

## NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING ADMINISTRATOR

**CLASS 2 WIRELESS SITING PERMIT CASE NO.: WS219-07**

**APPLICATION NO.: 19-122829-ZO**

**NOTICE OF DECISION DATE: DECEMBER 26, 2019**

**SUMMARY:** A proposal to replace an existing light pole with a light pole with a top-mounted antenna and internally mounted equipment for wireless communications.

**REQUEST:** Class 2 Wireless Siting Permit to replace an existing 34 foot 4 inch tall light pole in right-of-way at 1130 Court Street NE 97301 (adjacent to Marion County Assessor Map and Tax Lot 073W26BB04900) with a 35 foot tall light pole, an antenna at the top of pole with a tip height of 38 feet, auxiliary support equipment inside the pole, and a streetlight.

**APPLICANT:** Nohely Moreno and Melissa Juel, Mastec Network Solutions, LLC

**LOCATION:** 1130 Court St NE

**CRITERIA:** Salem Revised Code (SRC) Chapters 703.020

**FINDINGS:** The findings are in the attached Decision dated December 26, 2019.

**DECISION:** The **Planning Administrator APPROVED** Class 2 Wireless Siting Permit Case No. WS219-07 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.

**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 city-owned 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 January 11, 2022 or this approval shall be null and void.

|                                  |                          |
|----------------------------------|--------------------------|
| Application Deemed Complete:     | <u>November 21, 2019</u> |
| Notice of Decision Mailing Date: | <u>December 26, 2019</u> |
| Decision Effective Date:         | <u>January 11, 2020</u>  |
| State Mandate Date:              | <u>March 20, 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., Friday, January 10, 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 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>

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503-588-6173***

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

**WIRELESS COMMUNICATIONS FACILITY SITING PERMIT CASE NO. WS219-07  
DECISION**

|                                     |          |  |
|-------------------------------------|----------|--|
| <b>IN THE MATTER OF APPROVAL OF</b> | <b>)</b> | <b>CLASS 2 WIRELESS COMMUNICATIONS</b> |
| <b>WIRELESS COMMUNICATIONS</b>      | <b>)</b> | <b>FACILITY SITING PERMIT</b>          |
| <b>FACILITY SITING PERMIT</b>       | <b>)</b> |  |
| <b>CASE NO. WS2-19-07</b>           | <b>)</b> |  |
| <b>RIGHT-OF-WAY ADJACENT TO</b>     | <b>)</b> | <b>DECEMBER 26, 2019</b>               |
| <b>1130 COURT STREET NE</b>         |          |  |

In the matter of the application for a Class 2 Wireless Communications Facility Siting Permit 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 light pole with a light pole with a top-mounted antenna and internally mounted equipment for wireless communications.

**Request:** Class 2 Wireless Siting Permit to replace an existing 34 foot 4 inch tall light pole in right-of-way at 1130 Court Street NE 97301 (adjacent to Marion County Assessor Map and Tax Lot 073W26BB04900) with a 35 foot tall light pole, an antenna at the top of pole with a tip height of 38 feet, auxiliary support equipment inside the pole, and a streetlight.

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

## FINDINGS

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

The existing light pole and the proposed light 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. Background

A Class 2 Wireless Communications Facility Siting Permit was submitted on October 30, 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. The Class 2 Wireless Communications Facility Siting Permit application was deemed complete for processing on November 21, 2019.

In accordance with procedural requirements of SRC 300.520(b), staff mailed a Notice of Filing and Request for Comments on November 21, 2019 with a comment deadline of December 5, 2019. Notice of the application was posted on the property on November 25, 2019 in accordance with SRC 300.520(b). The 120-day state-mandated deadline is March 20, 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 Central Area Neighborhood Development Organization (CAN-DO) and all property owners of record and tenants within 250 feet of the subject property. Comments were received from two businesses:

- One reviewed the proposal and had no objections.
- One asked the following questions:
  1. I am wondering why the existing light pole needs to be replaced?

**Staff Response:** The City's Wireless Communications Facilities Code (SRC Chapter 703) allows wireless carriers to apply for a Class 2 Wireless

Communications Facility Siting Permit to remove an existing light pole (or other utility structure) and replace it with a light pole that includes wireless communications facilities.

2. If I am understanding the proposal correctly, AT&T will be placing an antenna on top of the light pole and installing equipment internally for wireless communications. Who will be utilizing the wireless communications capabilities?

**Staff Response:** The wireless communications service will be available to AT&T wireless customers.

3. Will this interfere with the reception from other wireless companies?

**Staff Response:** It will not interfere with reception from other wireless companies.

#### **City Department Comments:**

The Public Works Department reviewed the proposal and identified several items that need to be addressed prior to construction plan approval: (1) the proposed work will require a lane and sidewalk closure permit; (2) the applicant may want to check that the large tree branches are not in the way of the higher pole; (3) the applicant will need to show where the existing junction box is located and what will happen to it.

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

The Fire Department reviewed the proposal and had no concerns.

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

No comments were received.

#### **3. 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 due to the city's agreed design with AT&T (smart stack design). It cannot be placed outside the right of way as the radio frequency target area consists of the area surrounding the Oregon State Capitol. 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'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, which could not be met by placing it on a parkway. There are no existing structures on private property which would maintain the radio frequency target area (Oregon State Capitol).

**Finding:** The applicant provided propagation maps indicating that the proposed location in the right-of-way of a major arterial street (Court Street NE) 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 38 feet, which is below the maximum height of 73 feet for a major arterial street. The applicant provided stamped plans from a registered professional engineer. The proposed cables and wires will be placed inside the pole. The proposed structure and antenna will have a surface or coloration similar to that of the existing pole and will not be lighted, except for the light fixture that will replace the existing light fixture. 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 street light are not guy poles. The antenna will be mounted at the top of the utility structure. The proposed antenna will have a surface or coloration similar to that of the existing pole and will not be lighted, except for the light fixture that will replace the existing light fixture. The proposed utility structure 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 auxiliary support equipment is located entirely on the inside of the replacement utility pole and completely screened from view. The proposed equipment inside the pole is not located within any vision clearance areas. The requirements for external cables and wires, coloration, and lighting are not applicable for equipment inside a pole. 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 – PM (Capitol Mall) Zone:**

*SRC 545.005 - Uses:*

Permitted, special, conditional and prohibited uses in the PM zone are set forth in Table 545-1.

**Finding:** The proposed development is a wireless communication facility. Wireless communication facilities are allowed in the PM zone per SRC 545.005, Table 545-1, 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 Horizontal Surface area of the Airport Overlay Zone. In that area, no structure shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation. The proposed height of 38 feet is not greater than 150 feet above the airport elevation. 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 light pole inside right-of-way with a taller pole that will support a streetlight and wireless communications antenna. The proposed replacement utility structure will perform the same lighting function as the original utility structure. The replacement light fixture will be at the same height as the existing light fixture. 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 light poles. The following condition is required to ensure compliance with this criterion:

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

4. 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 Case No. 19-07 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.
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- 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 city-owned pole must be submitted to and approved by the Public Works Department.



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Pamela Cole,  
Urban Planning Administrator Designee

Prepared by Pamela Cole, Planner II

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

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





SITE PHOTO



SITE NAME: SALEM-008-I  
POLE #: 14606  
SCIP ID: 17174-008-I  
SITE TYPE: METAL LIGHT POLE  
SITE ADDRESS: 1090 COURT ST NE  
SALEM, OR 97301  
COUNTY: MARION  
JURISDICTION: CITY OF SALEM

CARRIER:



PLANS PREPARED FOR:



PLAN PREPARED BY:



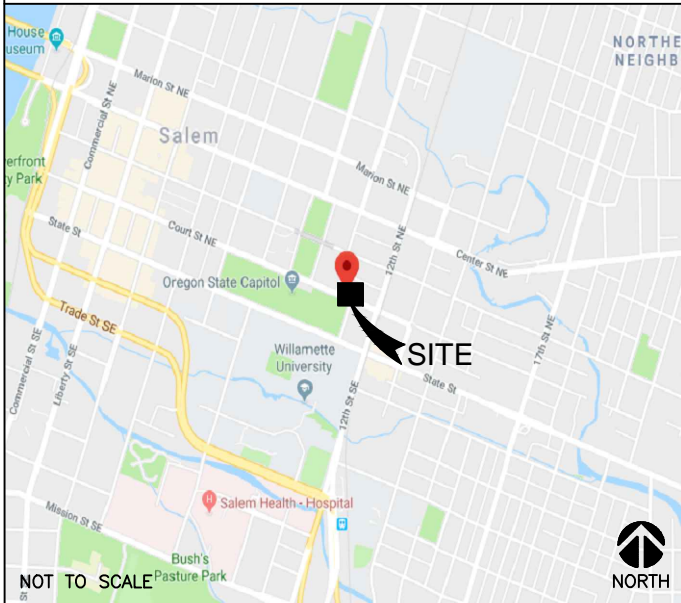
PROJECT INFORMATION

**SITE INFORMATION**  
SITE NAME: SALEM-008-I  
LATITUDE: 44° 56' 18.24" N (44.93840°)  
LONGITUDE: 123° 01' 40.89" W (-123.02802°)  
SITE ADDRESS: 1090 COURT ST NE  
SALEM, OR 97301  
COUNTY: MARION  
JURISDICTION: CITY OF SALEM  
ZONING CLASSIFICATION: N/A  
CONSTRUCTION TYPE: N/A  
OCCUPANCY: N/A  
ADJACENT TAXLOT: 073W26BB04900  
ADJACENT TAX ACCOUNT: R89533  
OVERLAY ZONE: NONE  
SPECIAL AREA SUBZONE: NONE  
A.D.A COMPLIANCE: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION  
**POLE OWNER**  
NAME: CITY OF SALEM  
PHONE: 555 LIBERTY ST SE  
SALEM, OR 97301  
(503) 588-6255  
**APPLICANT INFORMATION**  
APPLICANT/CARRIER: NEW CINGULAR WIRELESS PCS, LLC (DBA AT&T)  
ADDRESS: 16221 NE 72ND WAY  
REDMOND, WA 98052  
ELECTRIC PROVIDER: PORTLAND GENERAL ELECTRIC  
ADDRESS: 2213 SW 153 DRIVE  
BEAVERTON, OR 97066  
FRONT HAUL FIBER PROVIDER: COMCAST: BARRY PRATT  
BACK HAUL FIBER PROVIDER: LNS: JOHN GROTH

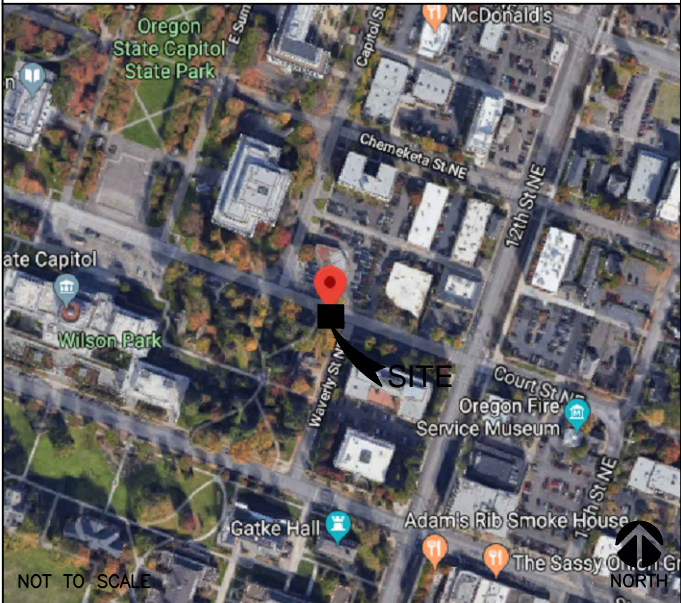
PROJECT TEAM

**A&E FIRM**  
NAME: LETS AMERICA, INC.  
CONTACT: 112 S. KYRENE ROAD, SUITE 1  
CHANDLER, AZ 85226  
PHONE: (480) 961-9151  
EMAIL: INFO@LETSINC.COM  
**SITE DESIGN**  
NAME: MASTEC NETWORK SOLUTIONS, INC.  
ADDRESS: 22263 68TH AVE SOUTH  
KENT, WA 98032  
PROJECT MANAGER: MELISSA JUEL  
PHONE: (503) 508-6799  
CONSTRUCTION MANAGER: CHAD ROOPER  
PHONE: (503) 969-5366  
SITE ACQUISITION SPECIALIST: MELISSA JUEL  
PHONE: (503) 508-6799  
PERMITTING: NOHELY MORENO  
PHONE: (562) 507-7881

LOCATION MAP



AERIAL MAP



INDEX OF DRAWINGS

| SHEET | DESCRIPTION                                    | REV. | DATE     |
|-------|--|------|----------|
| T-1   | TITLE SHEET                                    | 1    | 10/28/19 |
| GN-1  | GENERAL NOTES                                  | 1    | 10/28/19 |
| A-1   | OVERALL SITE PLAN                              | 1    | 10/28/19 |
| A-2   | ENLARGED SITE PLAN                             | 1    | 10/28/19 |
| A-2.1 | CONSTRUCTION AREA & CONSTRUCTION STANDARDS     | 1    | 10/28/19 |
| A-3   | SURVEY PLAN & 1A LETTER                        | 1    | 10/28/19 |
| A-4   | EXISTING AND PROPOSED POLE NORTHEAST ELEVATION | 1    | 10/28/19 |
| A-5   | EXISTING AND PROPOSED POLE NORTHWEST ELEVATION | 1    | 10/28/19 |
| A-6   | EQUIPMENT DETAILS                              | 1    | 10/28/19 |
| A-7   | EQUIPMENT DETAILS                              | 1    | 10/28/19 |
| A-8   | TRENCH DETAIL                                  | 1    | 10/28/19 |
| RF-1  | RF WARNING SIGNS                               | 1    | 10/28/19 |
| E-1   | PLUMBING DIAGRAM & POWER SCHEMATIC             | 1    | 10/28/19 |
| G-1   | GROUNDING DETAILS                              | 1    | 10/28/19 |

REVISIONS

| REV. | DATE     | DESCRIPTION      | INITIALS |
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| A    | 08/15/19 | 90% CD'S         | RRA      |
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| 1    | 10/28/19 | CONSTRUCTION SET | MDL      |

NOT FOR CONSTRUCTION UNLESS LABELED AS CONSTRUCTION SET



CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PREFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCATION GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING:  
**COMMERCIAL BUILDING CODE**  
OREGON STRUCTURAL SPECIALTY CODE(OSSC)-2014  
**COMMERCIAL ELECTRICAL CODE**  
OREGON ELECTRICAL SPECIALTY CODE(OESC)-2017

SCOPE OF WORK

THIS IS NOT AN ALL INCLUSIVE LIST. CONTRACTOR SHALL USE SPECIFIED EQUIPMENT PART OR ENGINEER APPROVED EQUIVALENT. CONTRACTOR SHALL VERIFY ALL NEEDED EQUIPMENT TO PROVIDE A FUNCTIONAL SITE. THE PROJECT GENERALLY CONSISTS OF THE FOLLOWING:  
- (1) PROPOSED 14" SABRE SMARTSTACK  
- (1) PROPOSED AT&T CANISTER ANTENNA  
- (3) PROPOSED AT&T AIRSCALE RRH  
- (1) PROPOSED AT&T DISCONNECT/SURGE SUPPRESSOR  
- (2) PROPOSED AT&T COMBINERS  
- (4) PROPOSED AT&T CONDUITS

DIRECTIONS

DEPART FROM: PORTLAND INTERNATIONAL AIRPORT, 7000 NE AIRPORT WAY, PORTLAND, OR 97218  
1. GET ON I-205 S FROM NE AIRPORT WAY  
2. HEAD NORTHWEST ON NE AIRPORT WAY  
3. SLIGHT LEFT TO STAY ON NE AIRPORT WAY  
4. USE THE RIGHT 2 LANES TO TURN SLIGHTLY RIGHT ONTO THE INTERSTATE 205 S RAMP TO INTERSTATE 84/PORTLAND/SALEM  
5. MERGE ONTO I-205 S  
6. USE THE LEFT 2 LANES TO TAKE THE INTERSTATE 5 S EXIT TOWARD SALEM  
7. MERGE ONTO I-5 S  
8. TAKE EXIT 256 FOR OR-213/MARKET ST TOWARD LANCASTER MALL  
9. CONTINUE ON MARKET ST NE. TAKE 17TH ST NE TO COURT ST NE  
10. MERGE ONTO MARKET ST NE  
11. TURN LEFT ONTO 17TH ST NE  
12. TURN RIGHT ONTO CENTER ST NE  
13. TURN LEFT ONTO 13TH ST NE  
ARRIVE AT: 1090 COURT ST NE, SALEM, OR 97301

LEGAL DESCRIPTION

RIGHT-OF-WAY

DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT OR ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



Know what's below.  
Call before you dig.

TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN OREGON, CALL OREGON UTILITY NOTIFICATION CENTER  
TOLL FREE: 1-800-332-2344 OR  
www.digsafelyoregon.com  
OREGON STATUTE  
REQUIRES MIN OF 2  
WORKING DAYS NOTICE  
BEFORE YOU EXCAVATE

SHEET TITLE

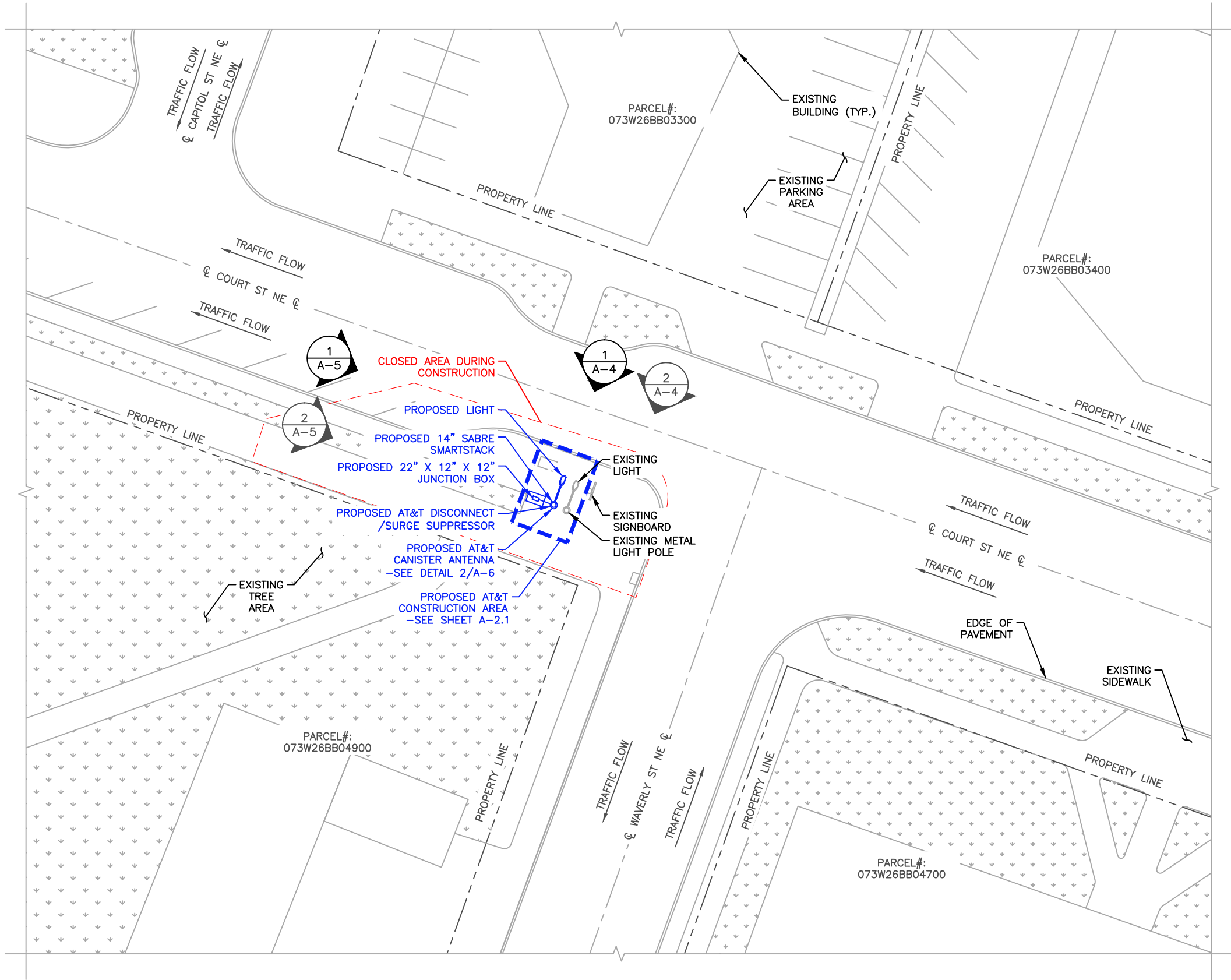
TITLE SHEET

SHEET NUMBER

T-1



PERMIT NOTE:  
FIBER ROUTE PERMITTING BY OTHERS.



CARRIER:



16221 NE 72ND WAY  
REDMOND, WA 98052

PLANS PREPARED FOR:

**MasTec**  
Network Solutions

22263 68TH AVENUE SOUTH  
KENT, WA 98032

PLAN PREPARED BY:

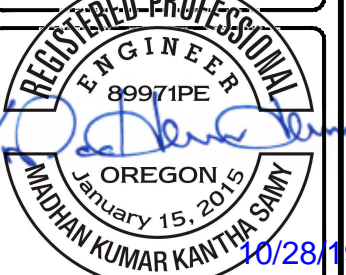
**LETS**

LETS America, Inc.  
112 S. KYRENE RD. STE. 1  
CHANDLER, AZ 85226  
ARIZONA: 480-961-9151  
LETS PROJ. #: M1\_CRPNW\_190

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LABELED AS CONSTRUCTION SET



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-008-I  
1090 COURT ST NE  
SALEM, OR 97301  
MARION COUNTY

SHEET TITLE

OVERALL SITE PLAN

SHEET NUMBER

A-1



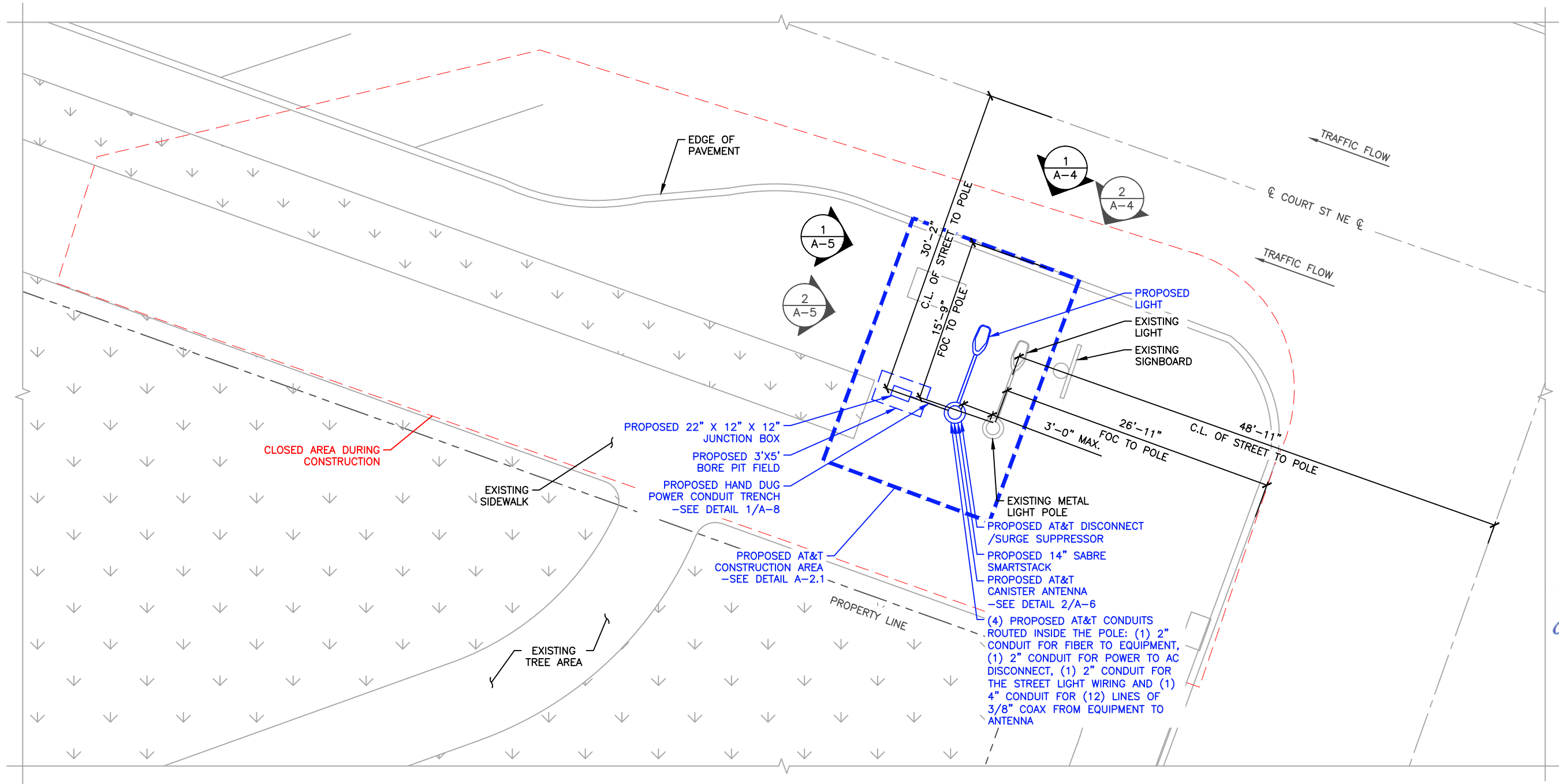
OVERALL SITE PLAN

0 4' 8' 16'  
SCALE: 1/16" = 1'-0" (22x34)  
(OR) 1/32" = 1'-0" (11x17)

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.

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| AT&T NOKIA PICO INSTALL EQUIPMENT |                                    |                        |        |          |            |                    |
|-----------------------------------|------------------------------------|------------------------|--------|----------|------------|--------------------|
| ITEM                              | MODEL DESCRIPTION                  | H X W X D              | WEIGHT | QUANTITY | TOTAL LBS. | PLACEMENT          |
| ANTENNA                           | GALTRONICS<br>GQ2412-06613         | 14.7"Ø X 24.5" TALL    | 30.9   | 1        | 30.9       | POLE TOP           |
| COMMSCOPE METROCELL UNIT          | SSC-760241465N4xx                  | 36" X 12"              | 40     | 1        | 40         | POLE TOP           |
| AIRSCALE B46 LAA RRH              | AZRB B46 (LAA)                     | 11.6" X 10.6" X 1.6"   | 12.80  | 1        | 12.80      | IN METRO CELL UNIT |
| FIBER TERMINATION BOX             | CLEARFIELD FDP-xWB1                | 12.17" X 8.62" X 3.91" | 5      | 1        | 5          | INSIDE POLE        |
| AIRSCALE B25 RRH                  | AHFB B25 (PCS)                     | 11.6" X 10.6" X 1.6"   | 12.80  | 1        | 12.80      | INSIDE POLE        |
| AIRSCALE B66 RRH                  | AHIB B66 (AWS)                     | 11.6" X 10.6" X 1.6"   | 12.80  | 1        | 12.80      | INSIDE POLE        |
| COMBINER/DIPLEXER                 | COMMSCOPE<br>CBC1923Q-43_E14F55P12 | 4.6" X 8.3" X 3.3"     | 7.30   | 1        | 7.30       | INSIDE POLE        |
| RAYCAP DISCONNECT                 | RSCAC-1333-PS-240-A                | 10.43" X 9.38" X 6.68" | 8      | 1        | 8          | INSIDE POLE        |
| TOTAL                             |                                    |                        | 129.60 | 8        | 129.60     |                    |

CARRIER:



16221 NE 72ND WAY  
REDMOND, WA 98052

PLANS PREPARED FOR:

**MasTec**  
Network Solutions

22263 68TH AVENUE SOUTH  
KENT, WA 98032

PLAN PREPARED BY:

**LETS**

LETS America, Inc.  
112 S. KYRENE RD. STE. 1  
CHANDLER, AZ 85226  
ARIZONA: 480-961-9151  
LETS PROJ. #: M1\_CRPNW\_190

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SALEM-008-I  
1090 COURT ST NE  
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MARION COUNTY

SHEET TITLE

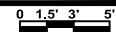
ENLARGED SITE PLAN

SHEET NUMBER

A-2



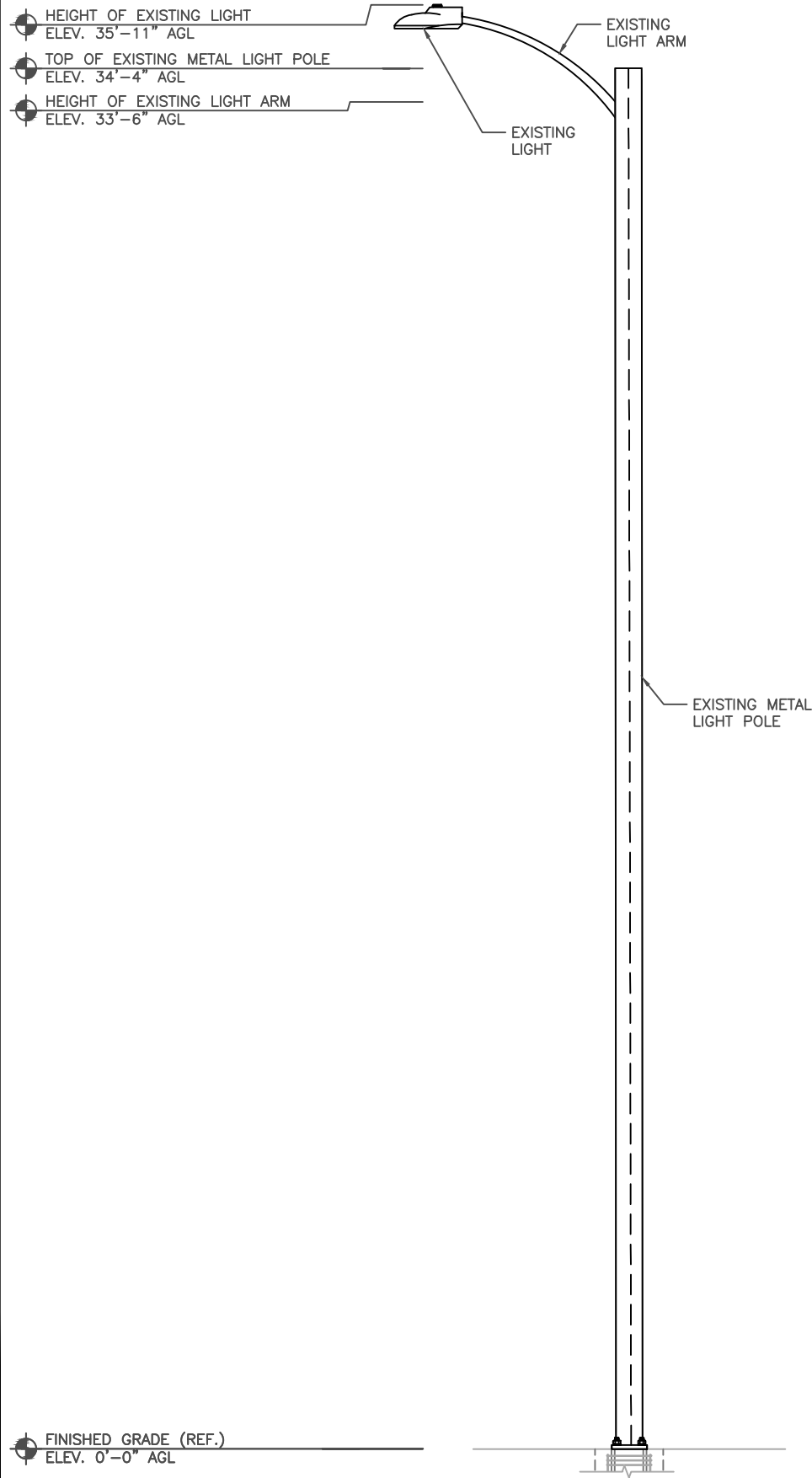
ENLARGED SITE PLAN



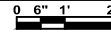
SCALE: 3/16" = 1'-0" (24x36)  
(OR) 3/32" = 1'-0" (11x17)

1

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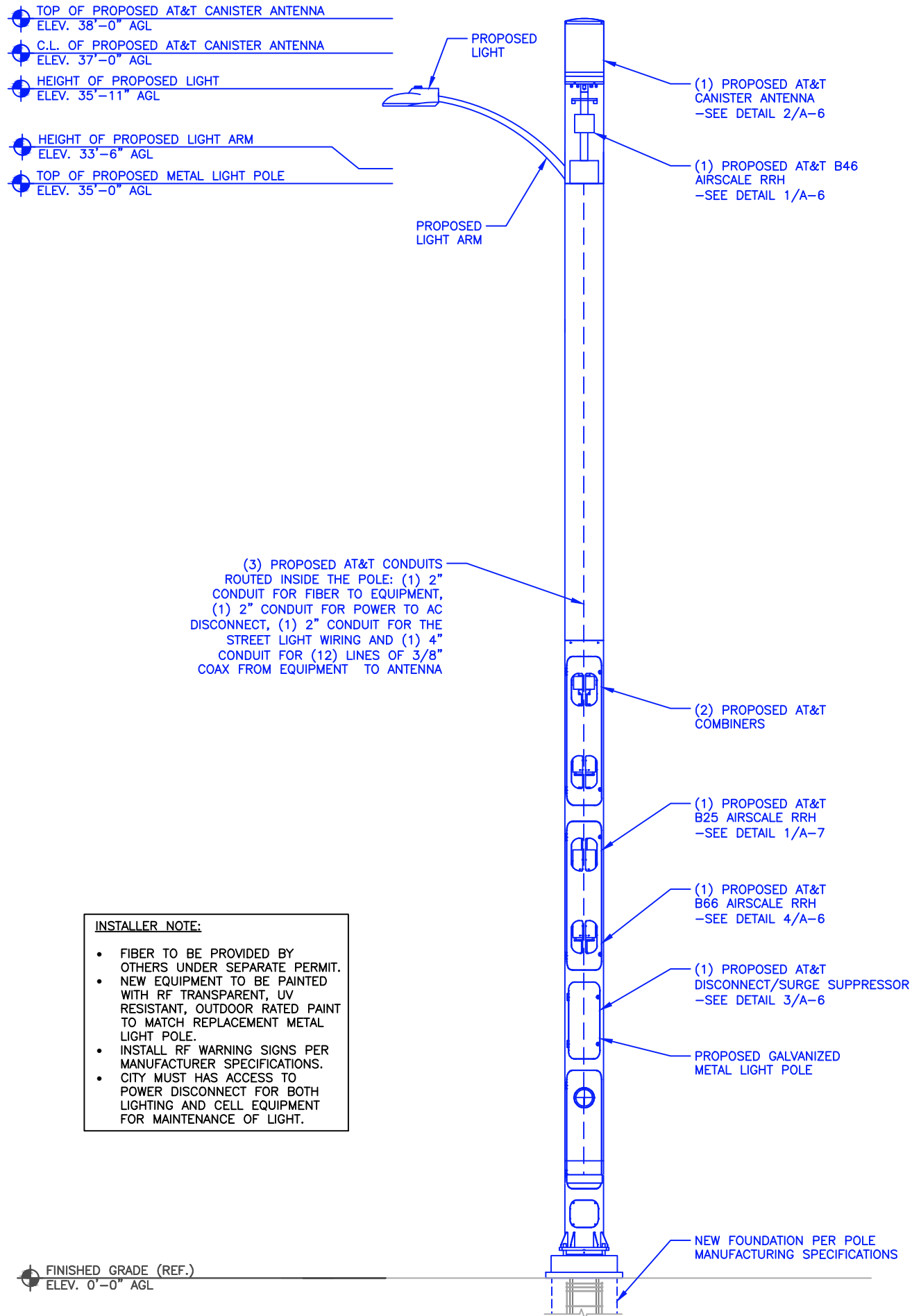


EXISTING POLE NORTHWEST ELEVATION

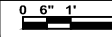


SCALE: 1/2" = 1'-0" (24x36)  
(OR) 1/4" = 1'-0" (11x17)

2



PROPOSED POLE NORTHWEST ELEVATION



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

1

CARRIER:



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\_190

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SALEM-008-I  
1090 COURT ST NE  
SALEM, OR 97301  
MARION COUNTY

SHEET TITLE  
**EXISTING AND  
PROPOSED POLE  
NORTHWEST  
ELEVATION**

SHEET NUMBER  
**A-5**





Existing



Proposed