

*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**WIRELESS SITING PERMIT CASE NO.: WS2-20-03**

**APPLICATION NO.: 19-116095-ZO**

**NOTICE OF DECISION DATE: FEBRUARY 19, 2020**

**SUMMARY:** A proposal to replace an existing utility pole with a taller utility pole supporting an antenna, equipment enclosure, and conduits for wireless communications.

**REQUEST:** Class 2 Wireless Siting Permit and ~~Wireless Adjustment~~ to replace an existing 29 foot tall utility pole in right-of-way at 663 25th Street SE (adjacent to Marion County Assessor Map and Tax Lot 073W26DD11700) with a 32 foot 6 inch tall utility pole, an antenna with a tip height of 31 feet placed below the top of the pole, and auxiliary support equipment in an equipment enclosure and conduits attached to the pole. ~~The Wireless Adjustment is required to increase the height of the equipment enclosure from 24 inches allowed by SRC 703.050(4)(C)(ii) to 40 inches to accommodate the wireless carriers standardized equipment.~~

**APPLICANT:** Melissa Juel on behalf of Mastec Wireless Solutions

**LOCATION:** 663 25<sup>th</sup> St SE / 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 703.020(e)(2) – Class 2 Wireless Siting Permit

**FINDINGS:** The findings are in the attached Decision dated February 19, 2020.

**DECISION:** The **Planning Administrator APPROVED** Class 2 Wireless Siting Permit Case No. WS2-20-03 subject to the following conditions of approval:

**Condition 1:** An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

**Condition 2:** All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.

**Condition 3:** All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.

**Condition 4:** All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the attachment or collocation of additional wireless communications facilities.

**NOTICE OF DECISION**

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005

**CITY OF Salem**  
**AT YOUR SERVICE**

**Condition 5:** Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC Chapter 807.

**Condition 6:** Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.

**Condition 7:** After construction, maintenance, or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.

**Condition 8:** Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.

**Condition 9:** All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.

**Condition 10:** All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state, and local laws and regulations.

**Condition 11:** Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC Chapter 93.

**Condition 12:** Prior to construction, a license to attach equipment to the pole must be submitted to and approved by the Public Works Department.

The rights granted by the attached decision must be exercised, or an extension granted, by March 6, 2022 or this approval shall be null and void.

Application Deemed Complete:	<u>January 15, 2020</u>
Notice of Decision Mailing Date:	<u>February 19, 2020</u>
Decision Effective Date:	<u>March 6, 2020</u>
State Mandate Date:	<u>May 14, 2020</u>

Case Manager: Pamela Cole, [pcole@cityofsalem.net](mailto:pcole@cityofsalem.net), 503-540-2309

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., Thursday, March 5, 2020. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 703. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 320, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

***Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173***

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**WIRELESS COMMUNICATIONS FACILITY SITING PERMIT AND WIRELESS  
ADJUSTMENT CASE NO. WS2-20-03  
DECISION**

**IN THE MATTER OF APPROVAL OF ) CLASS 2 WIRELESS COMMUNICATIONS  
WIRELESS COMMUNICATIONS ) FACILITY SITING PERMIT AND  
FACILITY SITING PERMIT AND ) ~~WIRELESS COMMUNICATIONS FACILITY~~  
~~WIRELESS ADJUSTMENT CASE NO.~~ ) ~~ADJUSTMENT~~  
WS2-20-03 - RIGHT-OF-WAY )  
ADJACENT TO 663 25<sup>th</sup> STREET SE ) FEBRUARY 19, 2020**

In the matter of the application for a Class 2 Wireless Communications Facility Siting Permit and ~~Wireless Adjustment~~ submitted by Nohely Moreno and Melissa Juel of Mastec Network Solutions, on behalf of the applicant New Cingular Wireless PCS LLC (doing business as AT&T), the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

**REQUEST**

**Summary:** A proposal to replace an existing utility pole with a taller utility pole supporting an antenna, equipment enclosure, and conduits for wireless communications.

**Request:** Class 2 Wireless Siting Permit and ~~Wireless Adjustment~~ to replace an existing 29 foot tall utility pole in right-of-way at 663 25th Street SE (adjacent to Marion County Assessor Map and Tax Lot 073W26DD11700) with a 32 foot 6 inch tall utility pole, an antenna with a tip height of 31 feet placed below the top of the pole, and auxiliary support equipment in an equipment enclosure and conduits attached to the pole. ~~The Wireless Adjustment is required to increase the height of the equipment enclosure from 24 inches allowed by SRC 703.050(4)(C)(ii) to 40 inches to accommodate the wireless carriers standardized equipment.~~

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

**DECISION**

**APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, conformance with the approved site plan, and the following conditions of approval:

**Condition 1:** An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

- Condition 2:** All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.
- Condition 3:** All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.
- Condition 4:** All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the attachment or collocation of additional wireless communications facilities.
- Condition 5:** Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC Chapter 807.
- Condition 6:** Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.
- Condition 7:** After construction, maintenance, or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.
- Condition 8:** Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.
- Condition 9:** All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.
- Condition 10:** All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state, and local laws and regulations.
- Condition 11:** Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with

wireless communications facilities shall not produce sound levels in excess of standards established in SRC Chapter 93.

**Condition 12:** Prior to construction, a license to attach equipment to the pole must be submitted to and approved by the Public Works Department.

## FINDINGS

### 1. Class 2 Wireless Communications Facility Siting Permit Applicability

The existing utility pole and the proposed utility pole are utility structures according to the definition of SRC 703.005: any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities. The proposed replacement of a utility structure for the purpose of attachment of an antenna or antenna array is a second priority siting according to SRC 703.010(c). SRC 703.020(b) requires a Class 2 Wireless Communications Facilities Siting Permit for any second priority siting.

### 2. Wireless Adjustment Applicability

Except as otherwise provided in this chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless an adjustment has been granted pursuant to this chapter. The provisions of SRC 703.090 apply exclusively to wireless communications facilities, and are in lieu of the generally applicable adjustment provisions under SRC 250. Staff advised the applicant that an adjustment would be required because the proposed height of 40 inches for the equipment enclosure exceeds the maximum height of 24 inches allowed by SRC 703.050(4)(C)(ii). However, upon further review, the Planning Administrator determined that the adjustment would not be required. FCC standards adopted for small wireless facilities (*Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, FCC 18-133 (rel. Sept. 27, 2018); 83 Fed. Reg. 51867 (Oct. 15, 2018) ("FCC Order")) supersede the City's development standards. The FCC Order allows a total volume of no more than 28 cubic feet, with no dimensional limitations on individual pieces of equipment or cabinet sizes. The proposed equipment would occupy a volume less than 28 cubic feet. Therefore, the adjustment application is not required.

### 3. Background

A Class 2 Wireless Communications Facility Siting Permit was submitted on July 17, 2019 by Nohely Moreno and Melissa Juel of Mastec Network Solutions on behalf of New Cingular Wireless PCS LLC (doing business as AT&T). Additional information was requested from the applicant. A Wireless Adjustment application was submitted on December 19, 2019. The consolidated application was deemed complete for processing on January 15, 2020.

In accordance with procedural requirements of SRC 300.520(b), staff mailed a Notice of Filing and Request for Comments on January 15, 2020 with a comment deadline of

January 29, 2020. Notice of the application was posted on the property on January 17, 2020 in accordance with SRC 300.520(b). The 120-day state-mandated deadline is May 14, 2020.

The applicant's proposed site plans are included as **Attachment B**, an elevation depicting the proposed facility is included as **Attachment C**, and photosimulations are included as **Attachment D**.

### **Summary of Record:**

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

### **Neighborhood and Citizen Comments:**

Notice of the application was sent to the Southeast Salem Neighborhood Association (SESNA) and all property owners of record and tenants within 250 feet of the subject property. No comments were received.

### **City Department Comments:**

The Public Works Department reviewed and approved the proposal and commented that the applicant must submit a Right-of-Way / Encroachment Permit.

**Staff Response:** A condition of approval is adopted below to ensure that the applicant submits this permit application.

The Building and Safety Division reviewed the proposal and had no comments.

The Fire Department reviewed the proposal and had no comments.

### **Public and Private Service Provider Comments:**

Cherriots reviewed the proposal and had no comments.

#### **4. Analysis of Class 2 Wireless Communications Facility Siting Permit Approval Criteria**

SRC 703.020(e)(2) states that a Class 2 wireless communications facility siting permit shall be granted only if each of the following criteria is met:

- (A)** The proposed utility structure meets the standards in this Chapter.
- (B)** For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.
- (C)** For replacement of a utility structure outside right-of-way, the approval will not cause an increase in the number of utility structures on the property or cause an enlargement or expansion of an existing utility structure on the property.
- (D)** For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure

inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

**(E)** For replacement of a utility structure in right-of-way, the approval will not cause an increase in the number of utility structures in the right-of-way or cause an enlargement or expansion of an existing utility structure in the right-of-way.

The existing and proposed utility structures are located in public right-of-way; therefore, criteria B and C are not applicable to this application.

Criterion A: The proposed utility structure meets the standards in this Chapter.

**Finding:** The proposed development complies with all applicable development standards of the Salem Revised Code, as described below.

### **Wireless Communications Facilities (SRC Chapter 703) Standards**

*SRC 703.010(b) - Collocation Required:* All wireless communications facilities located in right-of-way shall be collocated or attached to replacement utility structures. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same structure or jeopardize the physical integrity of the structure upon which collocation will be made, consent cannot be obtained for the collocation on a structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives.

**Applicant's Statement:** The small wireless facility is proposed in the right-of-way on a replacement utility structure.

**Finding:** The proposed facilities will be attached to a utility structure that will replace an existing utility structure.

*SRC 703.010(c) - Siting Priority:* Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

- (1)** First priority: collocation or attachment of an antenna or antenna array on a support tower, support structure, or utility structure;
- (2)** Second priority: replacement of a utility structure for the purpose of attachment of an antenna or antenna array;
- (3)** Third priority: substantial change in the physical dimensions of a support tower or replacement with a support tower that represents a substantial change in the physical dimensions of the original support tower;
- (4)** Fourth priority: construction of a new support tower.

**Applicant's Statement:** The proposed facility cannot practicably be placed on an existing structure inside the right-of-way since it was proposed to be replaced by the pole owner to safely accommodate the small cell equipment. It cannot be placed outside the right of way as the radio frequency target area consists of the businesses surrounding 25<sup>th</sup> Street NE. Small cell technology has a much smaller effective range than traditional wireless facilities, therefore placing it within private property would alter the desired coverage area and miss AT&T customer's current demands.



**Finding:** Collocation is defined in SRC 703.005(g) as the mounting or installation of an antenna on an existing support structure, utility structure, or support tower. A first priority siting is a collocation or an attachment of an antenna or antenna array on existing support tower, support structure, or utility structure. The proposal is for a second priority siting rather than a first priority siting, and the applicant is required to document that replacement of the existing utility structure is necessary because the proposed antennas cannot be collocated or attached to an existing support tower, utility structure or support tower. The application submittal requirements for a Class 2 Wireless Communications Facility Siting Permit include documentation that placement at a first-priority site is not feasible and coverage maps or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap. The applicant erroneously notes that the proposed facility would serve businesses surrounding 25<sup>th</sup> Street SE; the proposed location would serve a residential area that includes apartments. The applicant's submittal fulfills the requirements, and the proposal meets the standards.

*SRC 703.030 - Replacement Utility Structure Development Standards:*

(b) *Class 2.* The replacement of a utility structure shall comply with the following siting standards:

(1) *Inside right-of-way.*

(A) All wireless communications facilities located in the right-of-way shall be collocated or attached to a replacement utility structure.

(B) Wireless communications facilities proposed to be sited in the right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subsection, streets shall have the classification set forth in the Salem Transportation System Plan.

- (i) First priority: parkway or freeway;
- (ii) Second priority: major arterials;
- (iii) Third priority: minor arterials;
- (iv) Fourth priority: collectors;
- (v) Fifth priority: local streets.

**Applicant's Statement:** The area presented a need for coverage.

**Finding:** The applicant provided propagation maps indicating that the proposed location in the right-of-way of a minor arterial street (25<sup>th</sup> Street SE) will provide the required coverage.

*SRC 703.060 - Replacement Utility Structure Development Standards:*

**Height** - Inside the right-of-way, an original utility structure may be replaced with a replacement utility structure that is taller than the original structure, provided that the combined height of a replacement structure, antenna mounting device, and antenna is no greater than:

- (i) 78 feet for a replacement structure located on a parkway or freeway;
- (ii) 73 feet for a replacement structure on a major arterial;
- (iii) 63 feet for a replacement structure on a minor arterial; or

(iv) 53 feet for a replacement structure located on a collector street or local street.

**Width** - A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be at least as wide as the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

**Surface and Coloration** - A replacement structure shall be painted, coated, or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

**External cables and wires** - All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

**Lighting** - Unless the existing utility structure or original structure was lighted, a replacement structure shall not be lighted.

**Finding:** The combined height of the replacement structure, antenna mounting device, and antennas would be 32'6", which is below the maximum height of 63 feet for a minor arterial street.

The applicant provided stamped plans from a registered professional engineer. The proposed replacement would be wood, as is the existing pole. The proposed cables and wires will be placed in conduit. New equipment is to be painted with RF transparent, UV resistant, outdoor rated paints to match the wood replacement pole. The proposed structure and antenna will have a surface or coloration similar to that of the existing pole and will not be lighted. The proposed utility structure meets the standards.

*SRC 703.040 - Antenna Development Standards:*

Antennas attached to utility structures shall comply with the following development standards:

**Physical integrity** - The antennas shall not jeopardize the utility structure's physical integrity.

**Guy poles** - Antennas shall not be located on guy poles.

**Mounting** - Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or

(B) On extension arms that are no greater than three feet in length.

**Surface and Coloration** - Antennas must be painted, coated, or given a surface application that is similar to the color and surface texture of the utility structure so as to minimize visual impact as much as reasonably possible.

**Lighting** - Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.

**Finding:** The applicant provided stamped plans from a registered professional engineer. The existing and proposed pole are not guy poles. The antenna will be mounted below the top of the utility structure on an extension arm less than 18 inches in length. The proposed antenna is to be painted with RF transparent, UV resistant, outdoor rated paints to match the wood replacement pole, will have a surface or coloration similar to that of the existing pole, and will not be lighted. The proposed antenna meets the standards.

*SRC 703.050 - Auxiliary Support Equipment Development Standards:*

**Screening** - Equipment associated with antennas on utility structures inside right-of-way and not installed on the utility structure shall be installed within an underground vault or in not more than one above ground cabinet with a combined height plus width plus depth no greater than 120 linear inches.

Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:

- (i) Project no more than 18 inches from the surface of the utility structure;
- (ii) Be less than or equal to 24 inches in height;
- (iii) Be mounted a minimum of 15 feet above ground level on a utility structure located in the right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in the right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside the right-of-way.

**Vision Clearance** - Auxiliary support equipment installed above ground shall meet the vision clearance area requirements of SRC 76.170 (SRC 805).

**External cables and wires** - All external cables and wires for auxiliary support equipment shall be placed in conduit or painted to match the tower, building, support structure, or utility structure, as applicable.

**Coloration** - Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface application that is identical to the color and surface texture of the utility structure. Other equipment shall be non-reflective and painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

**Lighting** - Motion detecting security lighting is allowed for auxiliary support equipment, but shall be the minimum necessary to secure the auxiliary support equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles measured directly beneath the security lighting, at ground level, and shall be shielded to prevent direct light from falling on adjacent properties.

**Finding:** The proposed equipment projects no more than 18 inches from the surface of the pole. The largest equipment cabinet is 40 inches in height, and the applicant requested an adjustment to exceed the 24-inch height maximum. The Planning Administrator subsequently determined that the adjustment was not required, as the FCC standards adopted in 2019 for small wireless facilities (*Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, FCC 18-133 (rel. Sept. 27, 2018); 83 Fed. Reg. 51867 (Oct. 15, 2018) ("FCC Order")) supersede the City's development standards. The FCC Order allows a total volume of no more than 28 cubic feet, with no dimensional limitations on individual pieces of equipment or cabinet sizes. The proposed equipment would occupy a volume less than 28 cubic feet.

The proposed auxiliary support equipment is shown on the pole at 10'9" above grade at the lowest point, exceeding the minimum height of 10 feet above grade for a utility structure in the right-of-way between the sidewalk and the property line abutting the right-of-way.

The proposed equipment will not be located within any vision clearance areas, will be painted with RF transparent, UV resistant, outdoor rated paints to match the wood replacement pole, and will not be lighted. The proposed equipment meets the applicable standards.

*SRC 703.080 - Conditions:* Every wireless communications facility siting permit shall be subject to the following conditions:

- Condition 1:** An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.
- Condition 2:** All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.
- Condition 3:** All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.
- Condition 4:** All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the attachment or collocation of additional wireless communications facilities.
- Condition 5:** Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC Chapter 807.
- Condition 6:** Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.
- Condition 7:** After construction, maintenance, or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.
- Condition 8:** Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees,

licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.

**Condition 9:** All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated there under.

**Condition 10:** All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state, and local laws and regulations.

**Condition 11:** Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC Chapter 93.

### **Use and Development Standards – RM-II (Multiple Family Residential) Zone:**

*SRC 514.005 - Uses:*

Permitted, special, conditional and prohibited uses in the CR zone are set forth in Table 522-1.

**Finding:** The proposed development is a wireless communication facility. Wireless communication facilities are allowed in the RM-II zone per SRC 514.005, Table 514-1, subject to SRC Chapter 703.

### **Natural Resources**

*SRC 86 – Trees on City Owned Property:* SRC Chapter 86 provide a unified, consistent, and efficient means for the planning, planting, maintenance, and removal of trees located on city property, including rights-of-way, and to limit the adverse impacts to city trees and city infrastructure. No city street trees would be affected by the proposed project.

*SRC 808 - Preservation of Trees and Vegetation:* The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045. No protected trees or native vegetation have been identified on the site plan for removal.

*SRC 809 - Wetlands:* The Salem-Keizer Local Wetland Inventory (LWI) shows no wetland areas in the project area.

*SRC 810 - Landslide Hazards:* A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The applicant's

proposal does not appear to disturb any portion of a mapped landslide hazard area with regulated activities; therefore, a geological assessment is not required.

### **Airport Overlay Zone**

*SRC 602.020 - Development Standards:* Development within the Airport Overlay Zone must comply with the development standards applicable in underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone or any other overlay zone, the more restrictive development standards shall be the applicable development standard.

**Finding:** The replacement utility structure is located within the Transitional Surface area of the Airport Overlay Zone. In transitional areas, no building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping seven feet outward for each one foot upward beginning at the sides of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition, in transitional areas there are established height limits sloping seven feet outward for each one foot upward beginning at the sides of, and the same elevation as, the approach surface, and extending to where they intersect the conical surface. The proposed facility is approximately 267 feet from the side of the approach surface; at the slope of seven feet outward for each one foot upward from the approach surface, a maximum height of 38 feet would be permitted. The proposed height of 32'6" feet does not exceed the limit. The proposed height meets the applicable standard.

Criterion D: For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

**Finding:** The application submittal requirements for a Class 2 Wireless Communications Facility Siting Permit include documentation that placement at a first-priority site is not feasible and coverage maps or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap. The applicant's submittal fulfills the requirements, and the proposal meets this criterion.

Criterion E: For replacement of a utility structure in right-of-way, the approval will not cause an increase in the number of utility structures in the right-of-way or cause an enlargement or expansion of an existing utility structure in the right-of-way.

**Finding:** The applicant's proposal replaces an existing utility pole inside right-of-way with a taller pole that supports utility infrastructure. The proposed replacement utility structure will perform the same function as the original utility structure. The proposal will not cause an increase in the number of utility structures on the property or cause any of the other existing utility structures to be enlarged or expanded.

The Public Works Department requires an encroachment license application for use of the public right-of-way including attachments of equipment to utility poles. The following condition is required to ensure compliance with this criterion:

**Condition 12:** Prior to construction, a license to attach equipment to the pole must be submitted to and approved by the Public Works Department.

5. Based upon review of SRC Chapter 703, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

## ORDER

Final approval of Class 2 Wireless Communications Facility Siting Permit and Wireless Adjustment Case No. 20-03 is hereby APPROVED subject to SRC Chapter 703, the applicable standards of the Salem Revised Code, conformance with the approved site plan (Attachment B), the proposed elevation drawing (Attachment C), and the following conditions of approval:

- Condition 1:** An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.
- Condition 2:** All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.
- Condition 3:** All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.
- Condition 4:** All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the attachment or collocation of additional wireless communications facilities.
- Condition 5:** Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC Chapter 807.
- Condition 6:** Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.
- Condition 7:** After construction, maintenance, or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was

before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.

- Condition 8:** Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.
- Condition 9:** All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.
- Condition 10:** All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state, and local laws and regulations.
- Condition 11:** Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC Chapter 93.
- Condition 12:** Prior to construction, a license to attach equipment to the pole must be submitted to and approved by the Public Works Department.



---

Pamela Cole, Planner II, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Prepared by Pamela Cole, Planner II

Attachments: A. Vicinity Map  
B. Site Plans  
C. Proposed Elevations  
D. Photosimulations








<http://www.cityofsalem.net/planning>



# Vicinity Map Adjacent to 665 25th Street SE



### Legend

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks

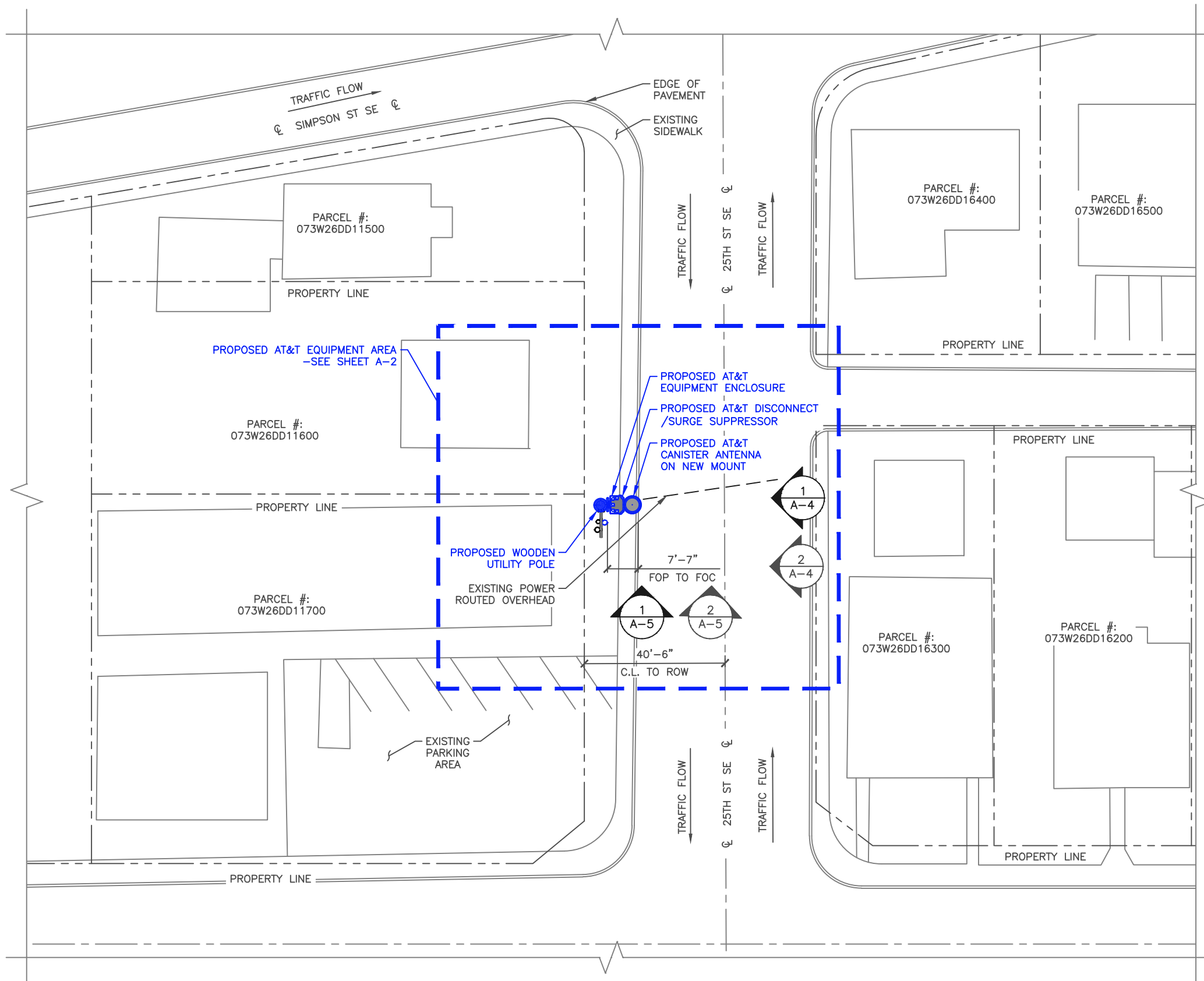


0 100 200 400 Feet



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

PERMIT NOTE:  
FIBER ROUTE PERMITTING BY OTHERS.



CARRIER:

16221 NE 72ND WAY  
REDMOND, WA 98052

PLANS PREPARED FOR:

22263 68TH AVENUE SOUTH  
KENT, WA 98032

PLAN PREPARED BY:

LETS America, Inc.  
112 S. KYRENE RD. STE. 1  
CHANDLER, AZ 85226  
ARIZONA: 480-961-9151  
LETS PROJ. #: M1-CRPNW-176

REV.	DATE	DESCRIPTION	INITIALS
A	06/25/19	90% CD'S	RRA
O	06/26/19	CONSTRUCTION SET	MDL
Δ	07/12/19	CLIENT COMMENTS	RRA

NOT FOR CONSTRUCTION UNLESS  
LABELED AS CONSTRUCTION SET

REGISTERED PROFESSIONAL  
ENGINEER  
89971PE  
OREGON  
January 15, 2015  
MADHAN KUMAR KANTHA SANNY  
DATE: 07/12/19  
EXPIRES 06/30/2021

SALEM-017-A  
691 25TH ST SE  
SALEM, OR 97301  
MARION COUNTY

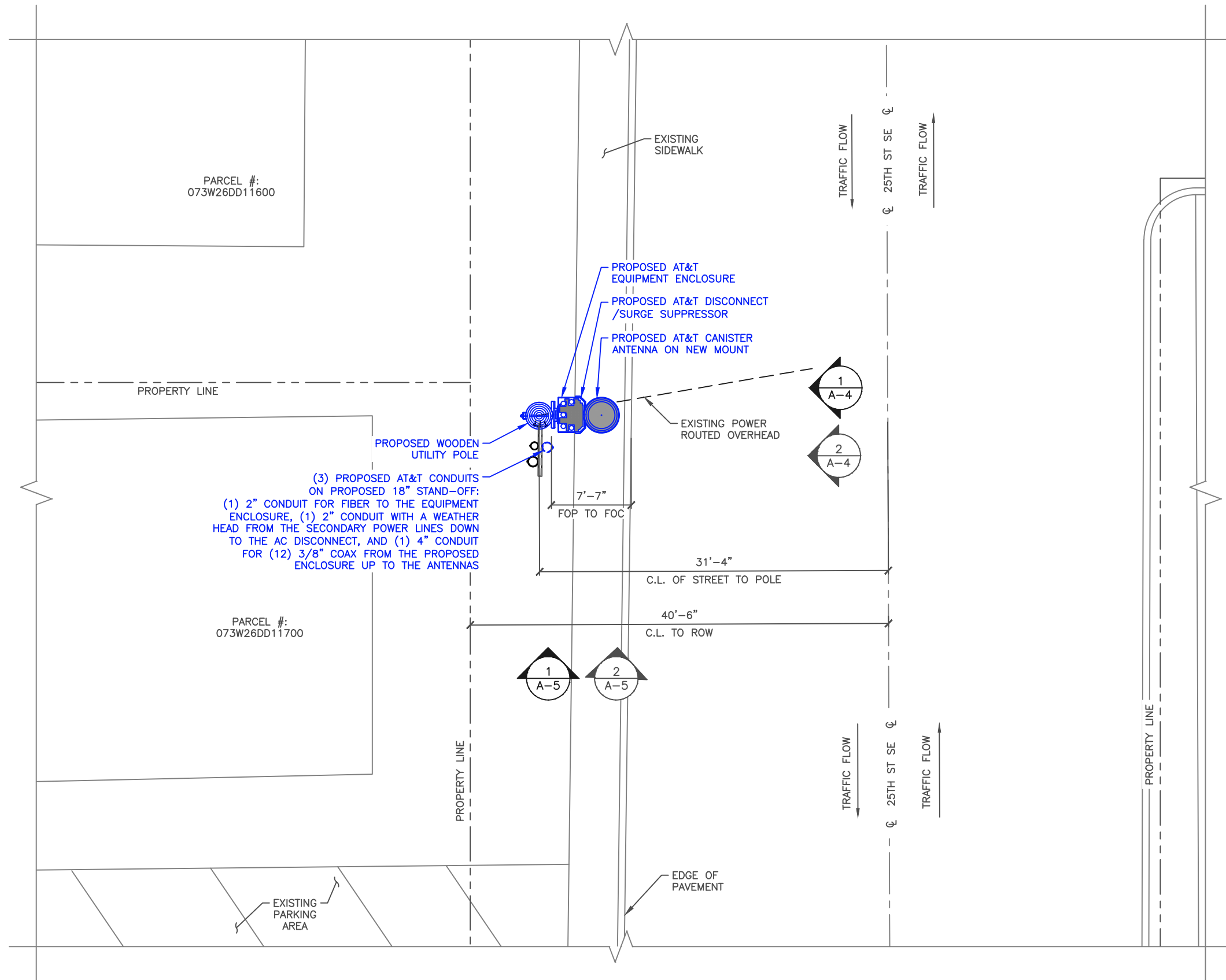
SHEET TITLE  
OVERALL SITE PLAN

SHEET NUMBER  
A-1

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



CARRIER:

16221 NE 72ND WAY  
 REDMOND, WA 98052

PLANS PREPARED FOR:

22263 68TH AVENUE SOUTH  
 KENT, WA 98032

PLAN PREPARED BY:

LETS America, Inc.  
 112 S. KYRENE RD. STE. 1  
 CHANDLER, AZ 85226  
 ARIZONA: 480-961-9151  
 LETS PROJ. #: M1-CRPNW-176

REVISIONS			
REV.	DATE	DESCRIPTION	INITIALS
A	06/25/19	90% CD'S	RRA
O	06/26/19	CONSTRUCTION SET	MDL
Δ	07/12/19	CLIENT COMMENTS	RRA

NOT FOR CONSTRUCTION UNLESS LABELED AS CONSTRUCTION SET

REGISTERED PROFESSIONAL ENGINEER  
 89971PE  
 OREGON  
 January 15, 2015  
 MADHAN KUMAR KANTHA SANNY  
 07/12/19  
 EXPIRES 06/30/2021

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF OREGON.

SALEM-017-A  
 691 25TH ST SE  
 SALEM, OR 97301  
 MARION COUNTY

SHEET TITLE  
 ENLARGED SITE PLAN

SHEET NUMBER  
 A-2



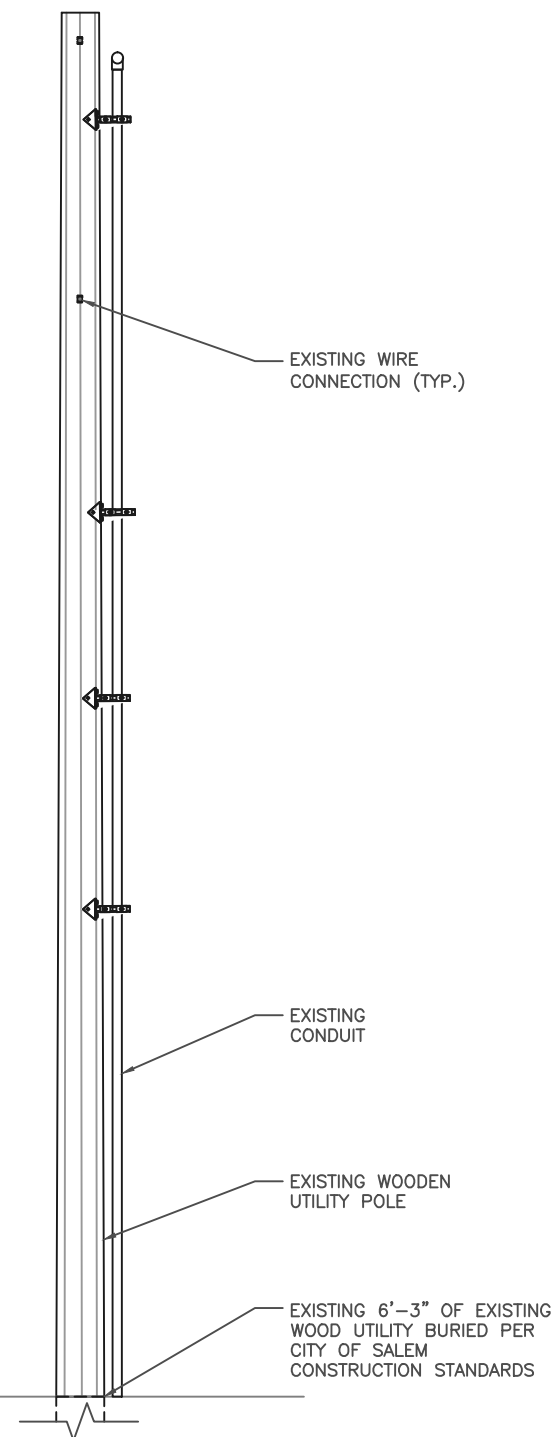
THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

TOP OF EXISTING WOODEN UTILITY POLE  
ELEV. 29'-0" AGL

HEIGHT OF EXISTING WIRE CONNECTION  
ELEV. 28'-5" AGL

HEIGHT OF EXISTING WIRE CONNECTION  
ELEV. 23'-0" AGL

FINISHED GRADE (REF.)  
ELEV. 0'-0" AGL



EXISTING EAST POLE ELEVATION

SCALE: 1/2" = 1'-0" (24x36)  
(OR) 1/4" = 1'-0" (11x17)

NOTE:  
CITY MUST HAS ACCESS TO POWER  
DISCONNECT FOR CELL EQUIPMENT.

TOP OF PROPOSED WOODEN UTILITY POLE  
ELEV. 32'-6" AGL

TOP OF PROPOSED AT&T CANISTER ANTENNA  
ELEV. 31'-0" AGL

C.L. OF PROPOSED AT&T CANISTER ANTENNA  
ELEV. 30'-0" AGL

BOTTOM OF PROPOSED AT&T STAND-OFF MOUNT  
ELEV. 28'-0" AGL

HEIGHT OF EXISTING WIRE CONNECTION  
ELEV. 27'-0" AGL

HEIGHT OF EXISTING WIRE CONNECTION  
ELEV. 23'-0" AGL

TOP OF PROPOSED AT&T EQUIPMENT ENCLOSURE  
ELEV. 16'-0" AGL

TOP OF PROPOSED AT&T DISCONNECT  
ELEV. 12'-0" AGL

INSTALLER NOTE:  
 • INSTALL RF WARNING SIGNS PER MANUFACTURER SPECIFICATIONS.  
 • PROPOSED CONDUITS TO BE LOCATED ON 18" STAND-OFF WITH A MINIMUM 6" CLEARANCE FROM THE POLE.

INSTALLER NOTE:  
 • NEW EQUIPMENT TO BE PAINTED WITH RF TRANSPARENT, UV RESISTANT, OUTDOOR RATED PAINT TO MATCH REPLACEMENT POLE. EQUIPMENT IS ON STREET SIDE.  
 • FIBER TO BE PROVIDED BY OTHERS UNDER SEPARATE PERMIT.  
 • CONTRACTOR SHALL RE-INSTALL ALL EXISTING STREET SIGNS AS NEEDED ON NEW POLE.

FINISHED GRADE (REF.)  
ELEV. 0'-0" AGL

PROPOSED EAST POLE ELEVATION

(1) PROPOSED AT&T CANISTER ANTENNA  
-SEE DETAIL 2/A-6

(1) PROPOSED AT&T B46 AIRSCALE RRH  
-SEE DETAIL 1/A-6

(1) PROPOSED AT&T STAND-OFF ANTENNA MOUNT  
-SEE DETAIL 1/A-7

EXISTING WIRE CONNECTION (TYP.)

EXISTING CONDUIT

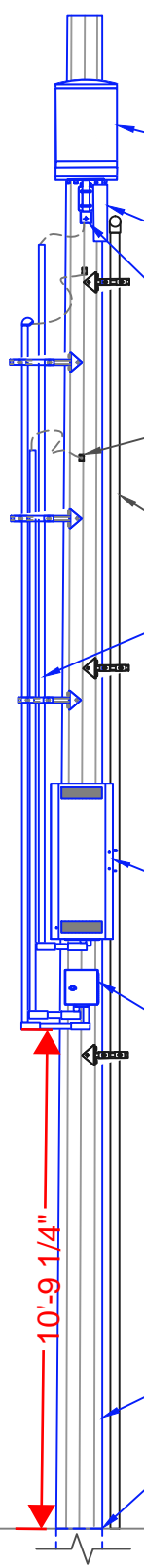
(3) PROPOSED AT&T CONDUITS ON PROPOSED 18" STAND-OFF:  
(1) 2" CONDUIT FOR FIBER TO THE EQUIPMENT ENCLOSURE, (1) 2" CONDUIT WITH A WEATHER HEAD FROM THE SECONDARY POWER LINES DOWN TO THE AC DISCONNECT, AND (1) 4" CONDUIT FOR (12) 3/8" COAX FROM THE PROPOSED ENCLOSURE UP TO THE ANTENNAS

(1) PROPOSED AT&T EQUIPMENT ENCLOSURE  
-SEE DETAIL 1/A-6

(1) PROPOSED AT&T DISCONNECT/SURGE SUPPRESSOR  
-SEE DETAIL 3/A-6

PROPOSED WOODEN UTILITY POLE

PROPOSED 7'-0" OF PROPOSED WOOD UTILITY BURIED PER CITY OF SALEM CONSTRUCTION STANDARDS



SCALE: 1/2" = 1'-0" (24x36)  
(OR) 1/4" = 1'-0" (11x17)

CARRIER:

16221 NE 72ND WAY  
REDMOND, WA 98052

PLANS PREPARED FOR:

22263 68TH AVENUE SOUTH  
KENT, WA 98032

PLAN PREPARED BY:

LETS America, Inc.  
112 S. KYRENE RD. STE. 1  
CHANDLER, AZ 85226  
ARIZONA: 480-961-9151  
LETS PROJ. #: M1-CRPNW-176

REV.	DATE	DESCRIPTION	INITIALS
A	06/25/19	90% CD'S	RRA
O	06/26/19	CONSTRUCTION SET	MDL
Δ	07/12/19	CLIENT COMMENTS	RRA

NOT FOR CONSTRUCTION UNLESS  
LABELED AS "CONSTRUCTION SET"

REGISTERED PROFESSIONAL ENGINEER  
89971PE  
OREGON  
January 15, 2015  
MADHAN KUMAR KANTHIA SANNY  
DATE: 07/12/19  
EXPIRES 06/30/2021

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF OREGON

SALEM-017-A  
691 25TH ST SE  
SALEM, OR 97301  
MARION COUNTY

SHEET TITLE  
EXISTING AND PROPOSED POLE ELEVATION

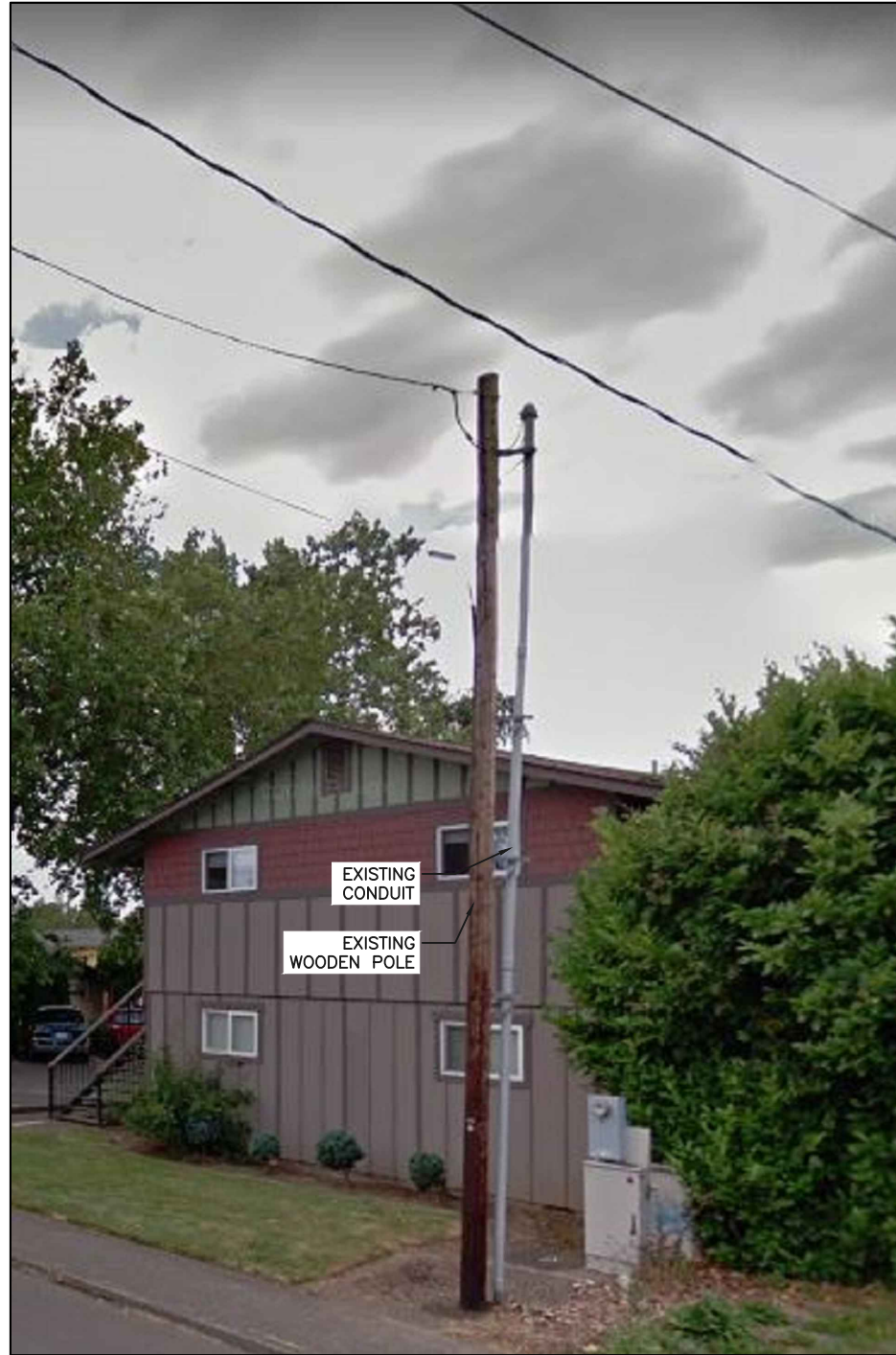
SHEET NUMBER  
A-4

SCALE: 1/2" = 1'-0" (24x36)  
(OR) 1/4" = 1'-0" (11x17)

EXISTING EAST POLE ELEVATION

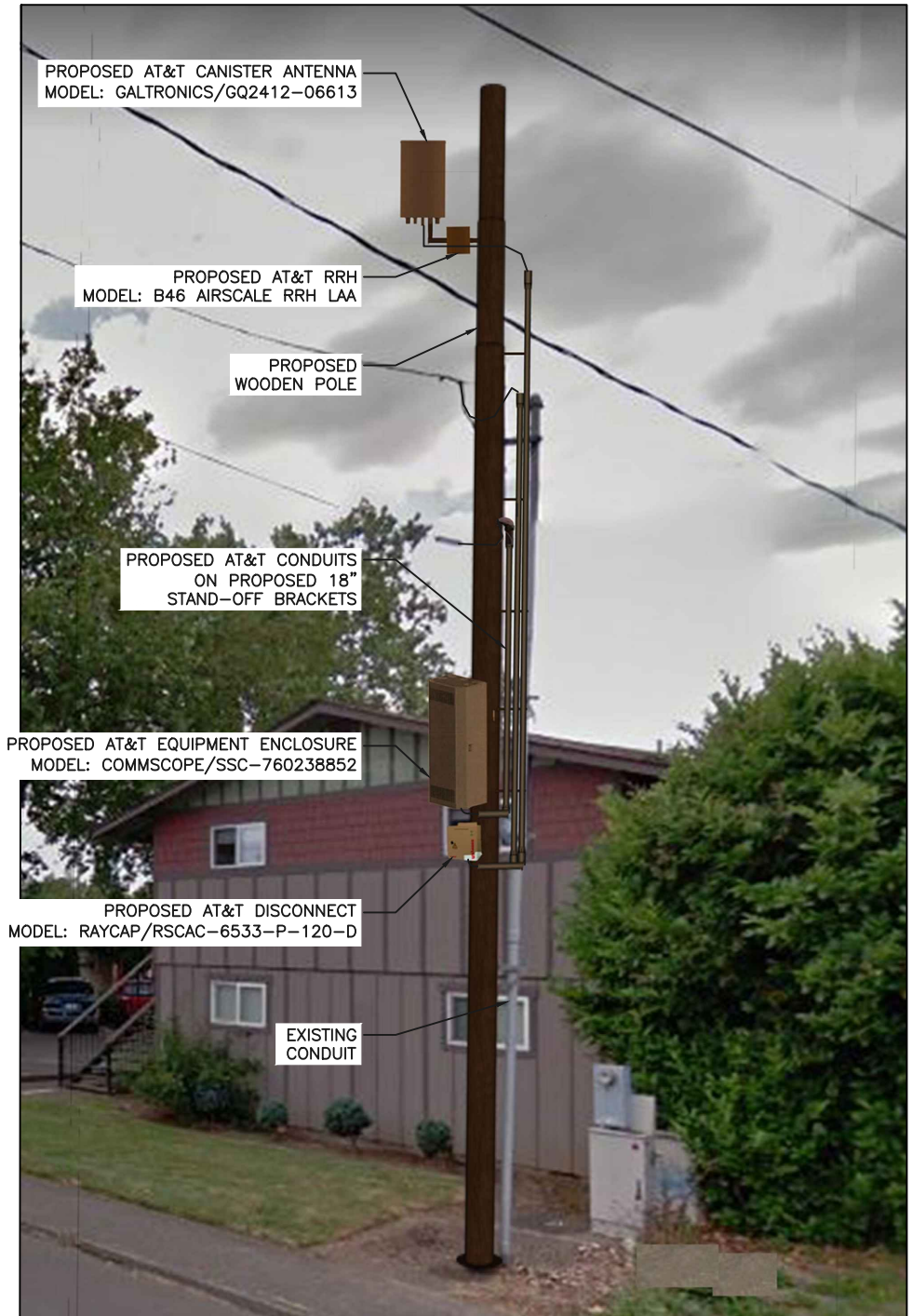
PROPOSED EAST POLE ELEVATION

EXISTING



EXISTING CONDUIT  
EXISTING WOODEN POLE

PROPOSED



PROPOSED AT&T CANISTER ANTENNA  
MODEL: GALTRONICS/GQ2412-06613

PROPOSED AT&T RRH  
MODEL: B46 AIRSCALE RRH LAA

PROPOSED WOODEN POLE

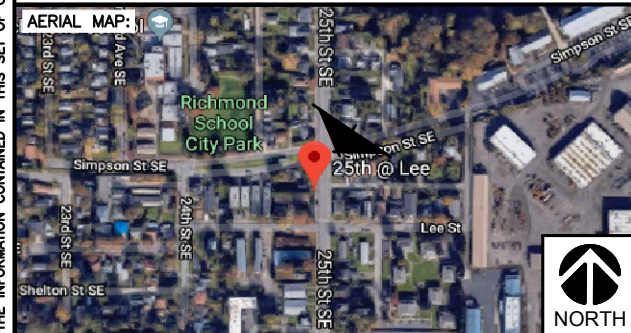
PROPOSED AT&T CONDUITS  
ON PROPOSED 18"  
STAND-OFF BRACKETS

PROPOSED AT&T EQUIPMENT ENCLOSURE  
MODEL: COMMSCOPE/SSC-760238852

PROPOSED AT&T DISCONNECT  
MODEL: RAYCAP/RSCAC-6533-P-120-D

EXISTING CONDUIT

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



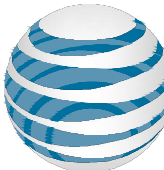
PREPARED BY:

**LETS**  
LETS America, Inc.  
112 S. KYRENE RD. STE. 1  
CHANDLER, AZ 85226  
ARIZONA: 480-961-9151  
LETS PROJ. #: M1-CRPNW-176

PREPARED FOR:

**MasTec**  
Network Solutions  
22263 68TH AVENUE SOUTH  
KENT, WA 98032

CARRIER:

 **at&t**  
16221 NE 72ND WAY  
REDMOND, WA 98052

SITE INFORMATION:

**SITE NAME: CRAN\_RWOR\_SALEM\_017\_A**  
**SCIP ID #: 17174-017-A**  
**SITE TYPE: WOOD UTILITY POLE**  
**LATITUDE: 44° 55' 43.1" N (44.928624)**  
**LONGITUD: 123° 00' 38.8" W (-123.01078)**  
**SITE ADDRESS: 775 FRONT STREET NORTHEAST  
SALEM, OR 97301**  
**COUNTY: MARION**

VIEW

VIEW OF  
POLE FACING  
NORTHEAST

SHEET

1/1