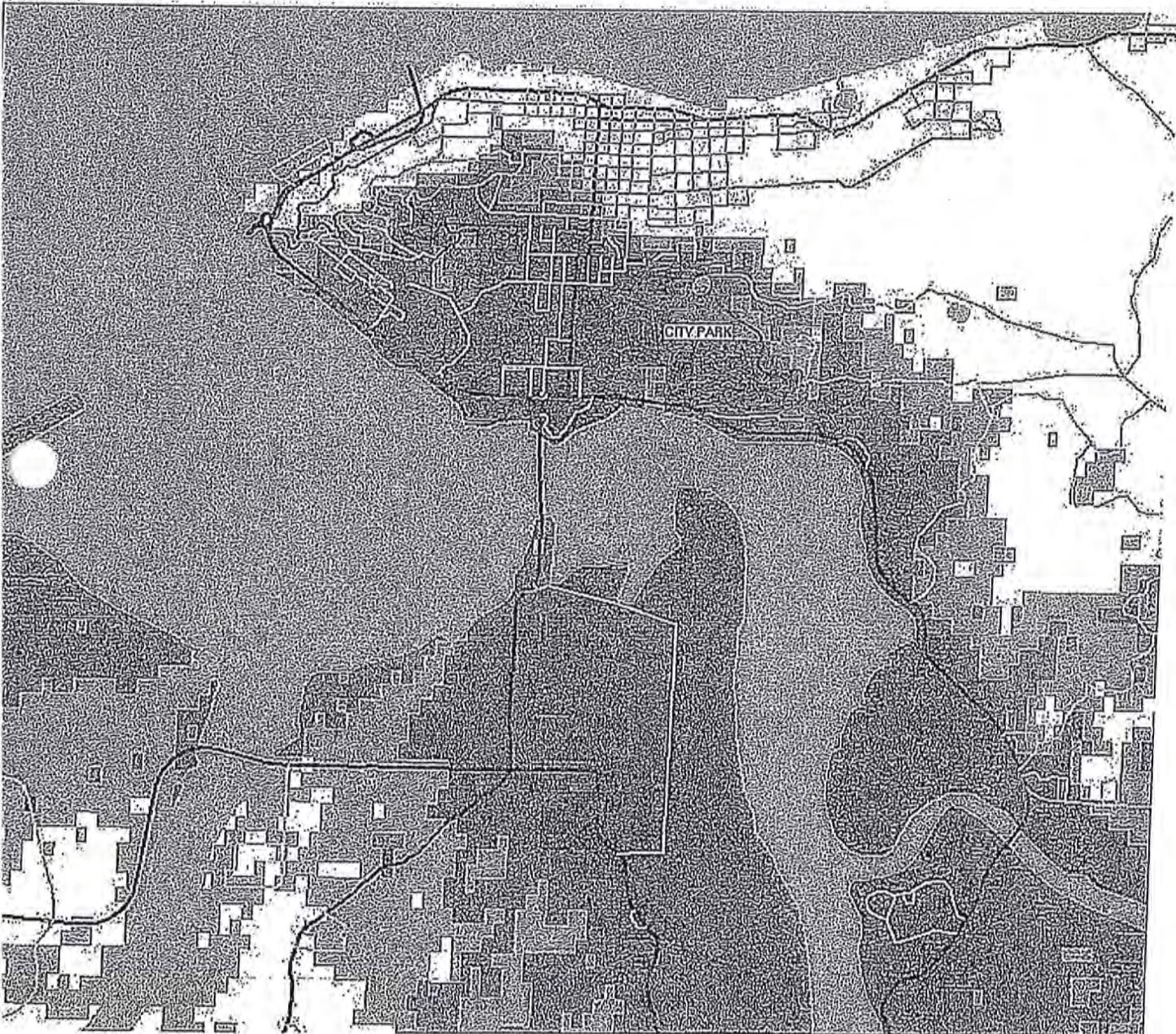
- High RF Signal (≥ -80 dBm)
- Moderate RF Signal (≥ -90 dBm)
- Weak RF Signal (≥ -100 dBm)

Exhibit 3 – ORI City Park Coverage Only



-  High RF Signal (≥ -80 dBm)
-  Moderate RF Signal (≥ -90 dBm)
-  Weak RF Signal (≥ -100 dBm)

*Exhibit 4 – ORI City Park Coverage Only
(close up view)*



-  High RF Signal (≥ -80 dBm)
-  Moderate RF Signal (≥ -90 dBm)
-  Weak RF Signal (≥ -100 dBm)

Exhibit 5 – OR1 City Park Network Integration



Existing Sites:

OR1 Warrenton
OR1 Gearhart

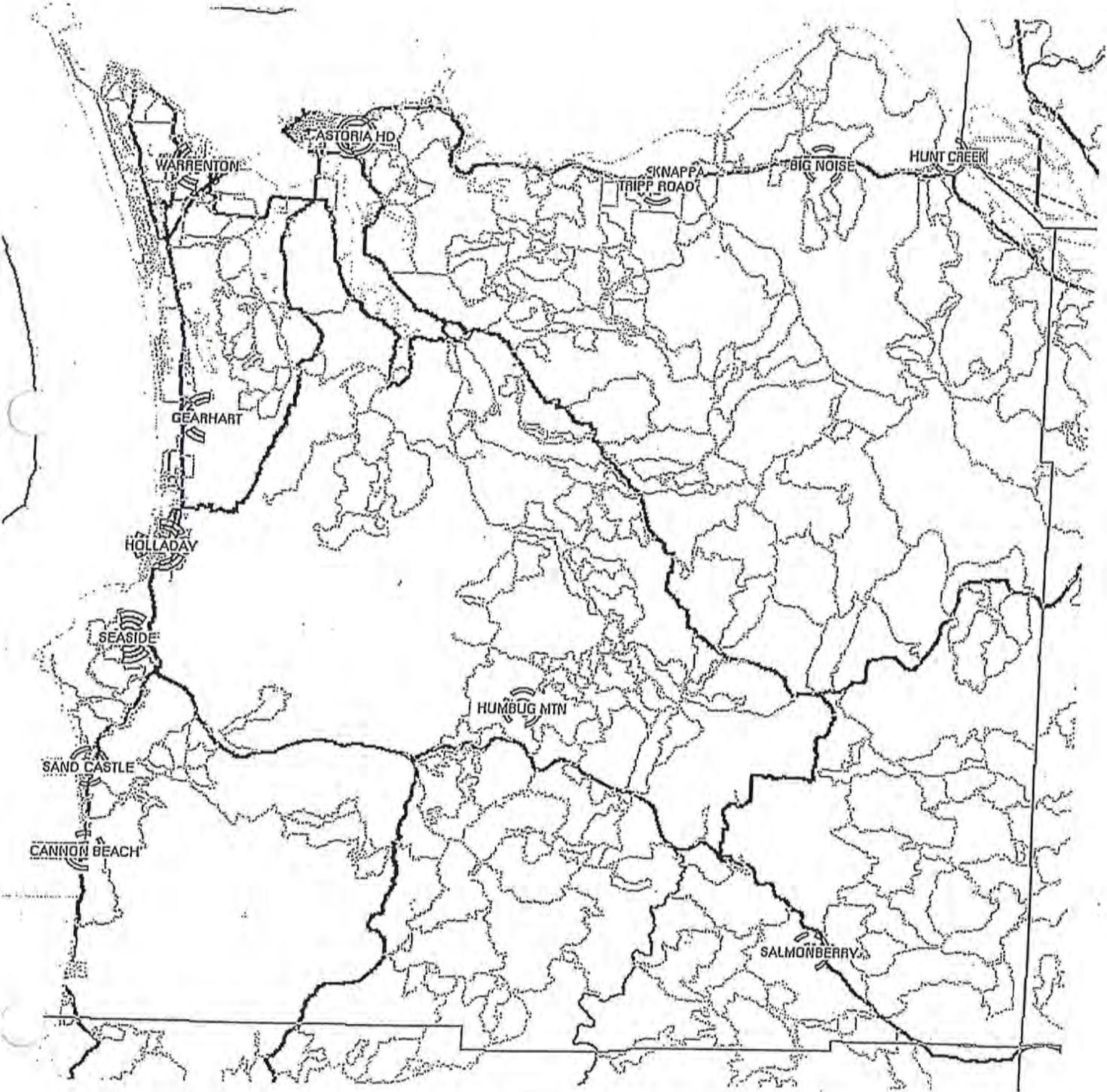
Proposed Sites:

OR1 City Park (Site proposed herein)
OR1 Reservoir
OR1 Astor
OR1 Stavebolt

-  High RF Signal (≥ -80 dBm)
-  Moderate RF Signal (≥ -90 dBm)
-  Weak RF Signal (≥ -100 dBm)

Location Map

All Existing Clatsop County Sites
Owned and/or operated by Verizon Wireless.
(Propagation not shown for clarity)





CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

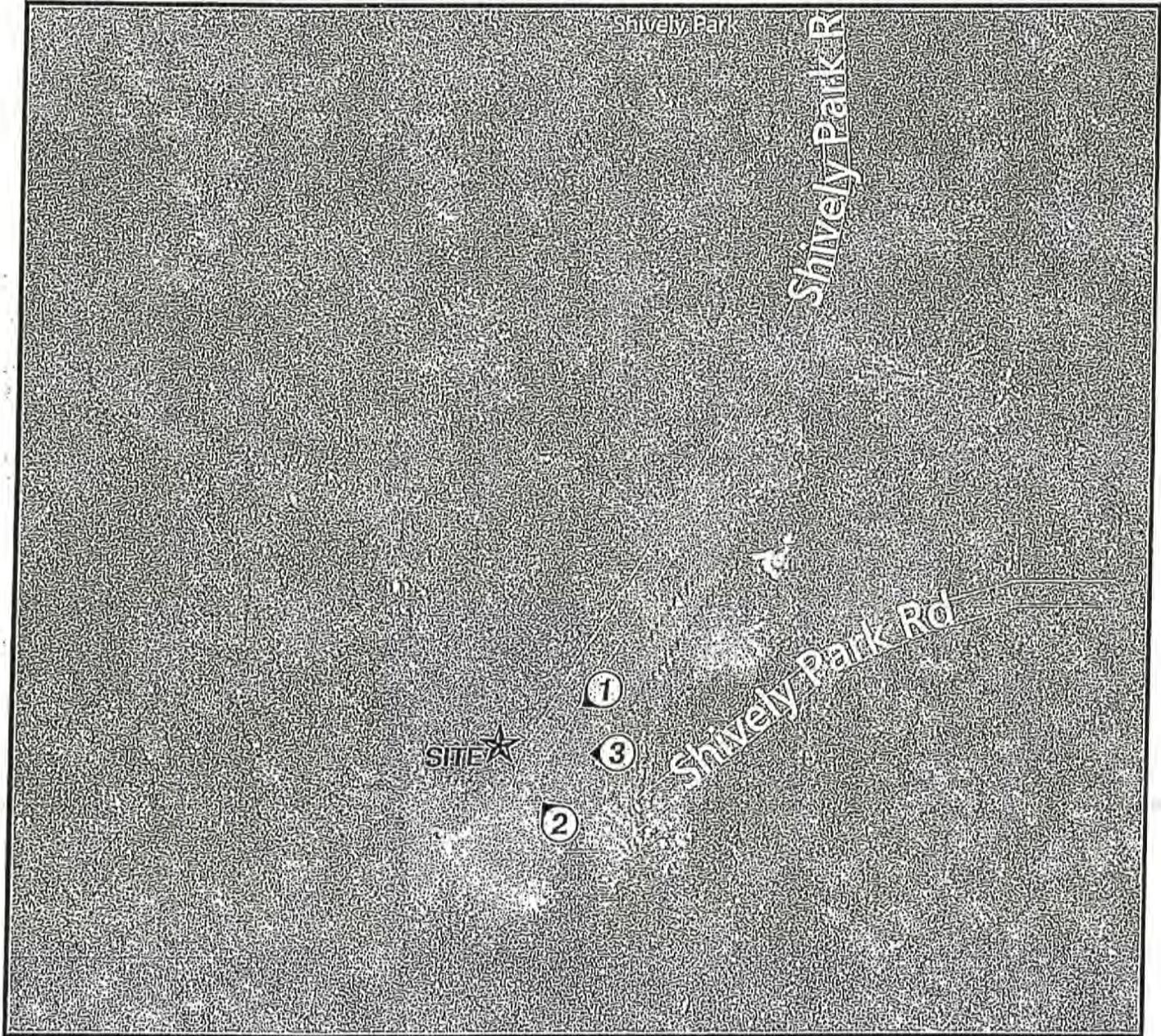


PHOTO SIM LOCATION MAP

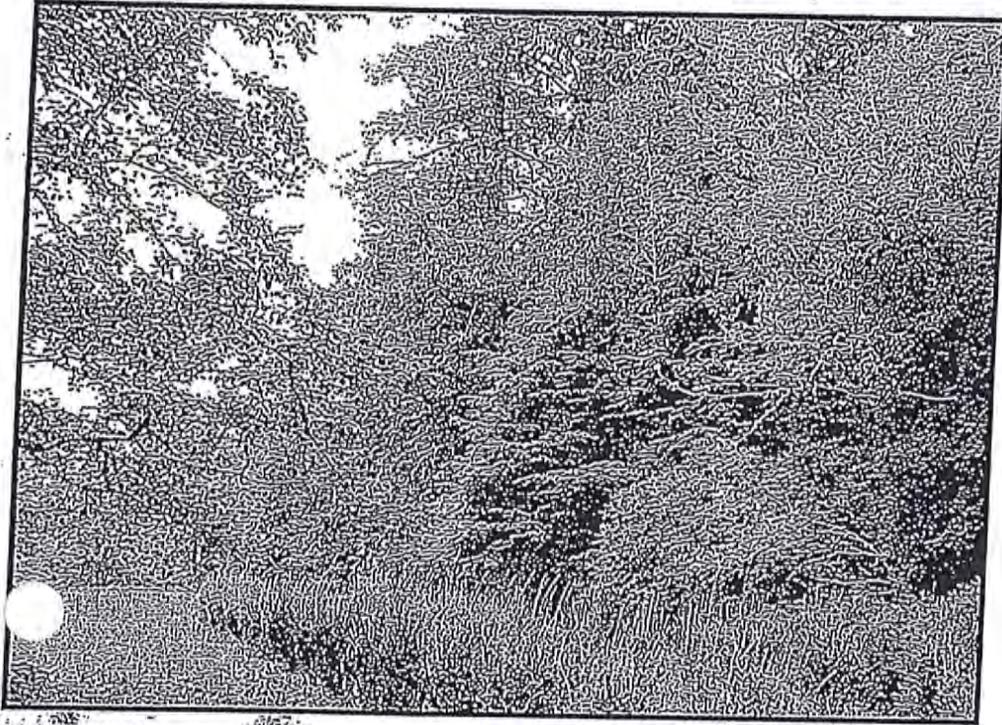


CAMP+
ASSOCIATES

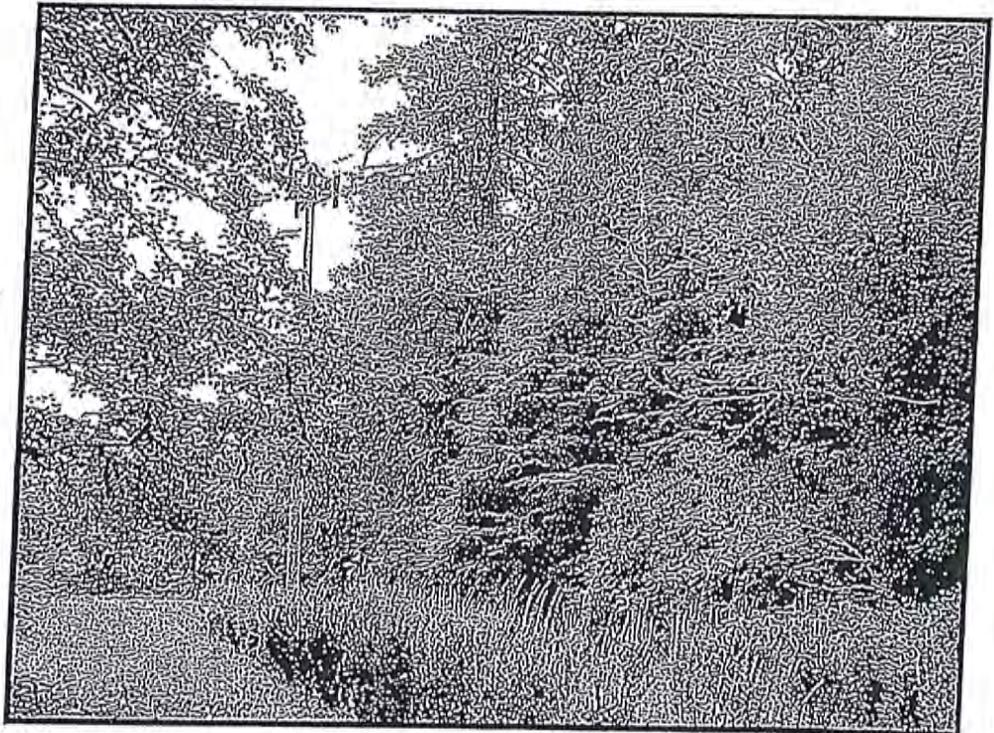
OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #1 LOOKING SOUTHWEST



CURRENT



PROPOSED

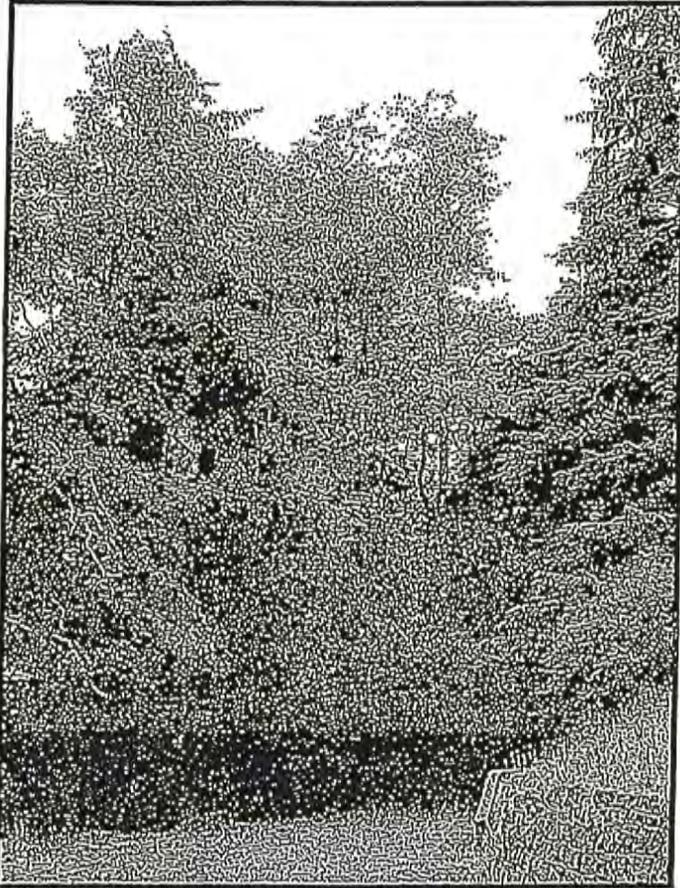


CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #2 LOOKING NORTHWEST



CURRENT

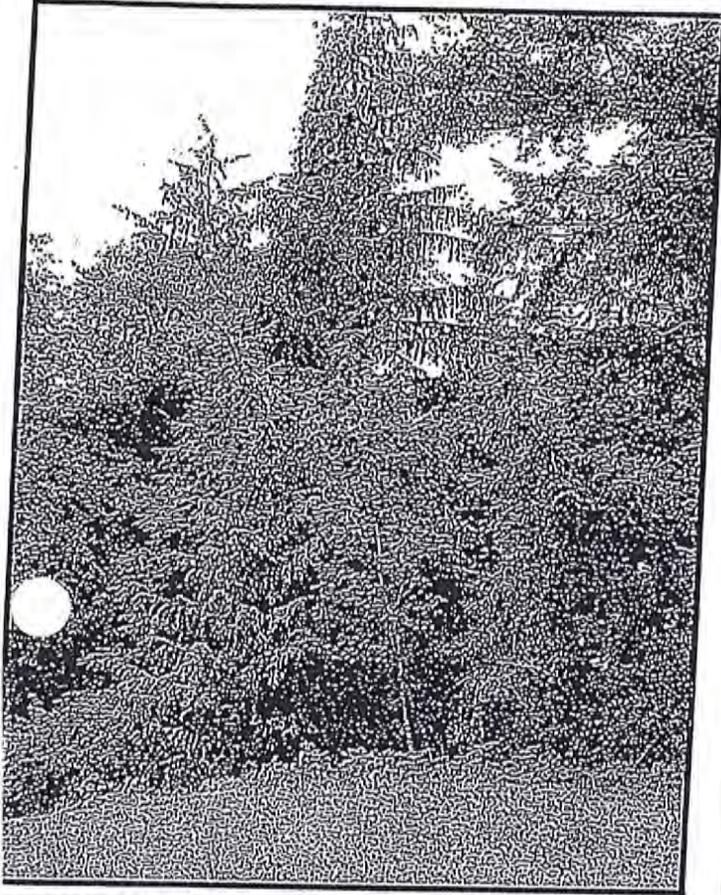


PROPOSED

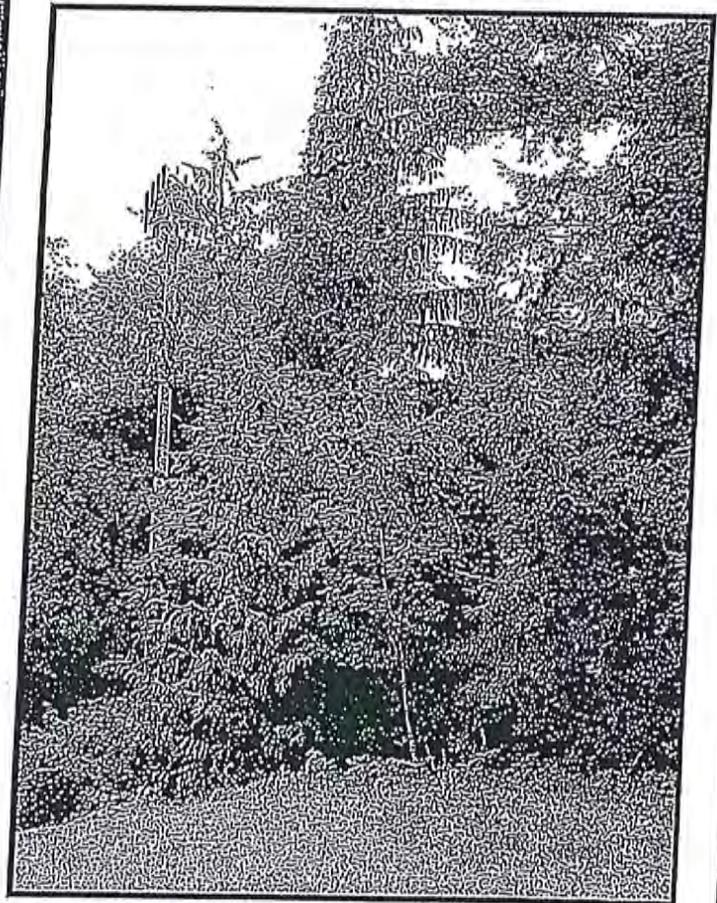
OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #3 LOOKING WEST



CURRENT



PROPOSED



CAMP+
ASSOCIATES

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

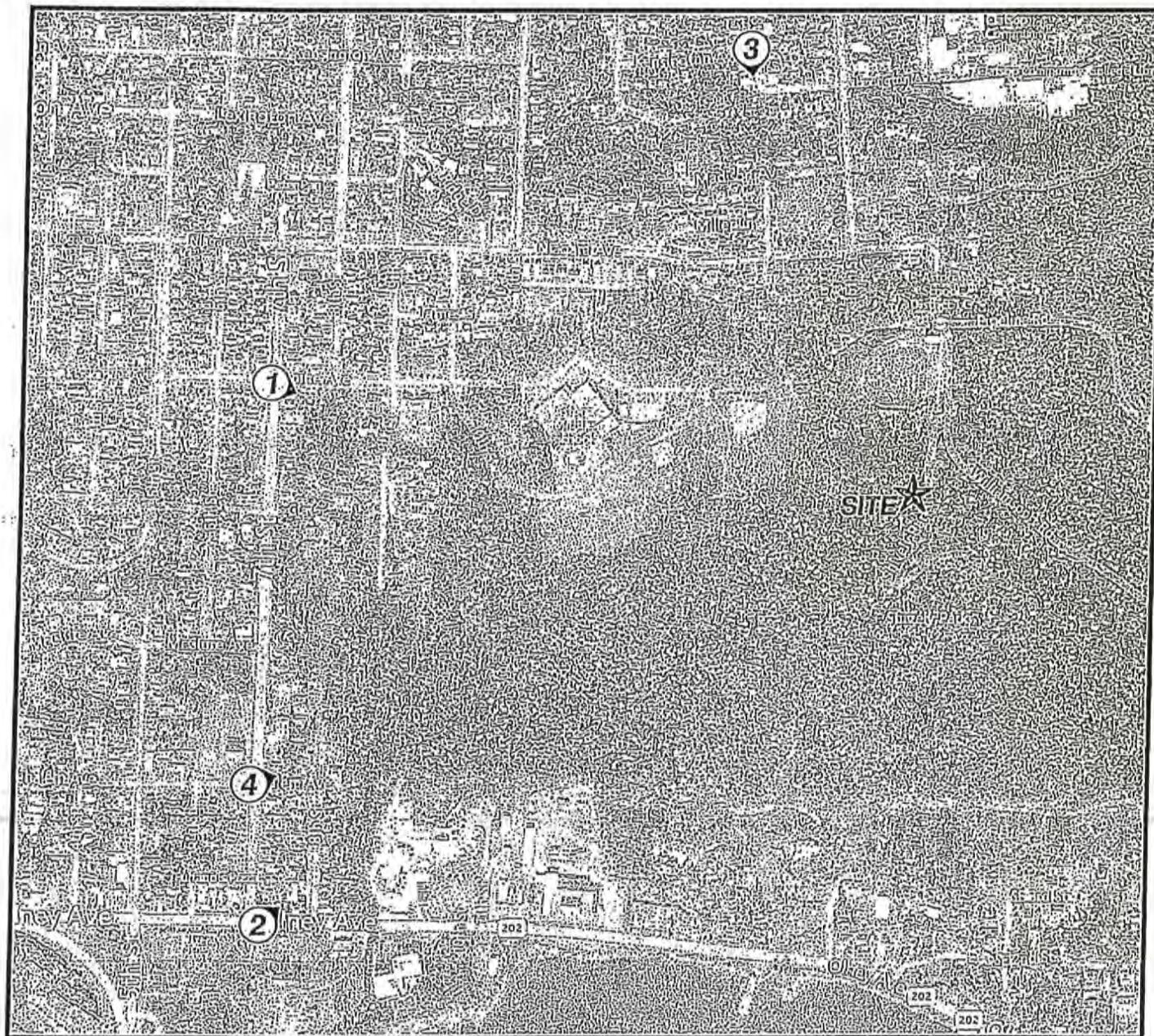


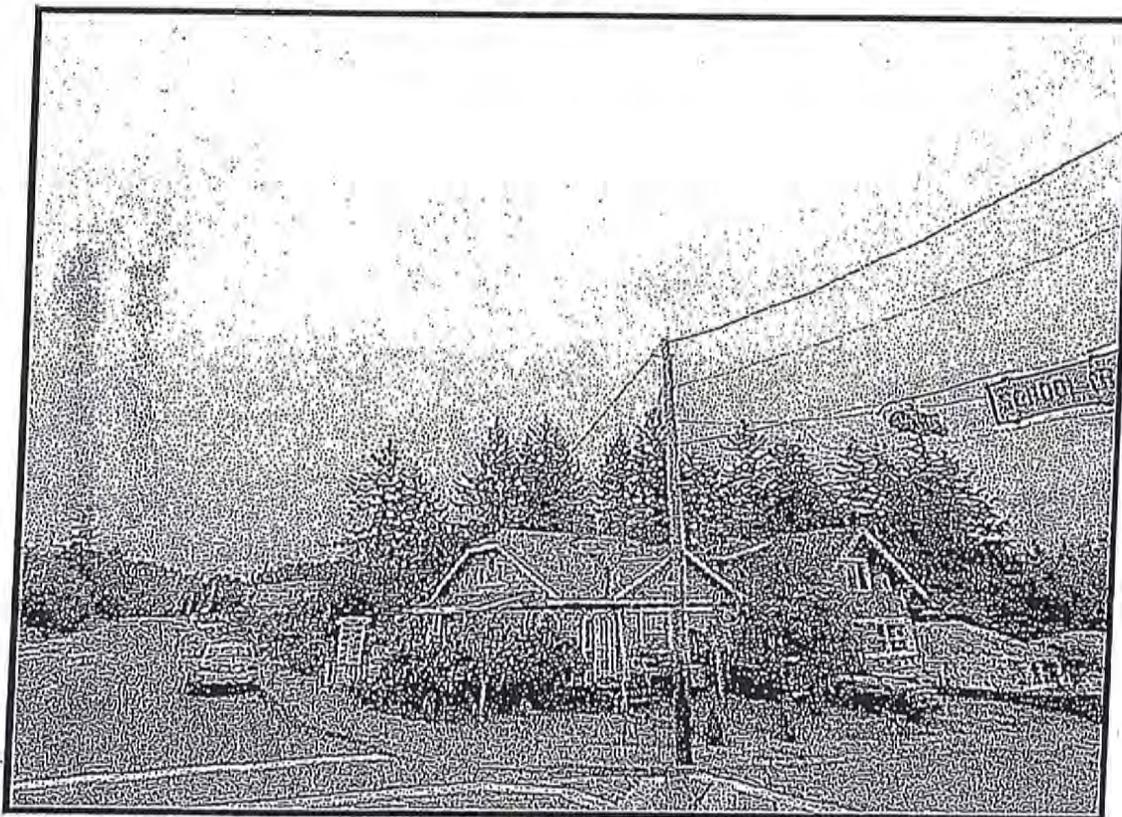
PHOTO SIM LOCATION MAP



OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #1 LOOKING EAST



CURRENT - TOWER NOT SEEN



OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #2 LOOKING NORTHEAST

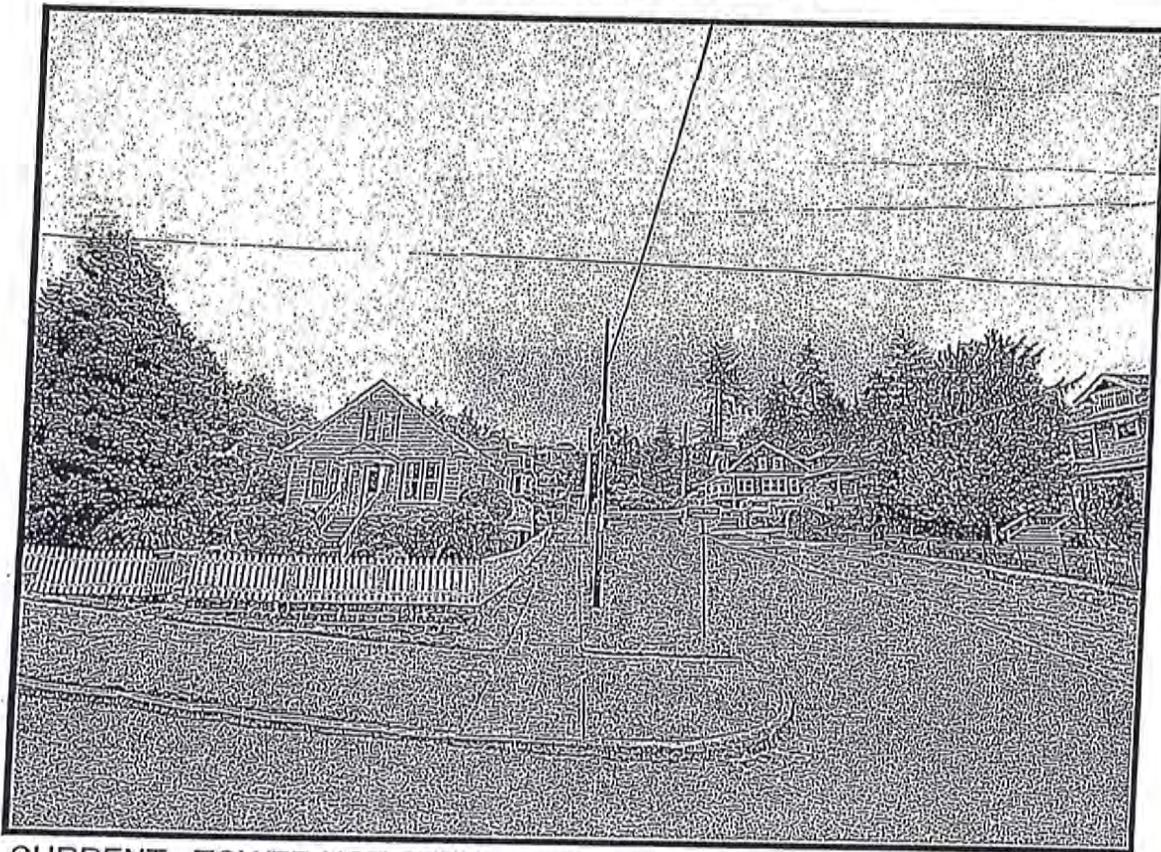


CURRENT - TOWER NOT SEEN

OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #3 LOOKING SOUTH



CURRENT - TOWER NOT SEEN



OR1 - CITY PARK

1530 SHIVELY PARK ROAD, ASTORIA, OR 97103

VIEW #4 LOOKING NORTHEAST



CURRENT - TOWER NOT SEEN



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-ANM-3227-OE

Issued Date: 01/15/2015

Jim O'Dowd
 Verizon Wireless
 180 Washington Valley Rd
 Bedminster, NJ 07921

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower OR 1
Location:	Astoria, OR
Latitude:	46-10-55.92N NAD 83
Longitude:	123-47-57.25W
Heights:	617 feet site elevation (SE)
	150 feet above ground level (AGL)
	767 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 07/15/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (310) 725-6591. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ANM-3227-OE.

Signature Control No: 236479859-240207357
Tameria Burch
Technician

(DNE)

Attachment(s)
Frequency Data

cc: FCC

Frequency Data for ASN 2014-ANM-3227-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W



Oregon

John A. Kitzhaber, MD, Governor



March 4, 2015

Verizon Wireless
10570 SE Washington St.
Suite 211
Portland, OR 97216

3040 25th Street, SE
Salem, OR 97302-1125
Phone: (503) 378-4880
Toll Free: (800) 874-0102
FAX: (503) 373-1688

Subject: Oregon Department of Aviation comments regarding proposed construction of a monopole 150' in height located in Astoria, Oregon.

Aviation Reference: 2015-ODA-055-OE

The Oregon Department of Aviation (ODA) has conducted an aeronautical study of these proposed new structure(s) and has determined that notice to the FAA is required. The structure does not exceed Obstruction Standards of OAR 738-70-0100.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. Any changes to the original application will void this determination. Any future construction or alteration to the original application will require a separate notice from ODA.

This determination will expire (12) months from the date of this letter if construction has not been started.

Mitigation Recommendation:

- We do not object with conditions to the construction described in this proposal. This determination does not constitute ODA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.
- Marking and lighting are necessary for aviation safety. We recommend it be installed and maintained in accordance with FAA Advisory Circular AC70/7460-1K Change 2
- The proposed obstruction should to be lower to a height that is no longer a hazard to the airport primary and horizontal surface FAA FAR 77
- The proposed obstruction should be relocate outside the airport primary and horizontal surface FAA FAR 77

Sincerely,

John P. Wilson Jr, Airport Operation & Tall Structure Specialist.



Oregon

John A. Kitzhaber, MD, Governor



3040 25th Street, SE
Salem, OR 97302-1125
Phone: (503) 378-4880
Toll Free: (800) 874-0102
FAX: (503) 373-1688

August 26, 2015

Sherri Williams
Administrative Assistant
City of Astoria
Community Development Department
Astoria City Hall
1095 Duane Street
Astoria, OR 97103

SUBJECT: WCF15-03 / V15-03 / NC15-03 Wireless Communication Facility

This letter is in response to City's notice of application(s) for a 150-foot wireless communication monopole, located at 1580 Shively Park Road (Map T8N-R9W Section 17 Tax Lot 1200 & Map 17CA Tax Lot 600). After a preliminary review of the proposed application the Oregon Department of Aviation has the following comments and recommendations:

- Prior to issuance of a building permit the applicant must file and receive a determination from the Oregon Department of Aviation and the FAA as required by OAR 738-070-0060 on FAA Form 7460-1 Notice of Proposed Construction or Alteration to determine if this monopole is a hazard to aviation safety. Safety mitigation measures may be required, such as markings and lighting meeting FAA design standards.

Thank you for allowing ODA to comment on this development proposal. If you have any questions or need further information please feel free to contact me at 503-378-2529 or Jeff.Caines@aviation.state.or.us or Heather Peck – Projects and Planning Manager at 503-378-3168 or Heather.Peck@aviation.state.or.us.

Sincerely,

Jeff Caines, AICP
Aviation Planner



Oregon

John A. Kitzhaber, MD, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE, Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org

February 24, 2015

RECEIVED
FEB 27 2015

BY: _____



Mr. R. Todd Baker
Terracon Consultants,
21905 64th Avenue West, Suite 100
Mount Terrace, WA 98043

RE: SHPO Case No. 15-0150
TCNS File# 0006645866, Terracon ORI City Park Telecom Project
New Tower
1530 Shively Park Road (8N 9W 17), Astoria, Clatsop County

Dear Mr. Baker:

We have reviewed the materials submitted on the project referenced above, and we concur that the Area of Potential Effect includes six properties (including one National Register-listed Historic District) that are eligible for or listed in the National Register of Historic Places. We also concur with the finding of no adverse effect for the proposed project.

This letter refers to above-ground historic resources only. Comments pursuant to a review for archaeological resources will be sent separately.

Unless there are changes to the project, this concludes the requirement for consultation with our office under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800) for above-ground historic resources. Local regulations, if any, still apply and review under local ordinances may be required. Please feel free to contact me if you have any questions, comments or need additional assistance.

Sincerely,

Jason Allen, M.A.
Historic Preservation Specialist
(503) 986-0579
jason.allen@oregon.gov

From: Yogi Sandstrom
To: Sharon Gretch
Subject: FW: Shively park
Date: Monday, July 13, 2015 10:14:25 AM

We can discuss later.

Yogi Sandstrom
LEXCOM Powered by Md7
Project Manager
m 503.739.5501
yogi.sandstrom@lexcomcorp.com
[Check out md7.com](http://md7.com)

From: Yundt, Arden
Sent: Friday, July 10, 2015 11:29 AM
To: Grant, Sarah
Cc: 'Yogi Sandstrom'
Subject: RE: Shively park

Hey guys,

In regard to new build site POR City Park, here is the reason we chose to build a tower at the southern end of the hilltop at Shively Park instead of collocating on the building at the corner of 16th St. and James St. (adjacent to Astoria Reservoir Number Two).

We are proposing to build a 150' tower on the southwestern end of the hilltop at an elevation of roughly 330 ft AMSL. This allows us to cover the southern and southwestern parts of Astoria as well as the Cooperage Slough valley with excellent line of sight and great signal strength. The crest of the hill to the north is at roughly 350 ft AMSL. Farther north is the building at the corner of 16th St. and James St. At a ground elevation of roughly 280 feet the building would need to be over 220 feet tall in order to meet the POR City Park coverage objective. Otherwise the hill blocks RF propagation to the South... shadowing southern Astoria and significantly decreasing the signal strength to the Cooperage Slough valley. Taking these details into account makes the decision between these two options very easy: the tower on the southern end of the hilltop is the only viable option.

Thank you,

Arden Yundt
RF Engineering
Pacific Northwest Region
5430 NE 122nd Ave.
Portland, OR 97230-1069



From: Grant, Sarah
Sent: Friday, July 10, 2015 10:20 AM
To: Yundt, Arden
Cc: 'Yogi Sandstrom'
Subject: FW: Shively park

Per our conversation if you could call Adam to explain the elimination of the concrete building/reservoir 2 location *within Shively Park* and why the coverage objectives are not met within that specific location within the park. Feel free to leave him a message, or put it in writing if you prefer

From: Adam Haas [<mailto:AdamHaas@convergecomm.com>]
Sent: Thursday, July 09, 2015 3:38 PM
To: Grant, Sarah
Subject: RE: Shively park

That's great. I look forward to talking tomorrow. Adam



Adam Haas
Principal
Converge Communications
10425 SW Hawthorne Lane
Portland, OR 97225
Tel: 503-206-7154
Cell: 503-997-5584
Fax: 503-297-1081
www.convergecomm.com