



PRE-APPLICATION CONFERENCE NOTES

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| CASE FILE # | PA 18-0084 |
| LOCATION | 2100, 2200, & 2266 Palisades Crest Drive (21E16C00502) |
| TYPE OF APPLICATION | Major Public Facility (New Emergency Communications Tower and accessory structures), with Sensitive Lands delineation, possible RC Protection Area determination, & unavoidable crossings in the Cooks Butte Park & Natural Area |
| STAFF COORDINATOR | Johanna Hastay, AICP, Senior Planner |
| DATE OF PRE-APPLICATION | December 13, 2018 @ 3:45 pm |
| STAFF ATTENDEES | Ellen Davis (Associate Planner), Todd Knepper (Engineering), Ivan Anderholm (Parks) |

All Lake Oswego code chapters and articles referenced in this report are available on the City’s website at www.lakeoswego.city/code.

1. TYPE OF APPLICATION

Ministerial Development [LOC 50.07.003.13.a]: The applicant is requesting approval of a Sensitive Lands District delineation for a Resource Conservation (RC) tree grove. This is classified as ministerial development per LOC 50.07.003.12.a.ii(12).

Minor Development [LOC 50.07.003.14.a]: The applicant is requesting approval of Sensitive Lands District delineation for a Resource Protection (RP) stream corridor, a potential RC Protection Area determination, and unavoidable driveway and utility crossings in a Sensitive Lands district. These are classified as minor development per LOC 50.07.003.14.a.ii(19), (11), and (16), respectively.

Major Development [LOC 50.07.003.15.a]: The applicant is requesting approval of a conditional use permit for a Major Public Facility (new emergency communications tower) in the Parks & Natural Area zone. This is classified as major development per LOC 50.07.003.15.a.ii(1).

The three land use components may be processed as a combined land use application subject to the major development process with the exception of the RC District delineation which may be completed as a separate ministerial land use application if the applicant so chooses. Staff will provide information on the ministerial process if this option is chosen.

2. PROCESS SUMMARY AND TIME FRAME

Please see LOC 50.07.003 for Review Procedures.

- Pre-application Conference
- Follow-up Pre-application Conference
- Neighborhood Meeting
- Application submittal. **When ready to submit the application, please call 503-635-0290 to make an appointment to submit the application with the staff coordinator listed above.**
- Staff review for completeness, up to 30 days

- If incomplete, the applicant has 180 days to submit new information (after 180 days, the application is void)
- When determined to be complete, the City shall provide a final decision within 120 days of the completeness date
- Notice of Public Hearing mailed and a hearing date before DRC is set 4-6 weeks later
- A public hearing notice is posted on the site
- Staff report is prepared and made available 10 days before the date of hearing
- Hearing before Development Review Commission (DRC)
- Adoption of Findings at next DRC hearing, typically two weeks later
- Notice of DRC or PC Decision is mailed and 15-day appeal period starts from the Findings adoption date. If no appeal is filed, the decision becomes final.
- If appealed, hearing before the City Council
- Schedule a meeting with staff to review conditions of approval

3. **NEIGHBORHOOD CONTACT:** Located in the Palisades Neighborhood Association, the abutting recognized neighborhood associations are Blue Heron, Westridge, and McVey-South Shore.

Neighborhood Meeting: A neighborhood meeting is required per LOC 50.07.003.1.f.

Purpose: The purpose of neighborhood contact is to identify potential issues or conflicts regarding a proposed application so that they may be addressed prior to filing. This contact is intended to result in a better application, and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands, or denials. The City expects an applicant to take the reasonable concerns and recommendations of the neighborhood into consideration when preparing an application and expects the neighborhood association (NA) to work with the applicant to provide such input.

The City recognizes that potential impacts of development, such as stormwater runoff, traffic, noise or impacts on natural resources, may affect not only the area immediately surrounding the site of the proposed development, but the neighborhood in which the site is located, and adjacent neighborhoods. Please be prepared to discuss these issues and other details of the project at the neighborhood meeting.

Procedure: See the **Neighborhood Meeting Requirements Packet** for more detailed instructions.

- The applicant proposes three options for the neighborhood meeting to the NA Chair [or County Planning Organization (CPO) or Homeowner's Association (HOA), if applicable].
- Meeting must be held in a location open to the public within the NA boundaries (or CPO or HOA boundaries, if applicable) or at a public facility within Lake Oswego.
- Applicant then mails notice within 20 days prior to meeting date by first class mail and email, if provided, to NA Chairs and Chairs of abutting NAs and by first class mail to all property owners within 300 feet of the site [minimum of 50 properties].
- On the same date the notice is mailed, a notice sign must be posted at the property that is visible from the public right-of-way and includes the applicant name and phone number.
- At the neighborhood meeting, the applicant prepares minutes that contain the record of any verbal comments made. The minutes are sent to NA Chairs within 14 days of the meeting and the NA must submit concerns to applicant and City within 14 days of the date the minutes were mailed.
- The land use application must include one copy of the Neighborhood Meeting materials listed in the Documentation Necessary For a Complete Application section at the end of this report. **The land use application will not be accepted by the City if the neighborhood meeting is not complete or the procedures were not followed.**

Mailing Labels for Notices of Public Hearing and Decision: Provide two sets of sticky back mailing labels with the property owner names and addresses, **with the map and tax lot information on the top line of the label**. The list must exclude the site and City-owned properties. See the **mailing label handout** for how to generate the labels.

4. **COMPREHENSIVE PLAN:** Current Comprehensive Plan Designation: Parks & Natural Area (PNA)

Per LOC 50.07.015.d.ii(1), major development projects are subject to “applicable regulatory policies of the Comprehensive Plan...”. During the most recent Comprehensive Plan update in 2013, the City Council consciously removed any regulatory goals and policies in keeping with ORS guidelines to ensure anything regulatory is contained with the City’s Community Development Code. Therefore, staff finds that there are no regulatory Comp Plan goals and policies to address as a part of the requested CUP.

However, the 2013 update did not review or modify any of the adopted Neighborhood Plans. The Palisades Neighborhood Association has an adopted Neighborhood Plan; all applicable regulatory goals and policies in this Plan must be addressed. Please see the link to the Plan at the end of this memo.

5. **ZONES AND SITE SPECIFIC STANDARDS [LOC 50.02]**

Base Zoning Districts [LOC 50.02]:

This site is located in the PNA zone district.

YES Park & Natural Area Zone [LOC 50.02.003.3]: The site is located in a Park & Natural Area (PNA) zone. The following are the PNA site dimensional standards, many of which are superseded by the use-specific and general conditional use standards.

Setbacks

- (1) Except as provided below, the setback of any respective yard (front, side, street side, or rear) shall be equal to the minimum required yard for the property adjacent to the respective yard’s lot line.
- (2) In cases where PNA-zoned property is adjacent to properties with two or more different yard requirements, the required setback for the yard adjacent to the properties with the two or more different yard requirements shall be equal to the average of the minimum yards required for the two or more abutting properties.
- (3) Setback requirements for any yard may be modified by the master plan.

There is no master plan for Cooks Butte Park. The abutting zone is R-10 with the required yard setbacks either 10-foot sides or 30-foot rears. Setback requirements are superseded by the use-specific conditional use standards for new facilities, below.

Lot Coverage

The maximum lot coverage shall not exceed 35% or as established by the master plan.

Height of Structure

Except as otherwise permitted by LOC 50.04.003.4, General Exception to Structure Height Limitations, the maximum height of any portion of a structure shall be the greater of:

- (1) 35 ft., or

- (2) A height as determined by the ratio of one ft. in height for every three and one-half ft. of distance from the portion of the structure to the lot line of the nearest residentially zoned property, to a maximum height of 75 ft. [Height = Setback from Residential Zone/3.5].

The height requirements of the PNA zone maybe be superseded if the applicant demonstrates compliance with the use-specific conditional use standards for new facilities, below.

6. USE REGULATIONS AND CONDITIONS [LOC 50.03]:

YES Use Table [LOC 50.03.002]: A “major public facility/new emergency communications tower” is a conditional use in the PNA zone.

Staff finds that an emergency communications tower is the same as a “telecommunications tower”, which is also a conditional use in the PNA zone. There is also the likelihood of future collocation requests for commercial telecommunications on the tower. Therefore, staff will impose the use-specific standards for a “new telecommunications facilities” per LOC 50.03.003.5.g to this application. See below.

YES Telecommunications Facilities [LOC 50.03.003.5.g]: The purpose of this section is to establish design and siting standards for telecommunication facilities that reduce visual impacts, avoid damage to adjacent properties; maximize use of any new transmission tower and any existing suitable structures to reduce the need for additional towers; and allow transmission towers in residential areas only when necessary to meet functional requirements of the telecommunications industry.

Per Subsection 5.g.iv, the following criteria for new facilities are as follows:

(1) Site Size

- (a) Setbacks – Tower.** The tower footprint shall be set back at least two-thirds the tower height from any property line. This setback may be reduced if the applicant can demonstrate that:
- (i)** The shape or configuration of the parcel prevents compliance with the setback standard or that a reduction in setback is necessary to take advantage of screening opportunities (such as tall trees, tree groves, buildings, or other tall elements) not available within the required setback area;
 - (ii)** The reduction in setback is the minimum required to best camouflage the facility;
 - (iii)** Adequate clearance between the facility and property line can be provided to accommodate landscaping and fencing; and,
 - (iv)** The reduction in setback will not cause a greater visual impact to adjacent uses.

A 180-foot tower would require a 119-foot setback from all property lines.

(b) Setbacks – Ancillary Facilities. Ancillary facilities shall be set back the same as required for primary structures of the zone, except that the side or rear yard setback may be reduced in a residential zone if the ancillary facilities meet the criteria in [LOC 50.03.004.2.b](#).

(c) The tower pad shall be sited in a location that permits additional expansion to accommodate future collocated ancillary facilities. The tower shall be located centrally on this pad. This standard shall not apply to antennas attached to existing structures or towers located on rooftops.

- (d) A licensed structural engineer’s analysis shall be submitted to demonstrate that the potential impact of tower failure and ice falling from the tower will be accommodated on site.
- (e) **Separation from Pre-Existing Towers.** New towers shall be separated from existing towers by at least the following distances, measured in a straight line from the base of the proposed new tower to the base of any pre-existing tower:

| TABLE 50.03.003-1: SEPARATION FROM PRE-EXISTING TOWERS | | | | |
|---|---------------|-------------|-----------------------------------|-----------------------------------|
| | Lattice (ft.) | Guyed (ft.) | Monopole ≥ 80 ft. in height (ft.) | Monopole < 80 ft. in height (ft.) |
| Lattice | 5,000 | 5,000 | 1,500 | 750 |
| Guyed | 5,000 | 5,000 | 1,500 | 750 |
| Monopole ≥ 80 ft. in height | 1,500 | 1,500 | 1,500 | 750 |
| Monopole < 80 ft. in height | 750 | 750 | 750 | 750 |

In 1981, the City approved a 40-foot transmitter tower on top of the reservoir. Staff completed a field visit and notes that the tower is still there, but it is unknown if it is operational. Please explore whether that facility is still in use. If so, please see the required separation in the table, above.

(2) Collocation to Be Explored; Accommodated

- (a) Before an application for a new transmission tower is accepted, applicants shall demonstrate that they have exhausted all practicable collocation options within the proposed service area pursuant to LOC [50.07.004.12.a.i](#) and [50.07.004.12.a.iv](#) including placement of antennas on existing tall structures and placing multiple antennas or attachments on a single tower. To demonstrate that all practicable collocation options have been exhausted, the applicant shall demonstrate that:
 - (i) No existing towers or support structures, or approved but not yet constructed towers or support structures, are located within the geographic area required to meet the applicant’s engineering requirements;
 - (ii) Existing towers or support structures are not of sufficient height to meet the applicant’s engineering requirements;
 - (iii) Existing towers or support structures do not have sufficient structural strength to support the applicant’s proposed antenna and related equipment;
 - (iv) The applicant’s proposed antenna would cause electromagnetic interference with the antenna on the existing tower or support structure, or the existing antenna would cause interference with the applicant’s proposed antenna; or
 - (v) There are other limiting factors that render existing towers and support structures unsuitable.
- (b) **Accommodation of Future Collocation.** New towers shall be constructed so as to accommodate future collocation, based on expected demand for transmission towers in the service area. Towers shall be designed so as to accommodate a minimum expansion of three two-way antennas for every 40 vertical ft. of tower.

- (c) **Multiple Attachments on Utility Towers.** In conformance with the Telecommunication Act of 1996, Section 703, a utility shall provide any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it, unless there is insufficient capacity or access cannot be granted for reasons of safety, reliability, and generally applicable engineering purposes.
 - (d) Ancillary facilities for collocated facilities shall be set back the same as required for primary structures of the zone, except that the side or rear yard setback may be reduced in a residential zone if the ancillary facilities meet the criteria in [LOC 50.03.004.2.b.](#)
- (3) Height.** New telecommunication facilities shall not exceed the height limits of the underlying zone, unless the applicant demonstrates that:
- (a) There is a service area need for the proposed facility at the proposed location;
 - (b) The increase in height above the maximum allowed height for the zone is the minimum increase necessary to eliminate service shadows;
 - (c) That providing coverage with telecommunications facilities which comply with the height requirements of the zone would result in unacceptable proliferation of such facilities. For the purposes of this subsection, "unacceptable proliferation" means an increase in the number of transmission towers by a factor of four in order to achieve the same level of adequate service. An increase in the number of transmission towers shall not include facilities or towers that would qualify as collocated facilities;

The maximum height of the PNA zone is 75 feet, provided that setbacks are met. Please provide sufficient evidence to demonstrate that there would be unacceptable proliferation with a series of 75-foot (maximum) towers.

- (d) The negative visual impacts on adjacent properties can be minimized by screening or disguising the facility.

The applicant will be required to pay for an independent radio frequency engineer or similar consultant to verify the need for this request.

- (4) Visual Impact.** The applicant shall demonstrate that telecommunications facilities will have the least practicable visual impact on the environment, considering technical, engineering, economic, and other pertinent factors.
- (a) The height and mass of the telecommunications facilities shall not exceed that essential for its intended use and public safety, as demonstrated in a report prepared by a licensed structural engineer.
 - (b) Telecommunications facilities 200 ft. or less in height shall be camouflaged to ensure the facility is visually subordinate to surrounding objects and colors.
 - (c) Towers more than 200 ft. in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration. Applicants shall attempt to seek a waiver from OSAD and FAA marking requirements. When a waiver has been granted, towers shall be painted and/or camouflaged in accordance with subsection 3.e.iv(4)(b) of this section.

- (5) **Accessory Uses.** Accessory uses shall include only building facilities that are necessary for transmission function and associated satellite ground stations, and shall not include broadcast studios (except for emergency broadcast), offices, vehicle storage areas, nor other similar uses not necessary for the transmission or relay function. No unenclosed storage of materials is allowed.
- (6) **Lighting.** No lighting shall be permitted on transmission towers except that required by the Oregon State Aeronautics Division or Federal Aviation Administration. This standard shall not prevent shared use or replacement of an existing light pole. For collocation on existing or replaced light poles, the transmission tower shall have no net increase to the spread, intensity, or direction of the existing light source.
- (7) **Fences and Landscaping**
- (a) The tower(s) and ancillary facilities shall be enclosed by a six ft. fence meeting the requirements of LOC [50.06.004.2](#).
 - (b) Landscaping shall be placed outside of fences and shall consist of fast growing vegetation placed densely so as to form a solid hedge with a minimum planted height of six ft.
 - (c) For new towers, landscaping and fencing shall be compatible with other nearby landscaping and fencing.
 - (d) Where antennas or towers and ancillary facilities are to be located on existing buildings or structures and are secure from public access, landscaping and fencing requirements may be waived.

All required landscaping shall also comply with the Sensitive Lands mitigation and planting standards per LOC 50.05.010, below.

- (8) **Signs.** One non-illuminated sign, not to exceed two sq. ft., shall be provided at the main entrance to the facility stating a contact name and phone number for emergency purposes. Signs shall not be placed on towers and antennas.

YES

New Telecommunication Facilities - Additional Submission Requirements [LOC 50.07.004.12.a]: In addition to standards, above, the applicant for a new facility shall submit the following information in conjunction with an application for a new facility:

- i. A site reconnaissance study containing, at a minimum:
 - (1) A vicinity map depicting the proposed extent of the service area.
 - (2) A graphic simulation showing the appearance of the proposed tower and accessory structures from five points within the impacted vicinity. Such points are to be mutually agreed upon by the City Manager and applicant.
 - (3) An inventory within the applicant's proposed service area depicting the height and location of non-habitable structures, including poles, towers, and appurtenances that could accommodate collocation of the proposed antennas.
- ii. Recognizing that technology in this field is changing rapidly, a demonstration that an alternative technology that does not require the use of new towers, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, or any other less visually obtrusive method, is unsuitable. For the purposes of this subsection, a "less visually obtrusive method" means a reasonably practicable alternative technology that will better accomplish the purposes of this section

as set forth in LOC [50.03.003.5.g.i](#), Purpose. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

- iii. A landscape plan drawn to scale showing proposed landscaping, including type, spacing, size, and irrigation methods.
- iv. Evidence demonstrating collocation has been explored and is impractical on existing structures, existing transmission towers, and existing tower facility sites for reasons of safety, available space, or failing to meet service coverage area needs.
- v. A report containing the following information:
 - (1) A description of the proposed tower and reasons for the tower design and height.
 - (2) Documentation to establish the proposed tower has sufficient structural integrity for the proposed uses at the proposed location in conformance with minimum safety requirements as required by the State Structural Specialty Code, latest adopted edition.
 - (3) Ice hazards and mitigation methods which will be employed, including increased setbacks, and/or deicing equipment.
 - (4) The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
 - (5) Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards adopted by the Federal Communications Commission (FCC).
 - (6) A signed agreement stating that the applicant will allow collocation with other users, provided all safety and structural requirements are met. This letter shall also state that any future owners or operators will allow collocation on the tower. This agreement is not necessary if the applicant does not own the facility or structure; however, a consent to allow the owner to grant access to other users for the same structure or facility shall be required.
 - (7) A soils report if the property contains weak foundation soils or has landslide potential.
 - (8) Identification of any other antenna sites owned or operated by the applicant in the City.

7. OVERLAY AND DESIGN DISTRICTS [LOC 50.05]

YES Sensitive Lands Overlay District [LOC 50.05.010.1 - 50.05.010.6]: The subject property contains resources on the City’s Sensitive Lands Map: a Class I Resource Protection (RP) District with stream corridors (Cooks Butte Tributary and Blue Heron Creek) and a Resource Conservation (RC) District tree grove. None of the districts have been formally delineated.

The standards of this article that need to be addressed are as follows:

| | |
|---------------------------------|---|
| LOC 50.05.010.2 | Applicability and Exceptions |
| LOC 50.05.010.3 | Development Review (See LOC 50.07.004.8) |
| LOC 50.05.010.4.d | Construction Standards |
| LOC 50.05.010.4.e-50.05.010.4.g | Mitigation purpose, steps, and requirements |
| LOC 50.05.010.5.b | RC District Protection Area |
| LOC 50.05.010.5.c | RC District Development Standards |
| LOC 50.05.010.6.b | RP District and Construction Setbacks (potential) |
| LOC 50.05.010.6.c | RP District Development Standards (potential) |
| LOC 50.07.004.8.d | Delineation of Streams, Wetlands, and Tree Groves |

Resource Delineation [LOC 50.07.004.8.d]

The first step for development in an area that includes RP and RC Districts is to determine the precise boundaries of the stream corridor and tree grove. This process is called resource delineation, which is described in Section 50.07.004.8.d of the Community Development Code.

Tree Groves (RC District)

The applicant may request the City to delineate the tree grove, or the applicant may hire its own resource professional to perform the delineation. The boundary of a tree grove shall be measured at the outer edge of a contiguous tree canopy based on aerial photos and/or visual field observations, but shall not include any tree canopy that is within a wetland or below the top bank of a stream. Tree canopy from invasive tree species and non-native tree species, per the City's Plant list, shall not be included in the measurement of contiguous tree canopy, and the delineated boundary shall not increase the size of the RC District by more than 15% from what is designated on the Sensitive Lands Map.

Stream Corridors

The applicant may request the City to delineate the stream corridor, or the applicant may hire its own resource professional to perform the delineation. A stream corridor boundary shall be measured or delineated based on topographic maps, hydrology maps, and/or field observations, pursuant to Table LOC 50.07.004-A and Figure LOC 50.07.004-A: Wetland and Stream Corridor Measurement; provided that the protected riparian area shall not extend more than 200 feet from the edge of the ordinary high water line of the stream corridor. The ordinary high water line is defined according to Oregon Administrative Rule (OAR) 141-085-0510.

Mitigation [LOC 50.05.010.4.f-g]

LOC 50.05.010.4.f requires that any intrusion into a resource area must first be avoided. If impacts to the resource cannot be avoided, then the impacts must be minimized and then mitigated for. Alternative site plans must be considered, and the alternative with the least environmental impact must be selected. A mitigation plan shall be required that is prepared by a qualified professional and designed in compliance with LOC 50.05.010. See LOC 50.05.010.4.g for mitigation planting density, species, and size requirements.

RC District Protection Area Determination [LOC 50.05.010.5.b]:

A minimum of 85% of the RC district must be designated as RC Protection Area after delineation. The location of the RC Protection Area shall be determined in accordance with criteria listed in LOC 50.05.010.5.b. Thoroughly address all standards of this section in the narrative and provide a tabulation of the trees ranked by size, clearly identifying the median diameter to show compliance with LOC 50.05.010.5.b.iii.2. Submit an accurate tree survey identifying trees (those six inches or greater in size) by species and size, and a map showing the proposed RC Protection Area. Label the square footage of the total RC District and proposed percentage of the RC Protection Area.

RC District Development Standards – Utilities [LOC 50.05.010.5.c.iii(6)]:

Public or private utilities shall not be placed in or through the RC protection area unless tunneling under a resource where tree roots can be avoided and the functions and values of a resource will be maintained, or there is no other practicable alternative. If allowed to be located within an RC protection area, the applicant shall restore and revegetate the disturbed area with plants identified on the Plant List and mitigation shall be required pursuant to subsections 4.e through 4.g of this section. When applying Step 1 (avoidance) of the mitigation process:

- (a) Sanitary sewer, water, power, gas, telecommunications, cable and storm drain lines shall be maintained in public rights-of-way and routed around significant resources rather than through a resource wherever possible;
- (b) Drainage patterns shall not be altered in the resource area, or if altered, shall be designed and maintained so as not to adversely impact the functions and values of the resource.

RP District Development Standards – Utilities [LOC 50.05.010.6.c.i(3)]:

Public utilities shall not be placed within an RP District unless tunneling under a resource will not cause any adverse effect upon the resource and the functions and values of a resource will be maintained, or there is no other practicable alternative. If a public or private utility is allowed within an RP District, mitigation shall be required pursuant to LOC 50.05.010.4.e through 50.05.010.4.g. When applying the mitigation process to this section:

- (i) Step #1 Avoidance. Sanitary sewer, water, power, gas, cable, telecommunications and storm drain lines shall be maintained in public rights-of-way and routed around significant resources rather than through a resource wherever possible, except that tunneling under a resource shall be permitted where tunneling will not cause any adverse effect upon the resource or tree roots, and the functions and values of a resource will be maintained.
- (ii) Step #2 Minimization. Sanitary sewer, water, storm drain line and other subsurface crossings shall be made within 30 degrees of perpendicular to the stream where practicable or feasible.

YES Sensitive Lands Overlay Districts Additional Submission Requirements [LOC 50.07.004.8]:
Criteria for Designating Property within an Overlay District [LOC 50.07.004.8.a]
Environmental Review [LOC 50.07.004.8.c]
Delineation of Streams, Wetlands, and Tree Groves [LOC 50.07.004.8.d]

8. DEVELOPMENT STANDARDS [LOC 50.06]

YES Commercial, Industrial, and Multi-family Development Standards for Approval [LOC 50.06.001.5]: This section is applicable to development involving a major public facility, specifically any buildings/structures associated with the tower. Staff has reviewed the standards and finds that, at a minimum, the narrative and plans must address the following three subsections:

Subsection 5.b.i: Design buildings to be complementary in appearance to adjacent structures of good design with regard to materials, setbacks, rooflines, height and overall proportions.

The character of the neighborhood surrounding the project area consists of the Cooks Butte Park (natural area) and low density single family dwellings, the closest one being more than 100 feet to the north. Complementary design is applied to buildings that are similarly required by this standard to be complementary to nearby buildings of good design. Nearby single-family dwellings are not considered for these purposes. There are no nearby structures that are required to be reviewed to ensure compatibility. This standard is not applicable. However, the accessory building must be designed to have minimal visual impact as described in Subsection 5.c, below.

Subsection 5.b.iv. Design those elements listed below to be complementary in appearance to those buildings or structures upon which they are associated and limit the variety of styles of building elements:

| | |
|---------------------------------|--|
| • Awnings | • Signs |
| • Chimneys | • Stairs |
| • Decks and railings • Doors | • Utility connections and meters |
| • Downspouts | • Vents |
| • Foundations | • Windows |
| • Lights | • Weather vanes, aerials, and other appendages attached to the roof or projecting above the roofline |
| • Mailboxes | |
| • Mechanical equipment | |
| | |

Please illustrate how the above applicable elements on the accessory buildings will be complementary.

Subsection 5.c. Buildings are to be designed and located to complement and preserve natural land forms, trees, shrubs and other natural vegetation.

This will apply to the accessory buildings and to the tower footprint. Please also use the Sensitive Lands standards for construction and mitigation to help guide compliance with this standard.

Plans for the proposed buildings were not provided with the pre-application materials. The applicant will need to conduct a follow-up pre-app meeting with staff to review the proposed building design prior to finalizing the design plans. Call staff directly to schedule the meeting and provide a set of preliminary plans at least one week in advance of the date. Work with utility companies and staff to determine the proper location and screening for utility boxes and meters.

YES Parking [LOC 50.06.002]: The total required number of parking spaces shall be sum of the various uses computed separately, or may be established by a parking study. The maximum number of parking spaces for non-residential projects cannot exceed 125% of the minimum required spaces. See Table 50.06.002-1 for minimum required number of parking spaces per use. See Table 50.06.002-2 for Parking Requirement Modifiers that may be used to reduce the parking requirement.

The proposed development will not likely result in an increase need for parking because the development will only generate minimal vehicle trips by maintenance staff and no staff will be stationed on the site. The plans must demonstrate how existing parking for maintenance trips will be accommodated on the site.

YES Access/Access Lanes (Flag Lots) [LOC 50.06.003.1]: This section is applicable to construction of a major public facility and prescribes standards for the design of access points and lanes. **See attached comments from the Engineering and Fire Departments.**

Access design shall be based on topography; traffic volume to be generated by the development; classification of the public street from which the access is taken (residential, collector or arterial); traffic volume presently carried by such street; and projected traffic volumes. Determination of the location and configuration of an access shall be based on a traffic study, unless otherwise approved by the City Manager.

YES

On-Site Circulation - Driveways and Fire Access Roads [LOC 50.06.003.2]: This section is applicable to all development proposing a new use or an increased use on a site when the development will result in the construction of, or the increased use of private streets, driveways, or parking lot aisles. This subsection prescribes standards for constructing driveways and to ensure adequate emergency vehicle access.

LOC 50.06.003.2.b.i(4) requires that driveway approaches be located and designed so that drivers entering or exiting the driveway can see approaching traffic for a sufficient distance to make a safe entrance and exit. American Association of State Highway and Transportation Officials (AASHTO) standards shall be used in determining compliance with this standard.

LOC 50.06.003.2.b.v(1) requires a fire department turnaround to be provided for dead-end driveways exceeding 150 feet in length. However, if the paved surface of the access lane is less than 20 feet in width with no turnaround, an alternative suitable method of fire suppression, e.g., automatic fire sprinkler systems will be required, subject to approval of the Fire Marshal. **See attached comments from the Engineering and Fire Departments.**

YES

Street Connectivity [LOC 50.06.003.4]: This section is applicable to major public facility located on a parcel of redevelopable land of 1.75 acres or larger.

Only Subsection 4.d applies: "Standards for Approval for a Land Division or Development That Does Not Require Construction of a Street". Exceptions are also allowed due to the presence of Sensitive Lands and slopes.

YES

Landscaping, Screening and Buffering [LOC 50.06.004.1]: Major public facilities shall provide 20% of the development site in landscaping and/or open space.

For major public facilities:

- (1) Screening and buffering shall be required:
 - (a) To mitigate noise, lighting or other impacts from dissimilar uses.
 - (b) To screen public or private utility and storage areas and parking lots.
 - (c) As a separation between dissimilar uses.

- (2) Landscaping visible from the street or other public right-of-way shall be complementary to the landscaping in the surrounding area.

Rare and endangered species shall be preserved: Marsh or Sessile Trillium: "Trillium chloropetalum"; Fawn Lily: "Erythronium oregonum"; and, White Larkspur: "Delphinium leucophaeum".

All development abutting streets shall provide street trees at the proper spacing for the species, in addition to the 20% open space/landscaping. Landscaping (including fill) and structures such as fences and walls are restricted within utility easements.

Include a scaled landscape plan with the application materials showing the following and complying with the Sensitive Lands planting standards:

- Location, size, and species of street trees along all street frontages. Existing trees may be used to meet this standard if the trees are located to provide a full streetscape and are in good condition.
- Landscaping and/or fencing for buffering and screening is required between dissimilar uses.

- Plant materials should consist of trees a minimum of 1.5” caliper for deciduous and 6’ high for evergreens, shrubs (3-5 gallons) and adequate groundcover.
- Above ground transformers shall be screened with fencing or landscaping.
- Large expanses of ground cover and/or bark dust are not allowed.
- Parking lots should incorporate planters to break up large expanses of pavement.
- Existing trees and shrubs may be used in the landscaping plan.
- An irrigation system is required and should be designed to preserve existing trees.

YES Fences [LOC 50.06.004.2]: Fences, walls, and retaining walls in non-residential zones shall not exceed eight ft. in height. A fence, wall, or retaining wall over six ft. in height shall be screened by an evergreen hedge which shall be of a size and spacing so as to provide a six-ft. high, dense screen within three years of the date of planting. Any fence over seven ft. in height requires a building permit.

Please note that structures such as fences and walls are restricted within all public utility easements.

The required fence screening shall comply with the Sensitive Lands mitigation and planting standards.

YES Lighting [LOC 50.06.004.3.b.iii]: This section is applicable to all development in the PNA zone.

The site plan needs to show the location of all proposed outdoor lights. **Design specifications need to illustrate overall height, wattage, glare shields, and photometrics subject to either the Performance or Prescriptive standards in the PNA zone.** Fixtures shall be positioned to prevent light trespass onto adjacent properties. **See attached comments from the Engineering Department.**

YES Park and Open Space Contributions [LOC 50.06.005]: This standard requires 20% of the Net Developable Area to be provided as open space for a major public facility. If there are RP/RC resources on the site, a resource delineation and tree survey will be required to best determine open space placement.

Park and Open Space Contribution Additional Submission Requirements [LOC 50.07.004.7]: Development applications shall include a scaled plan which identifies the site’s proposed open space.

Priority Open Space Areas [LOC 50.07.004.7.c]

Review and Decision [LOC 50.07.004.7.d]

YES Weak Foundation Soils [LOC 50.06.006.1]: The site may contain weak foundation soils, as identified on the City’s Soils Map. A geotechnical report from a registered soils engineer will be required at the time of application. The report shall describe the nature, distribution, and strength of the soils, including findings regarding the adequacy of the soils to support the intended structure. The report shall include conclusions and recommendations for design criteria for corrective measures, which are appropriate to the soils and type of proposed structure. If soils characteristics are determined to be adequate for the proposed use, then this shall be stated in the report. **See comments from the Engineering Department.**

Weak Foundation Soils Determination Procedures Additional Submission Requirements [LOC 50.07.004.10]:

Confirmation of Weak Foundation Soil [LOC 50.07.004.10.a]

Report Required [LOC 50.07.004.10.b]

City Manager Review [LOC 50.07.004.10.c]

YES Hillside Protection [LOC 50.06.006.2]: The site is identified as being in a potential slide area. A geotechnical report from a registered soils engineer will be required at the time of application submittal. **See comments from the Engineering Department.**

This standard also requires a slope analysis map and index that clearly shows the amount of undisturbed slopes in 12-20%, 20%-50% and 50%+ slope categories, and the amount of land that would be disturbed in each category. If retaining walls are proposed, please identify the location of the walls on the site plan and label the top and bottom wall elevations.

A complete application will provide a grading plan and specifications for any retaining wall. Development shall be designed to minimize the disturbance of natural topography, vegetation and soils, and cuts and fills.

Hillside Protection Additional Submission Requirements [LOC 50.07.004.3]: For all applicable development or construction, the applicant shall submit the following:
Survey Required [LOC 50.07.004.3.a.i]
Grading Plan Required [LOC 50.07.004.3.a.ii]

YES Stormwater Management Standards [LOC 50.06.006.3]: Stormwater management requirements are applicable to all development where:

- i. Greater than 1,000 sq. ft. of impervious surface is created; or
- ii. The sum of impervious surface created and/or replaced is greater than 3,000 sq. ft.; or
- iii. Maintenance is performed on greater than or equal to 3,000 sq. ft. of existing impervious surface that results in an additional offsite hydrological impact

The applicant must demonstrate that, based upon LOC Article 38.25, Stormwater Management Code, the capacity, type, location, feasibility and land area required of the proposed stormwater management system and stormwater disposal facilities as well as any connection to off-site facilities can be provided.

Stormwater management measures and requirements are detailed in LOC 38.25.001 through 38.25.190 and in the current version of the Lake Oswego Stormwater Management Manual. **See comments from the Engineering Department.**

YES Utility Standard [LOC 50.06.008.1 - 50.06.008.6]: Applies to all development requiring utilities. Illustrate existing and new utilities, including transformers, on the plan and discuss availability of utilities in narrative. Utilities shall be installed underground unless exempted per LOC 50.06.008.4.d and shall be buffered by screening or landscaping if above ground. Please note that landscaping (including fill) and structures such as fences and walls are restricted within utility easements. **See attached comments from the Engineering and Fire Departments.**

Utilities Additional Submission Requirements [LOC 50.07.004.11]: A scaled utility plan of existing and proposed utilities shall be furnished to the City as part of any minor or major development application and shall include at least the following at 1" = 100' scale.

9. **CONDITIONAL USE PERMITS [LOC 50.07.005]**

YES Conditional Use Standards [LOC 50.07.005]: A major public facility/emergency communications tower is a conditional use in the PNA zone.

A Conditional Use Permit may be approved if the applicant demonstrates the following:

- i. The requirements of the zone are met; and,
- ii. Special conditions found in LOC 50.03.003, if applicable, are met; and,
- iii. The site is physically capable of accommodating the proposed use; and,
- iv. The functional characteristics of the proposed use are such that it can be made to be reasonably compatible with uses in its vicinity.

Conditions may be imposed by the hearing body in order to assure compatibility of the proposed use with other uses in the vicinity, which may include limiting the height or size of the building, protecting trees, requiring additional landscaping, or establishing larger setbacks. Please address both the general standards of LOC 50.07.005.3 and the specific standards for major public facilities/telecommunications tower in LOC 50.03.003.

10. OTHER ORDINANCES

YES UTILITIES [LOC Chapter 38]: These standards will be addressed during Building Permit review.

YES STORMWATER MANAGEMENT [LOC Chapter 38.25]: The applicant must demonstrate that, based upon LOC Article 38.25, Stormwater Management Code, the capacity, type, location, feasibility and land area required of the proposed stormwater management system and stormwater disposal facilities as well as any connection to off-site facilities can be provided.

Stormwater management measures and requirements are detailed in LOC 38.25.001 through 38.25.190 and in the current version of the Lake Oswego Stormwater Management Manual.

YES SYSTEM DEVELOPMENT CHARGES (SDC) [LOC Chapter 39]: The applicable SDCs will be due at the time of issuance of individual building permits. Please contact the Building and Engineering Divisions to obtain an estimate of the potential SDC charges for this project. **See comments from the Engineering Department.**

YES STREETS AND SIDEWALKS [LOC Chapter 42]: **See comments from the Engineering Department.**

SIGHT DISTANCE AT ROADWAY INTERSECTIONS, PRIVATE STREETS AND DRIVEWAYS [LOC 42.03.130]: This standard requires adequate intersection sight distance (ISD) per American Association of State Highway and Transportation Officials (AASHTO) standards at all intersections. "Clear Sight Triangle" means the area enclosed by the lines formed by the intersection approach legs of roadway(s), private street(s) and driveways and a straight line drawn diagonally across the corner, connecting those lines at the various distances per AASHTO guidelines.

- A. If adequate ISD cannot feasibly be achieved, lesser sight distance may be acceptable upon review and approval of the City Engineer, as long as subsection (4)(a)(iii) of this section is achieved.
- B. Any adjustments made to the calculations per AASHTO guidelines shall be subject to review and approval by the City Engineer. A written document submitted by a licensed engineer for sight distance certification shall accompany the application.

Adequate stopping sight distance (SSD) shall be provided along all public roadways.

Modification to existing intersection of a street and private driveway must comply with land use conditions of approval, building permit and/or street opening permit requirements. A written document submitted by a licensed engineer for sight distance certification shall accompany the application. No structures or vegetation that are taller than 30" above the level of the adjacent street pavement are permitted in the clear sight triangle formed by 10-foot legs that extend along the driveway and travel surface of the street.

Please illustrate compliance on the site plan for all driveways and Palisades Crest Drive. **See comments from the Engineering Department.**

YES

TREE REMOVAL AND PROTECTION [LOC Chapter 55]: The extent of the tree inventory will depend on whether the applicant pursues an RCPA or not. Submit a site plan that includes the location, species, and diameter of all trees that are six inches in diameter, or greater on or near the site (for an RCPA determination) or near the vicinity of the proposed development (if no RCPA). Diameter is measured at 4.5 feet above the ground (for single trunk trees) and is found by dividing the circumference of the tree trunk in inches by 3.14. A tree removal permit will be required to cut any tree 6" in diameter or greater.

The proposed site plan/design should preserve the significant trees on the site, unless it can be demonstrated that there is no practicable alternative. If tree removal is necessary as a result of the proposed development, the removal request must be processed in conjunction with this development application.

Please thoroughly address the Type II tree removal criteria [LOC 55.02.080] for all trees requested for removal as a result of the proposed development. Please note that where significant trees are proposed to be removed, staff must consider alternative site plans or placement of structures that would lessen the impact on trees. This includes, but is not limited to shifting the building envelope on the site within the required setbacks to avoid trees. All trees to be removed must be tagged with yellow ribbon on the site.

Mitigation is required at a minimum of one new tree for every one removed and must be at least 1.5" in diameter for deciduous trees, or six feet tall for evergreen trees at the time of planting. Removal of a native tree requires mitigation with a native tree (see the Lake Oswego Master Plant List in LOC 50.11.004 Appendix D for a list of native trees). Removal of a significant tree as defined in the Tree Code for development purposes shall be mitigated at a 2:1 ratio.

Please submit a tree mitigation plan in accordance with the above mitigation requirements with the application materials. Required street trees do not count towards minimum mitigation requirements.

Tree protection fencing will be required around all trees that are 6" in diameter or greater when the tree canopy is within any construction activity, including trees that may be off site. Construction activity includes, but is not limited to, digging, grading, stockpiling dirt or materials, driving vehicles or equipment, and filling. An arborist may be required to prepare the tree protection plan and be on site during excavation if any construction activities are proposed inside the tree protection zone.

11. PREVIOUS CASES

DR 4-80/CU 2-80 (Reservoir)
DR 5-80 (Reservoir height modification)

12. **DOCUMENTATION NECESSARY FOR A COMPLETE APPLICATION**

The following items are required to be submitted in **COLLATED SETS**, unless otherwise noted.

Please submit FIVE collated application sets with one copy in each set of the following items:

- Application form signed by property owner(s).
- A narrative addressing all applicable standards identified in this report in detail.
- A scaled survey map that is **prepared, stamped and signed** by a licensed surveyor illustrating:
 - All existing structure(s) on the site (including any components over 30" above grade)
 - 1-foot contour lines (intervals)
 - Utility/access easements
 - Location, size and type of all trees 6" or greater in DBH on the site if RCPA or development area if no RCPA.
 - RC and RP district boundaries
 - Required protected riparian area and 10-foot RP construction setback
 - Proposed RCPA boundary and the 5-foot RC construction setback (if proposed)
- RCPA Determination (if proposed): A list of all trees 6" or greater in DBH in the delineated RC district ranked by size from largest to smallest to assist in RCPA determination. Identify the median tree diameter on the list.
- A scaled site plan showing:
 - All proposed/existing structures
 - Setback callouts and dimensions on the plans
 - Proposed grading at 1-foot contours (intervals)
 - All impervious surfaces
 - All trees and proposed tree removal
 - Utilities and/or easements
 - Location of transformers and screening
 - Location of all mechanical equipment
- Building elevations of all buildings. Dimensions, height, and building materials/colors should be clearly labeled on all elevations. Show existing and finished grades on all elevations.
- Tree preservation and removal plan illustrating all trees designated for removal on the site as a result of the proposed development. Be sure to address the Type II tree removal criteria [LOC 55.02.080] if trees are to be removed and include a mitigation plan. Tag trees requested for removal with a yellow ribbon.
- Slope analysis plan
- AASHTO sight distance plan
- Mitigation plan for RC/RP Districts
- Detailed grading, utility, lighting, and landscaping/street tree plans. The **grading plan** shall show trees, existing and proposed contours at 2-foot intervals, and elevations for the top of wall and footing of all retaining walls (if any). The **utility plan** shall show profiles of all new utilities. The **landscaping plan** shall illustrate the location, size species, and density of all plant materials and screening for above ground transformers.
- Cut sheets for light fixtures and windows.
- Colored perspective drawing, graphic simulation, or artist's rendering with context including all necessary screening and camouflage elements.

Please submit THREE copies (separate from the five collated application sets) of the following items:

- Technical Reports for Site: drainage report, arborist report, soils/geotechnical report, RC/RP mitigation plan/report

- Technical Reports/Documentation for Facility: Structural engineering analysis for tower including potential failure/falling ice issues, site reconnaissance study for height exception, compliance with unnecessary proliferation, collocation availability analysis, compliance with non-ionizing electromagnetic radiation (NIER) emissions, etc. **See telecommunication standards in LOC 50.03.003.5.g for all requirements.**

Please submit TWO copies (separate from the five collated application sets) of the following items:

- Mailing labels including: name and addresses of all property owners that are within 300 + feet of the site boundaries (a minimum of 50 properties are required to be notified, excluding the site and City-owned properties). See the Neighborhood Notice Requirements handout for more information. Please make sure to add tax lot and tax map information for each lot above the respective address on the mailing label.

Please submit ONE copy (separate from the five collated application sets) of the following items:

- Proof of ownership, such as copy of deed or title report
- Letter of Authorization from the property owner(s) if not the applicant
- Proposed materials and colors board (clearly label the materials)- **ONE BOARD**
- Neighborhood meeting information. **The application will not be accepted by the City if the neighborhood meeting is not complete or the procedures were not followed.** The following items must be included with your application submittal:
 - A copy of the letter to the chairs of the recognized neighborhood associations (NA), County CPO, or homeowners association;
 - Copy of the letter sent to officers of the NAs and surrounding property owners and a copy of the mailing list containing the names and addresses of such owners and residents;
 - Affidavit of Mailing for letters, above;
 - A copy of the required posted notice and Affidavit of Posting of public notice sign;
 - Minutes of the neighborhood meeting and any comments on the minutes submitted by the NA or other attendees, if provided. See Packet for instructions on obtaining NA comments.
 - Copy of materials presented at the neighborhood meeting
- **A pdf electronic copy of all application materials with separate pdf files for each exhibit/document (do not combine all exhibits/documents into one pdf file).** Because scanned documents have poorer quality, please convert the original electronic file to a pdf where possible rather than scanning a hard copy of the document to a pdf file. Email the electronic copies of the exhibits to staff or submit a thumb drive or disc.

May require additional information upon application submittal.

13. MATERIALS SUPPLIED AT THE PRE-APPLICATION CONFERENCE

- Application form
- Mailing Label Instructions
- Neighborhood Meeting Instructions
- Staff comments
- Palisades Neighborhood Plan link:
http://www.ci.oswego.or.us/sites/default/files/fileattachments/planning/webpage/11855/palisades_cc_adopted_plan_reformatted_123009.pdf

14. APPLICATION FEES (2019)

| | |
|--------------------------------------|--|
| Conditional Use Permit Fee | \$5,814 |
| Development Review Permit Fee | \$5,406 + 37% of the building permit fee |
| Sensitive Lands Components | No fee |

| | |
|------------------------------|-------|
| Records Retention Fee | \$122 |
| Fire Review Fee | \$140 |

Additional Pre-Application fees:

| | |
|---|------------------------|
| One follow-up meeting to discuss issues addressed at the pre-app: | No charge |
| 3 rd meeting forward: | 50% of the pre-app fee |

Contact the Building Department and Engineering Department for building permit and other development charges. Please also provide a copy of the 37% building permit fee determination from the Building Department.

NOTICE TO APPLICANTS:

The standards noted in this checklist are those which staff believes may be applicable to your proposal. Additional standards may also be determined applicable at the time of a development submittal. The burden is upon the applicant to review all applicable City documents and address all the relevant standards. Verify the fees prior to submitting application.

Please note that amendments to the City of Lake Oswego Community Development Code typically occur on a yearly basis. Prior to submission, the applicant should confer with City staff to determine if any Code requirements have changed. A pre-application conference does not lock in the current standards. The application will be reviewed for compliance with the standards in effect on the date of application submittal.