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503-588-6173*

REVISED DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 WIRELESS SITING PERMIT CASE NO.: WS221-02

APPLICATION NO.: 20-116607-ZO

NOTICE OF REVISED DECISION DATE: ~~April 20, 2021~~ April 27, 2021

SUMMARY: Replace an existing utility pole and install a small cell wireless communications facility on the replacement pole.

REQUEST: A Class 2 Wireless Communications Facility Siting Permit to replace an existing 34 foot 1 inch tall wooden utility pole in the western right-of-way of the 1700-1799 Capitol Street SE block adjacent to Marion County Assessor Map and Tax Lot 073W34AA13700 with a new 43 foot tall wooden pole and mount a small cell wireless antenna and equipment enclosure on the pole.

APPLICANT: Meredith Hewett on behalf of New Cingular Wireless PCS LLC (AT&T)

LOCATION: 1700-1799 Capitol St SE, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapter 703.020(e)(2) – Class 2 Wireless Communications Facility Siting Permits

FINDINGS: The findings are in the attached REVISED Decision dated April ~~20~~ 27, 2021.

DECISION: The **Planning Administrator APPROVED** Class 2 Wireless Siting Permit WS221-02 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



- 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 ~~May 11, 2023~~ May 13, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>March 17, 2021</u>
Notice of <u>REVISED</u> Decision Mailing Date:	April 20, 2021 <u>April 27, 2021</u>
Decision Effective Date:	May 11, 2021 <u>May 13, 2021</u>
State Mandate Date:	<u>July 15, 2021</u>

Case Manager: Pamela Cole, Planner II, pcole@cityofsalem.net, 503-540-2309

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Wednesday, ~~May 5~~ May 12, 2021. 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 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 Hearing Officer will review the appeal at a public hearing. After the hearing, the Hearing 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 by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, 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

**CLASS 2 WIRELESS COMMUNICATIONS FACILITY SITING PERMIT
CASE NO. WS221-02
REVISED DECISION**

**IN THE MATTER OF APPROVAL OF) CLASS 2 WIRELESS COMMUNICATIONS
WIRELESS COMMUNICATIONS) FACILITY SITING PERMIT
FACILITY SITING PERMIT)
CASE NO. WS221-02)
WESTERN RIGHT-OF-WAY OF THE)
1700-1799 CAPITOL STREET SE BLOCK) ~~APRIL 20, 2021~~ APRIL 27, 2021**

In the matter of the application for a Class 2 Wireless Communications Facility Siting Permit submitted by Meredith Hewett of J5 Infrastructure Partners, 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: Replace an existing utility pole and install a small cell wireless communications facility on the replacement pole.

Request: Class 2 Wireless Communications Facility Siting Permit to replace an existing 34 foot 1 inch tall wooden utility pole in the western right-of-way of the 1700-1799 Capitol Street SE block adjacent to Marion County Assessor Map and Tax Lot 073W34AA13700 with a new 43 foot tall wooden pole and mount a small cell wireless antenna and equipment enclosure on the pole.

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. Background

A Class 2 Wireless Communications Facility Siting Permit was submitted on October 22, 2020 by Meredith Hewett of J5 Infrastructure Partners, on behalf of the applicant New Cingular Wireless PCS LLC (doing business as AT&T). Additional information was requested from the applicant. The application was deemed complete for processing on March 17, 2021.

In accordance with procedural requirements of SRC 300.520(b), staff mailed a Notice of Filing and Request for Comments on April 1, 2021 with a comment deadline of April 15, 2021. Notice of the application was posted on the property on April 4, 2021 in accordance with SRC 300.520(b). The 120-day state-mandated deadline is July 15, 2021.

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 Association Comment

Notice of the application was provided to the South Central Association of Neighbors (SCAN) pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. The SCAN Land Use Committee Chair commented that they had reviewed the proposed replacement pole and had no concerns.

Public Comment

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the utility structure. The subject property was posted pursuant to SRC 300.520(b)(2). No public comments were received.

Homeowners Association

The subject property is not located within a Homeowners Association.

City Department Comments:

The Public Works Department reviewed and approved the proposal.

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

The Fire Department reviewed the proposal and had no concerns.

Public and Private Service Provider Comments:

PGE reviewed the proposal and had no comments.

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: With conditions of approval, 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 proposed project is to be collocated on a replacement CenturyLink pole, currently carrying secondary power and multiple telecommunications attachments.

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 project is to be collocated on a replacement CenturyLink pole, currently carrying secondary power and multiple telecommunications attachments.

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 proposed small wireless facility [is] on the west side of Capitol Street NE, approximately 120 north of Howard Street SE. This location is being targeted to improve the network in a neighborhood area adjacent to a public school and a business district.

Finding: The applicant provided propagation maps indicating that the proposed location in the right-of-way of a local street (Capitol Street SE) will provide the required coverage. Higher-classification streets in the general vicinity are Cross Street SE (collector) and 12th Street SE (major arterial). These streets are too far to serve the intended area. See RF propagation maps submitted with this application. By their nature and design, small wireless facilities serve a very limited geographic area and they must be near the intended service area.

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 43 feet, which is below the maximum height of 53 feet for a local 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 to match the replacement wood 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 on an extension arm less than three feet in length from the side of the utility structure and will be no higher than 39'7", which is below the top of the 43-foot-tall utility structure. The proposed antenna is to be painted to match the wood pole, will have a surface or coloration similar to that of the wood 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 more than 18 inches from the surface of the pole. The largest equipment cabinet is 44 inches high, 20 inches deep, and 21 inches wide. It must be mounted 6 inches from the pole to allow safe climbing. 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 16 feet above grade at the lowest point, exceeding the minimum height of 15 feet above grade for a utility structure in the right-of-way between the sidewalk and the street improvement.

The proposed equipment will not be located within any vision clearance areas, will be painted to match the wood pole, and will not be lighted. External wires and cables will be placed in conduit. 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 – RS (Single Family Residential) Zone:

SRC 511.005 - Uses:

Permitted, special, conditional and prohibited uses in the RS zone are set forth in Table 511-1.

Finding: The proposed development is a wireless communication facility. Wireless communication facilities are allowed in the RS zone per SRC 511.005, Table 511-1, 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 would be located within the Horizontal Surface area of the Airport Overlay Zone and airport building restriction areas. Horizontal surface means a horizontal plane 150 feet above the airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal area. In the Horizontal area, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation. The official airport elevation is 213.6 feet, and the horizontal surface would be 363.6 feet. The

elevation of the proposed site for the replacement utility structure is approximately 167.78 feet, and the top of the proposed structure would be approximately 210.78 feet ($167.78 + 43 = 210.78$). The proposed replacement structure would be well below the limit defined by the Horizontal surface. The proposal meets the applicable standard.

Historic Preservation

Jason Allen, the Historic Preservation Specialist for the State Historic Preservation Office (SHPO) issued a general interpretation regarding FCC exemptions from Section 106 review (June 12, 2020). He stated that a pole replacing an existing utility pole is considered a new structure and this type of installation is classified as a Tower and therefore exemptions from 106 review are based upon Section III of the 2004 Nationwide Programmatic Agreement.

Finding: The proposed facility on a replacement utility structure would be interpreted as a Tower and would therefore be exempt from SHPO review and Section 106 under Section III of the 2004 Nationwide Programmatic Agreement relating to small wireless facilities.

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 (an existing structure inside or outside right-of-way) 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 new 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.~~

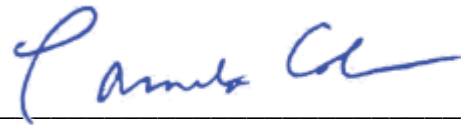
4. Based upon review of SRC Chapter 703, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

ORDER

Final approval of Class 2 Wireless Communications Facility Siting Permit Case No. 21-02 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.
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- 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

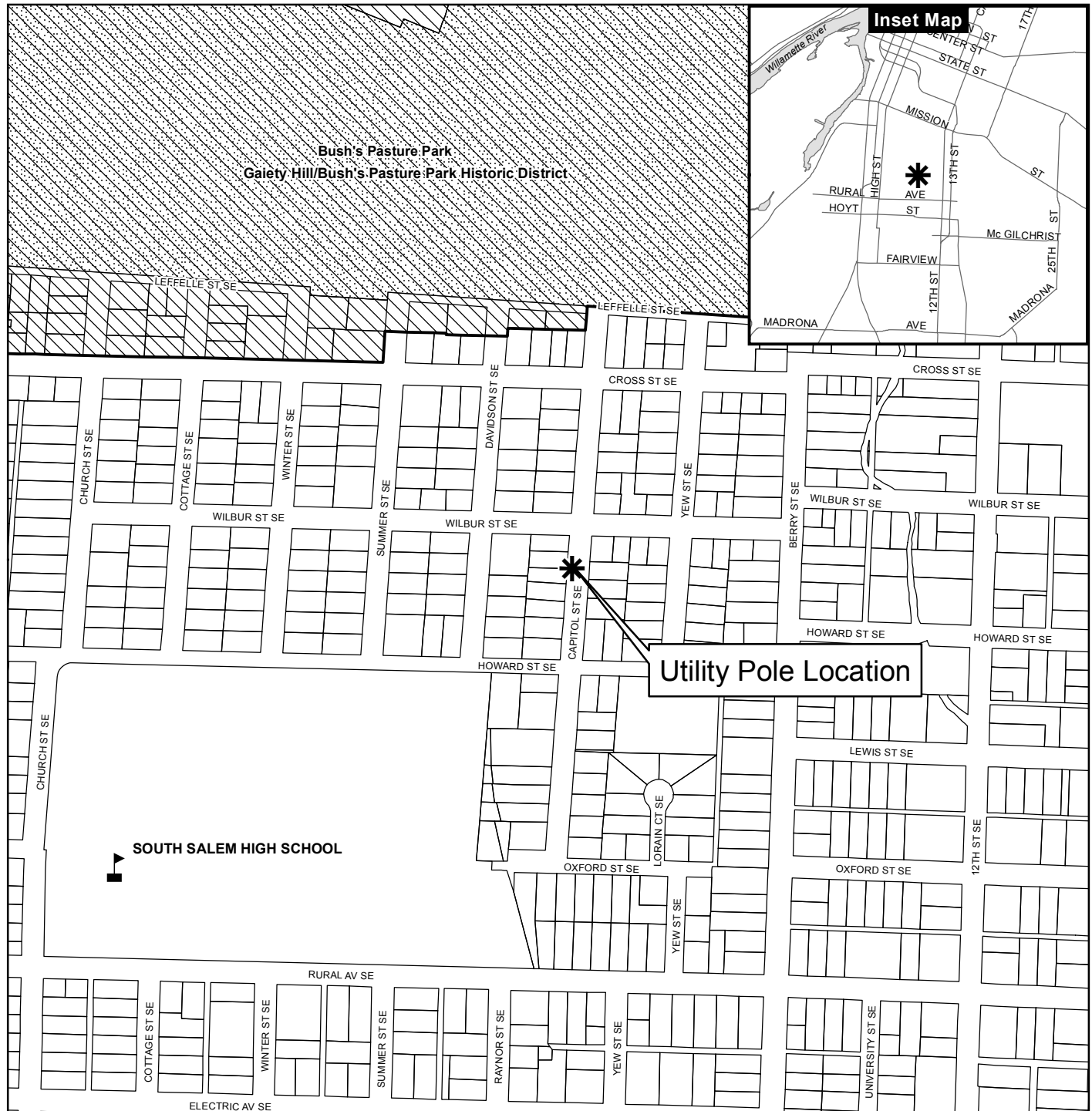
Prepared by Pamela Cole, Planner II

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

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

Vicinity Map

Adjacent to 1700-1799 Capitol Street NE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

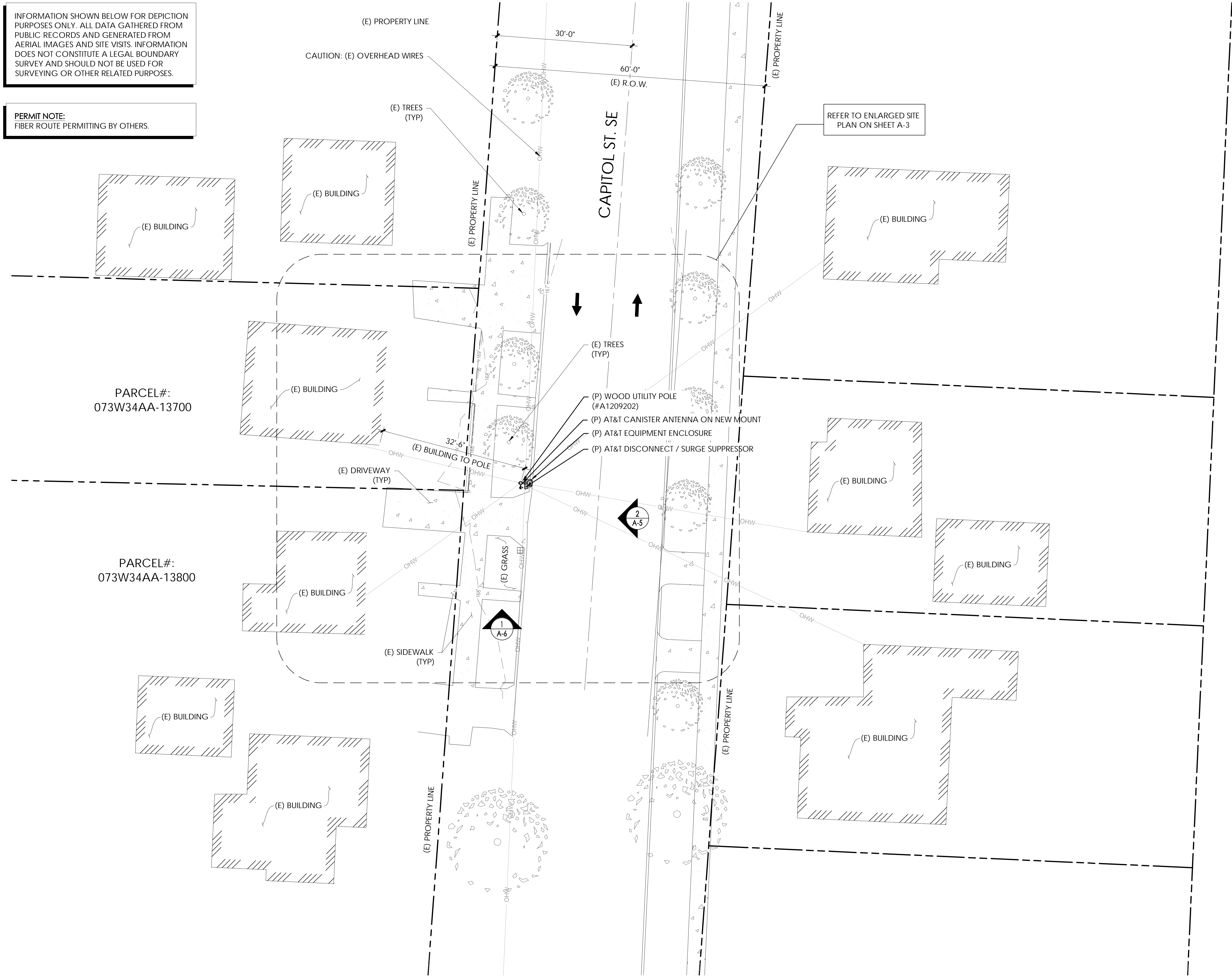
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0 100 200 400 Feet



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PERMIT NOTE:
FIBER ROUTE PERMITTING BY OTHERS.



PREPARED FOR



16331 NE 72ND WAY
REDMOND, WA 98052

Vendor:

J5 INFRASTRUCTURE PARTNERS
2030 MAIN ST.
SUITE 200
IRVINE, CA 92614
J5 PROJECT ID: P-042820

Vendor:

Vendor:

DRAWN BY: SS

CHECKED BY: JMM

REV	DATE	DESCRIPTION
1	10/09/20	100% CDs
0	05/28/20	100% CDs
C	05/22/20	90% CDs
B	03/09/20	90% CDs
A	02/14/20	90% CDs

Licenser:



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

AT&T Site ID:

CRAN_RWOR_SALEM_009I

17174-009I

1765 CAPITOL STREET
SOUTHEAST
SALEM, OR 97302

Sheet Title:

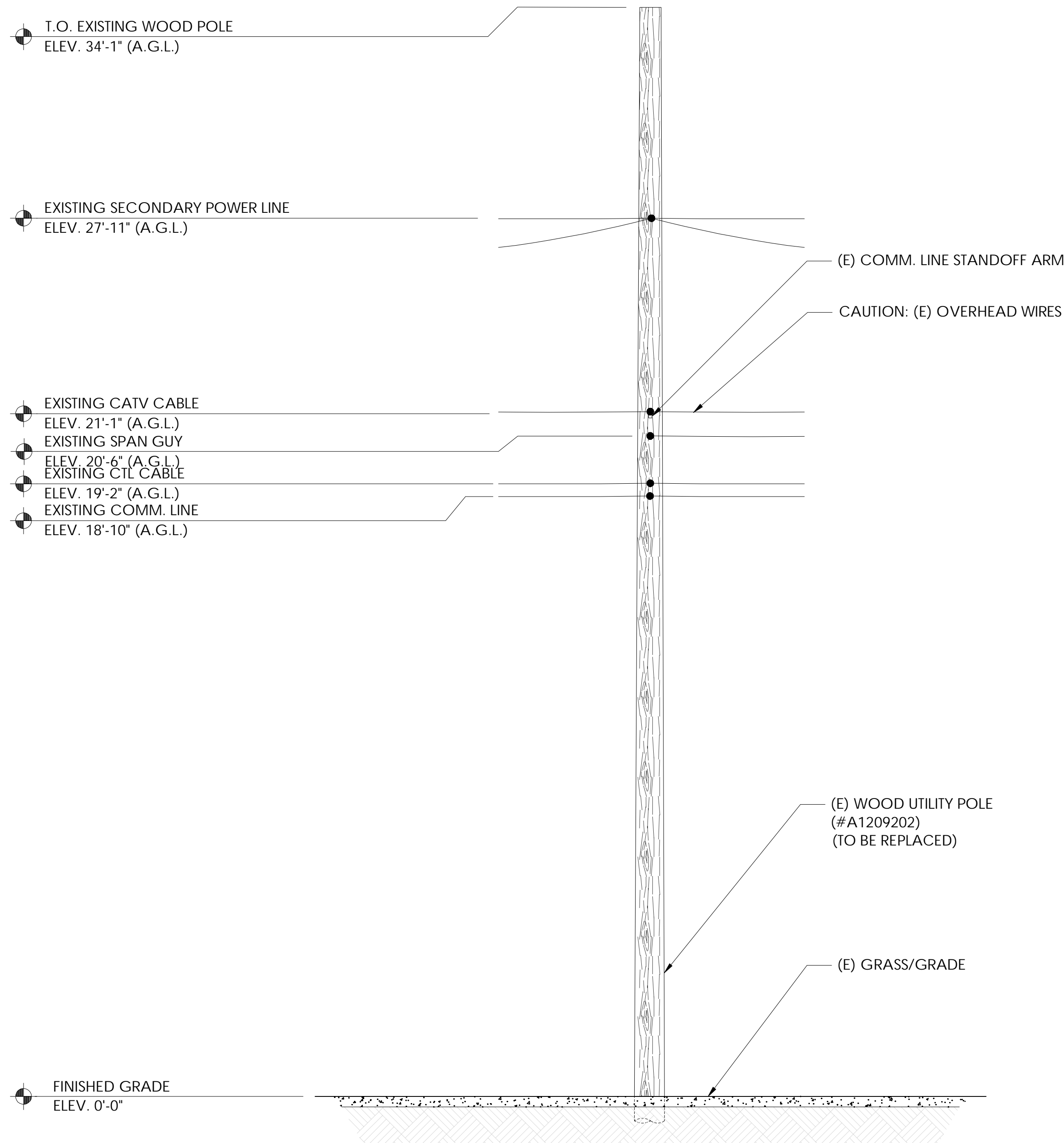
OVERALL SITE
PLAN

Sheet Number:

A-2

- NOTE:
1. NEW EQUIPMENT TO BE PAINTED FAIRFAX BROWN TO MATCH POLE.
 2. ALL CRAN CONDUITS AND STAND-OFF TO BE PAINTED TO MATCH POLE.
 3. CONTRACTOR TO INSTALL ENCLOSURE ON STREET SIDE.
 4. MAINTAIN A 6" CLEARANCE FROM ENCLOSURE TO POLE.
 5. INSTALL RF WARNING SIGNS PER MANUFACTURER SPECIFICATIONS AS REQUIRED BY LAW OR BY THE POLE OWNER. NO ADDITIONAL SIGNAGE WILL BE POSTED.
 6. PRESERVE THE CLIMBING SPACE ON THE FIELD SIDE OF THE POLE
 7. PROPOSED CONDUITS TO BE LOCATED ON 12" STAND-OFF WITH MAX. 6" CLEARANCE FROM THE POLE.
 8. FIBER TO BE PROVIDED BY OTHERS UNDER SEPARATE PERMIT.

STRUCTURAL ANALYSIS OF POLES BY OTHERS.

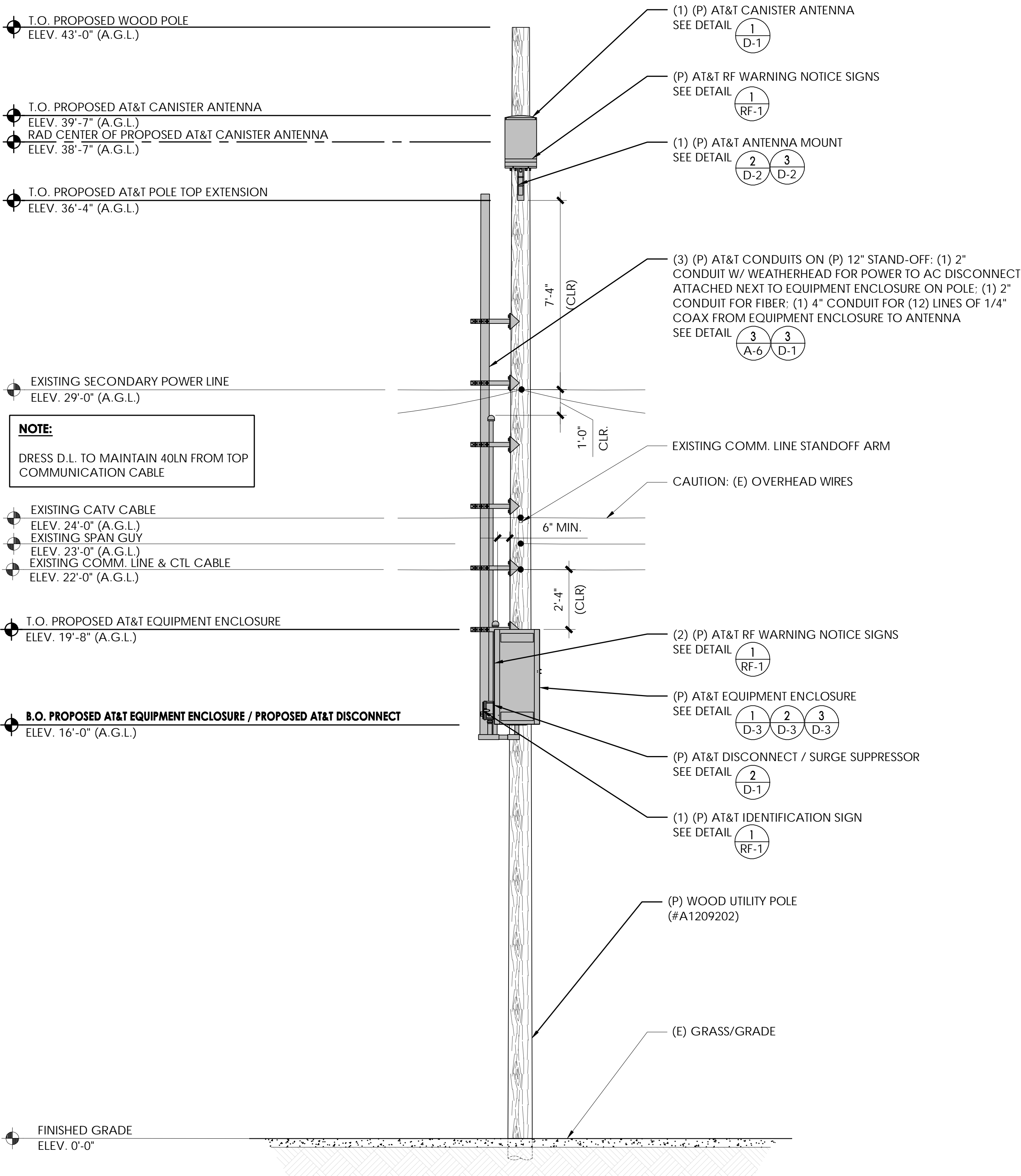


EXISTING EAST ELEVATION

24"x36" SCALE: 3/8" = 1'-0"



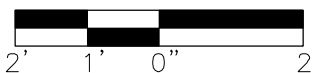
2



NOTE:
DRESS D.L. TO MAINTAIN 40LN FROM TOP COMMUNICATION CABLE

PROPOSED EAST ELEVATION

24"x36" SCALE: 3/8" = 1'-0"



1

PREPARED FOR



16331 NE 72ND WAY
REDMOND, WA 98052

Vendor:



2030 MAIN ST.
SUITE 200
IRVINE, CA 92614

J5 PROJECT ID: P-042820

Vendor:

Vendor:

DRAWN BY: SS

CHECKED BY: JMM

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AT&T Site ID:

CRAN_RWOR_SALEM_0091

17174-0091

1765 CAPITOL STREET
SOUTHEAST
SALEM, OR 97302

Sheet Title:

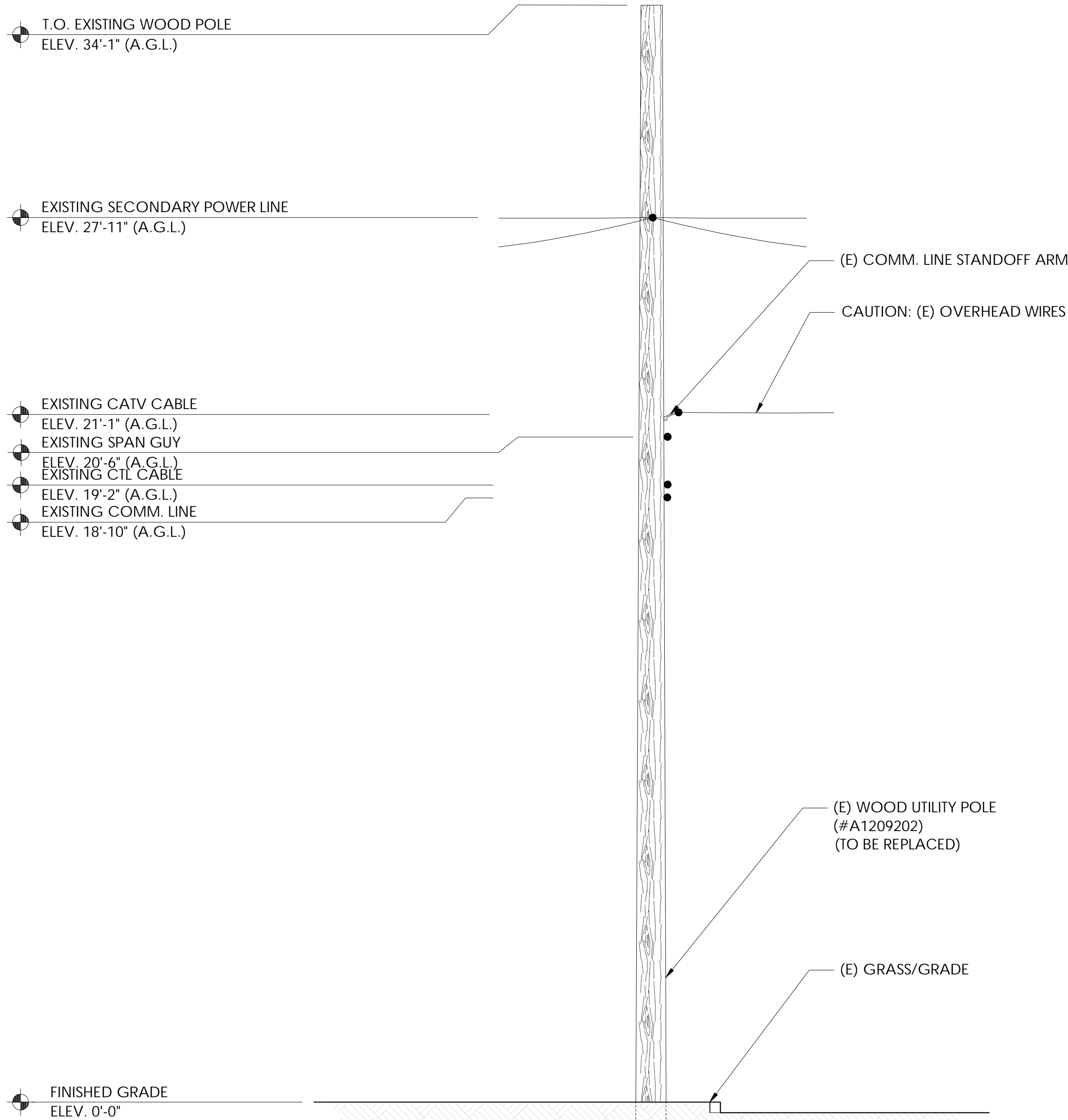
ELEVATIONS

Sheet Number:

A-5

- NOTE:
1. NEW EQUIPMENT TO BE PAINTED FAIRFAX BROWN TO MATCH POLE.
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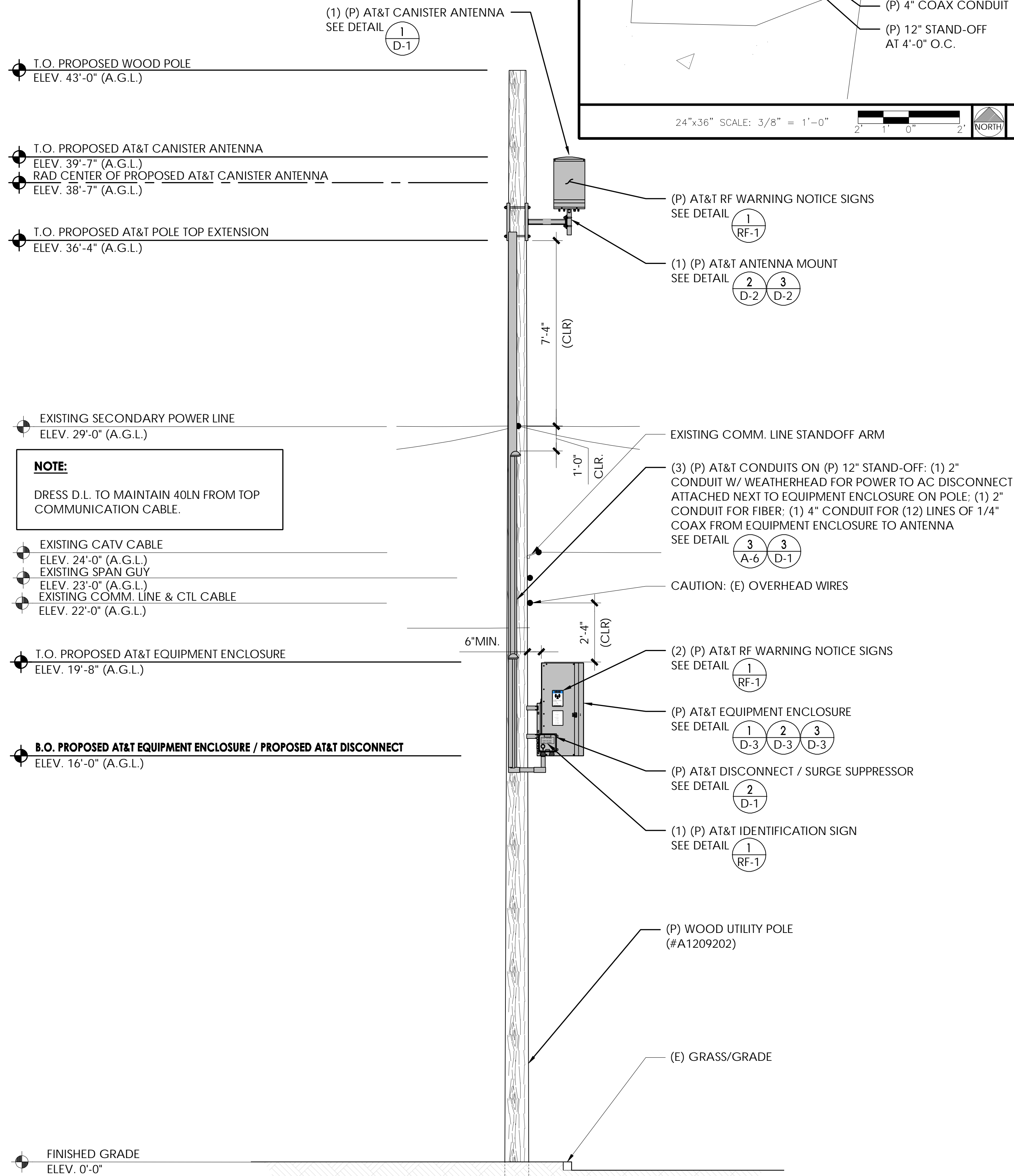
STRUCTURAL ANALYSIS OF POLES BY OTHERS.



EXISTING SOUTH ELEVATION

24"x36" SCALE: 3/8" = 1'-0"

2

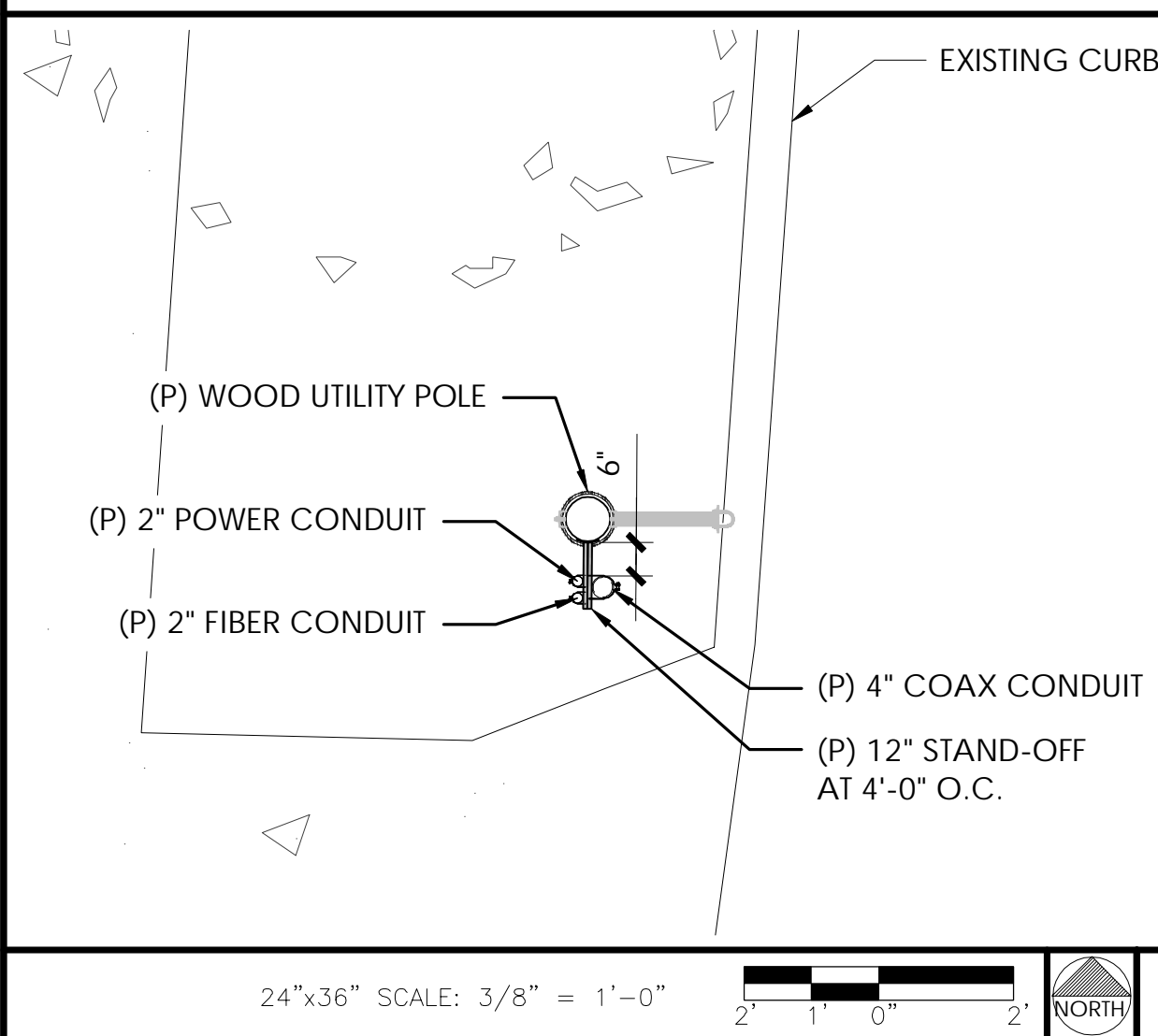


PROPOSED SOUTH ELEVATION

24"x36" SCALE: 3/8" = 1'-0"

1

PROPOSED CRAN CONDUIT PLAN



PREPARED FOR



16331 NE 72ND WAY
REDMOND, WA 98052

Vendor:



2030 MAIN ST.
SUITE 200
IRVINE, CA 92614
J5 PROJECT ID: P-042820

Vendor:

Vendor:

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AT&T Site ID:

CRAN_RWOR_SALEM_0091

17174-0091

1765 CAPITOL STREET
SOUTHEAST
SALEM, OR 97302

Sheet Title:

ELEVATIONS

Sheet Number:

A-6



EXISTING VIEW



PROPOSED VIEW

LOOKING NORTH FROM CAPITOL ST SE



Photo Simulation

This photographic simulation is intended as a visual representation only and is not to be used for construction purposes. Accuracy of photo simulation is based on information provided by project applicant.



Site ID: SALEM_009I/17174-009I

SITE TYPE: EXISTING WOOD UTILITY POLE

1765 CAPITOL STREET SOUTHEAST
SALEM, OR 97302