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DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 WIRELESS PERMIT CASE NO.: WS221-04

APPLICATION NO.: 21-110611-ZO

NOTICE OF DECISION DATE: July 29, 2021

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 25-foot wooden utility pole located in right-of-way on the south side of the 100-199 block of Bush Street S adjacent to 1035 Commercial Street SE (Marion County Assessor Map and Tax Lot 073W27CA09300) in the CR (Retail Commercial) zone and South Waterfront Overlay Zone with a 29 foot six inch wooden utility pole and attach a wireless communications facility antenna with a maximum height of 29 feet 11 inches and associated equipment.

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

LOCATION: 100-199 Bush St S, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapter 703.020(e)(2) – Wireless communications facility siting permits

FINDINGS: The findings are in the attached Decision dated July 29, 2021.

DECISION: The **Planning Administrator APPROVED** Class 2 Wireless Permit WS221-04 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:** No City tree may be pruned or removed, no construction within the Critical Tree Zone of a City tree may occur, and no tree may be planted on City property, unless a permit is obtained from Public Works pursuant to SRC Chapter 86.

The rights granted by the attached decision must be exercised, or an extension granted, by August 14, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>July 1, 2021</u>
Notice of Decision Mailing Date:	<u>July 29, 2021</u>
Decision Effective Date:	<u>August 14, 2021</u>
State Mandate Date:	<u>October 29, 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., Friday, August 13, 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 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 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. WS221-04
DECISION**

IN THE MATTER OF APPROVAL OF)	CLASS 2 WIRELESS COMMUNICATIONS
WIRELESS COMMUNICATIONS)	FACILITY SITING PERMIT
FACILITY SITING PERMIT)	
CASE NO. WS221-04)	
SOUTHERN RIGHT-OF-WAY OF THE)	
100-199 BUSH STREET S BLOCK)	JULY 29, 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 25-foot wooden utility pole located in right-of-way on the south side of the 100-199 block of Bush Street S adjacent to 1035 Commercial Street SE (Marion County Assessor Map and Tax Lot 073W27CA09300) in the CR (Retail Commercial) zone and South Waterfront Overlay Zone with a 29 foot six inch wooden utility pole and attach a wireless communications facility antenna with a maximum height of 29 feet 11 inches and associated equipment.

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

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 June 4, 2021 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 July 1, 2021.

In accordance with procedural requirements of SRC 300.520(b), staff mailed a Notice of Filing and Request for Comments on July 12, 2021 with a comment deadline of July 26, 2021. Notice of the application was posted on the property on July 15, 2021 in accordance with SRC 300.520(b). The 120-day state-mandated deadline is October 29, 2021.

The applicant's proposed site plans are included as **Attachment B**, elevations depicting the proposed facility are 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.

Homeowners Association

The subject property is not located within an active Homeowners Association.

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. No comments were received from SCAN.

Public Comment

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and addresses within 250 feet of the utility structure. The subject property was posted pursuant to SRC 300.520(b)(2).
One comment was received:

Do you have the past file on this installation and prior comments? Is it an existing installation?

Staff response: Staff responded that this proposal is for a new wireless installation and there was no record of a previous wireless facility on this utility pole. Staff emailed the citizen previous SHPO comments regarding an earlier AT&T proposal for a 90-foot wireless facility at 1515 Commercial Street SE / Leffelle Street S. The citizen acknowledged that this was the information he was seeking to help clarify what is suitable placement and what is not, how the analysis is made, and the criteria that might apply.

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, the owner of the utility pole, received notice of 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: In the furnishing zone along the south side of Bush St S approximately 140' west of the intersection with Commercial St SE, applicant proposes to collocate small cell equipment on a replacement CenturyLink pole.

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: In the furnishing zone along the south side of Bush St S approximately 140' west of the intersection with Commercial St SE, applicant proposes to collocate small cell equipment on a replacement CenturyLink pole.

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. Because the existing utility structure will be replaced, 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 applicant proposes to collocate small cell equipment on a replacement CenturyLink pole (A1181385); as a 'local' street, Bush St is a fifth priority location and we understand that a proposal for a location on Commercial St SE (140' east) might be a first priority site, however the area was investigated for a variety of candidates, this (candidate H) being the 8th pole considered. All possible collocation candidates are evaluated for fitness based on a variety of characteristics including, but not limited to, RF [Radio Frequency] Propagation (map available with submittal materials), ROW [right-of-way], Pole owner requirements, Joint Use Make Ready, Potential Utility Conflicts, etc.

Finding: The applicant provided propagation maps indicating that the proposed location in the right-of-way of a local street (Bush Street S) will provide the required coverage. Higher-classification streets in the general vicinity Commercial Street SE (major arterial), Liberty Street SE (major arterial), and Owens Street SE (minor arterial). The center of the pole is approximately 140 feet west of the Commercial Street SE right-of-way. The applicant's statement provided sufficient justifications why other nearby utility structures could not be utilized.

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 29 feet 11 inches, which is below the maximum height of 53 feet for a local street. The applicant provided stamped plans from a registered professional engineer and a structural analysis confirming that the proposed antennas will not jeopardize the physical integrity of the replacement pole. 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 and a structural analysis confirming that the proposed antennas will not jeopardize the physical integrity of the replacement pole. The existing and proposed pole are not guy poles. The antenna will be mounted near the top of the utility structure on an extension arm approximately 18 inches in length. 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 several 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 15 feet above grade at the lowest point, conforming to the minimum height of 15 feet above grade for a utility structure in the right-of-way between the sidewalk and the street improvement and exceeding the 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.

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 – CR (Retail Commercial) Zone:

SRC 522.005 - Uses:

Permitted, special, conditional and prohibited uses in the CR zone are set forth in SRC 522.005, Table 522-1.

Finding: The proposed development is a wireless communication facility. Wireless communication facilities are allowed in the CR zone per SRC 522.005, Table 522-1, 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 trees appear to be affected by the proposed project. However, to ensure that this proposal is in compliance with the requirements of SRC Chapter 86, the following condition is necessary:

Condition 12: No City tree may be pruned or removed, no construction within the Critical Tree Zone of a City tree may occur, and no tree may be planted on City property, unless a permit is obtained from Public Works pursuant to SRC Chapter 86.

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 Conical area of the Airport Overlay Zone and airport building restriction areas. Conical surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1, for a horizontal distance of 4,000 feet. In the Conical area, no building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 20 feet outward for each one foot upward beginning at the periphery of the horizontal area, 150 feet above the airport elevation, and extending to a height of 350 feet above the airport elevation. The official airport elevation is 213.6 feet, and the horizontal surface would be 363.6 feet. The ground elevation of the proposed site for the replacement utility structure is approximately 175.59 feet, and the top of the proposed 29'11" structure would be approximately 206 feet ($175.59 + 29.92 = 205.51$). The proposed replacement structure would be well below the limit defined by the Conical 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.

Applicant's Statement: The proposed Small Wireless Facility installation located adjacent to 150 Bush Street S approximately 140 feet west of the intersection with Commercial Street SE calls for the replacement of an existing utility structure (pole) that would not require replacement if it were not for the proposed installation of a Small Wireless Facility, [and] under the agreement 2004 Nationwide PA, Section II.A.14[,] the structure will be classified as a tower. Per Section III.B of the 2004 PA this proposed project is exempt from a section 106 Historic Review because the construction of the replacement "tower" and associated excavation do not substantially increase the size of the existing structure and do not expand the boundaries of the leased or owned property surrounding the structure.

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 continue to 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.

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.

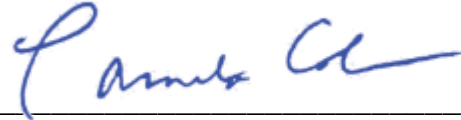
ORDER

Final approval of Class 2 Wireless Communications Facility Siting Permit Case No. 21-04 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 drawings (**Attachment C**), and the following conditions of approval:

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

- Condition 2:** All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.
- Condition 3:** All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.
- Condition 4:** All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the attachment or collocation of additional wireless communications facilities.
- Condition 5:** Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC Chapter 807.
- Condition 6:** Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.
- Condition 7:** After construction, maintenance, or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.
- Condition 8:** Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.
- Condition 9:** All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.
- Condition 10:** All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state, and local laws and regulations.
- Condition 11:** Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC Chapter 93.

Condition 12: No City tree may be pruned or removed, no construction within the Critical Tree Zone of a City tree may occur, and no tree may be planted on City property, unless a permit is obtained from Public Works pursuant to SRC Chapter 86.



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

Prepared by Pamela Cole, Planner II

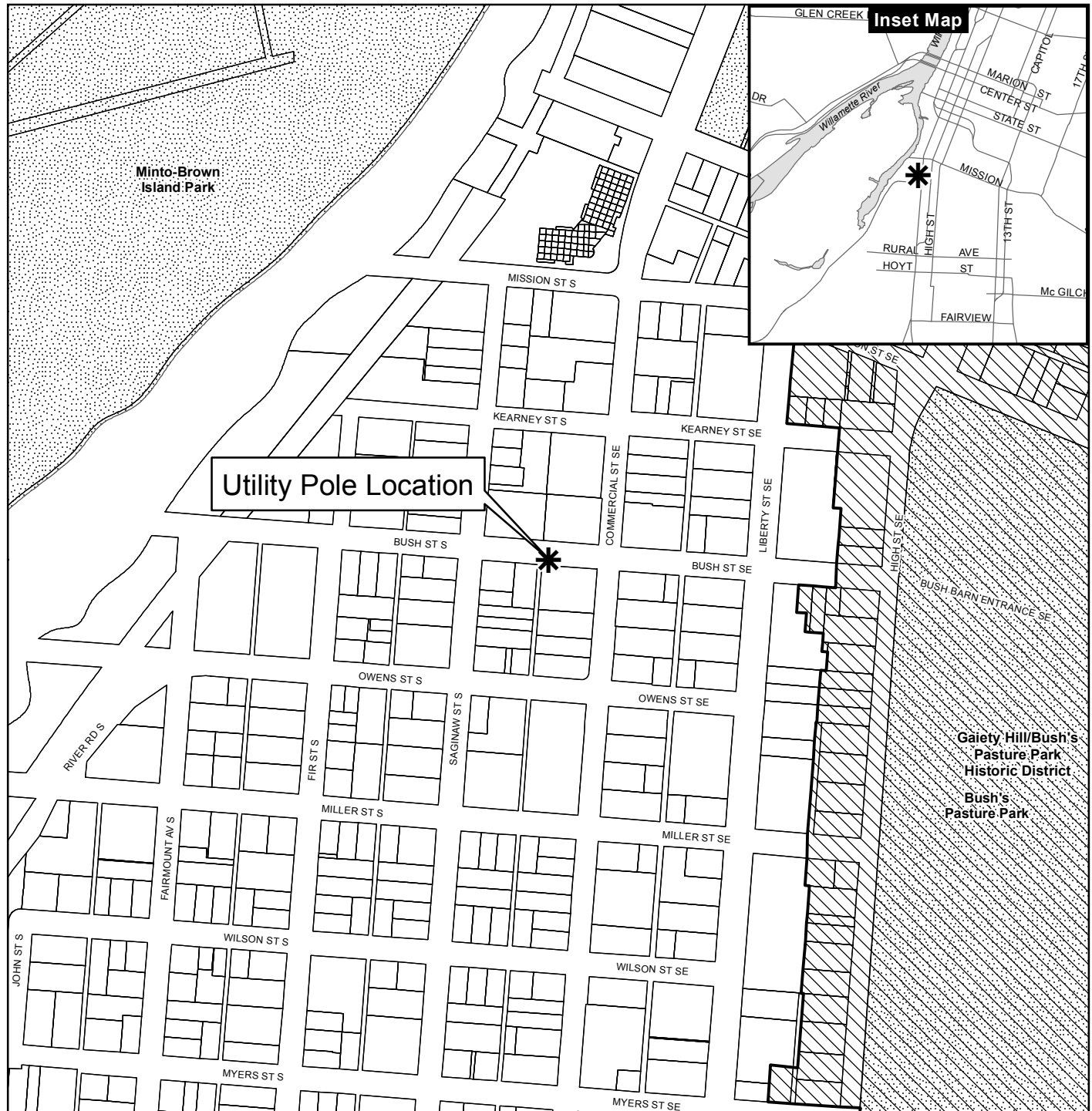
Attachments: A. Vicinity Map
B. Site Plans
C. Proposed Elevations
D. Photosimulations

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

Vicinity Map

Adjacent to 073W27CA09300

South side of the 100-199 block of Bush Street S



Legend

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

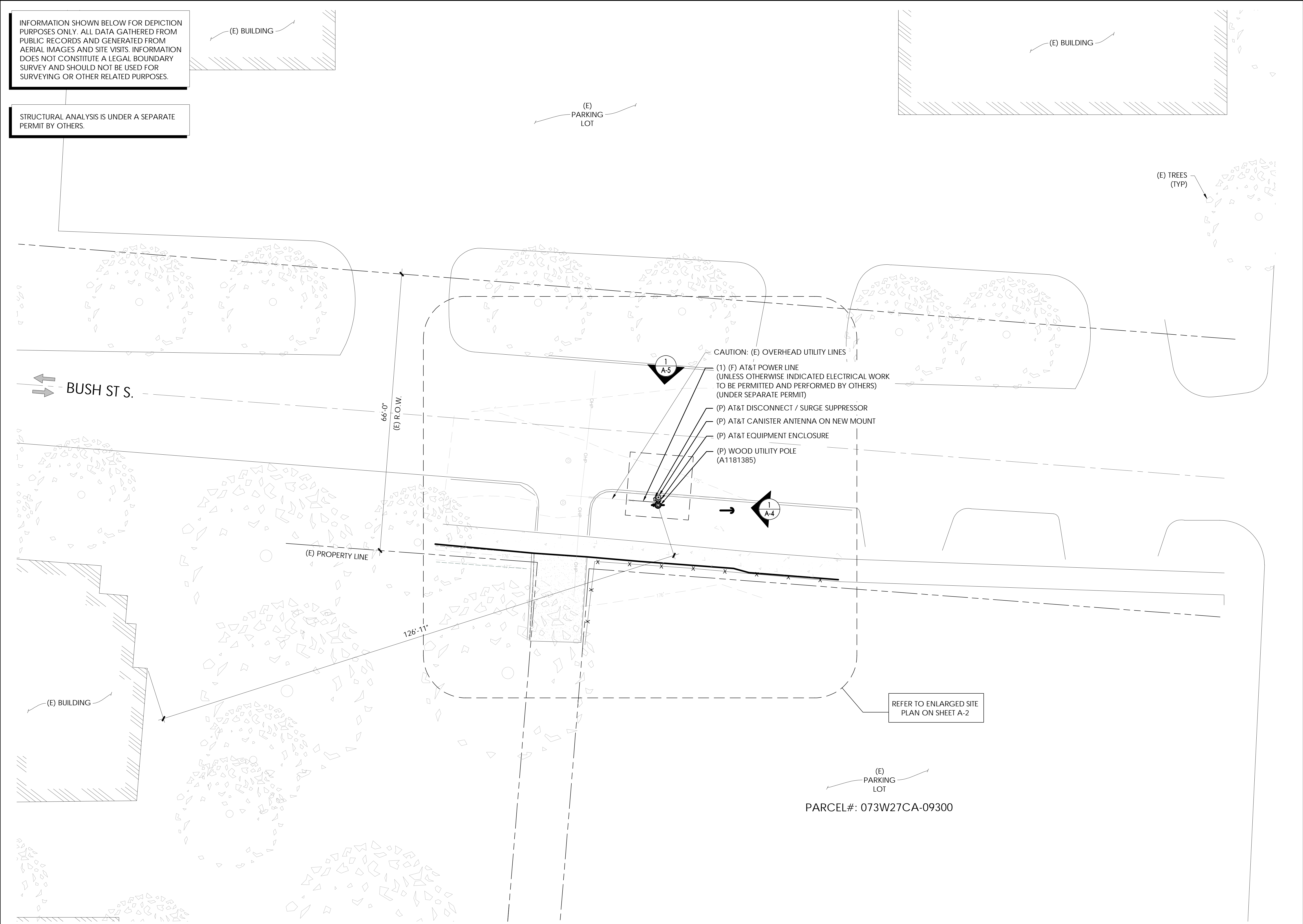
Parks

CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

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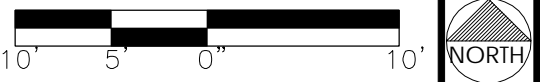
0 100 200 400 Feet





OVERALL SITE PLAN

24"x36" SCALE: 1" = 10'-0"



1

PREPARED FOR



19801 SW 72ND AVE.
TUALATIN, OR 97062

Vendor:



2030 MAIN ST.
SUITE 200
IRVINE, CA 92614

J5 PROJECT ID: P-052159

Vendor:

Vendor:

DRAWN BY: MDA

CHECKED BY: JDM

REV	DATE	DESCRIPTION
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0	04/16/21	100% CDs

Licensors:



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Sheet Title:

OVERALL SITE
PLAN

Sheet Number:

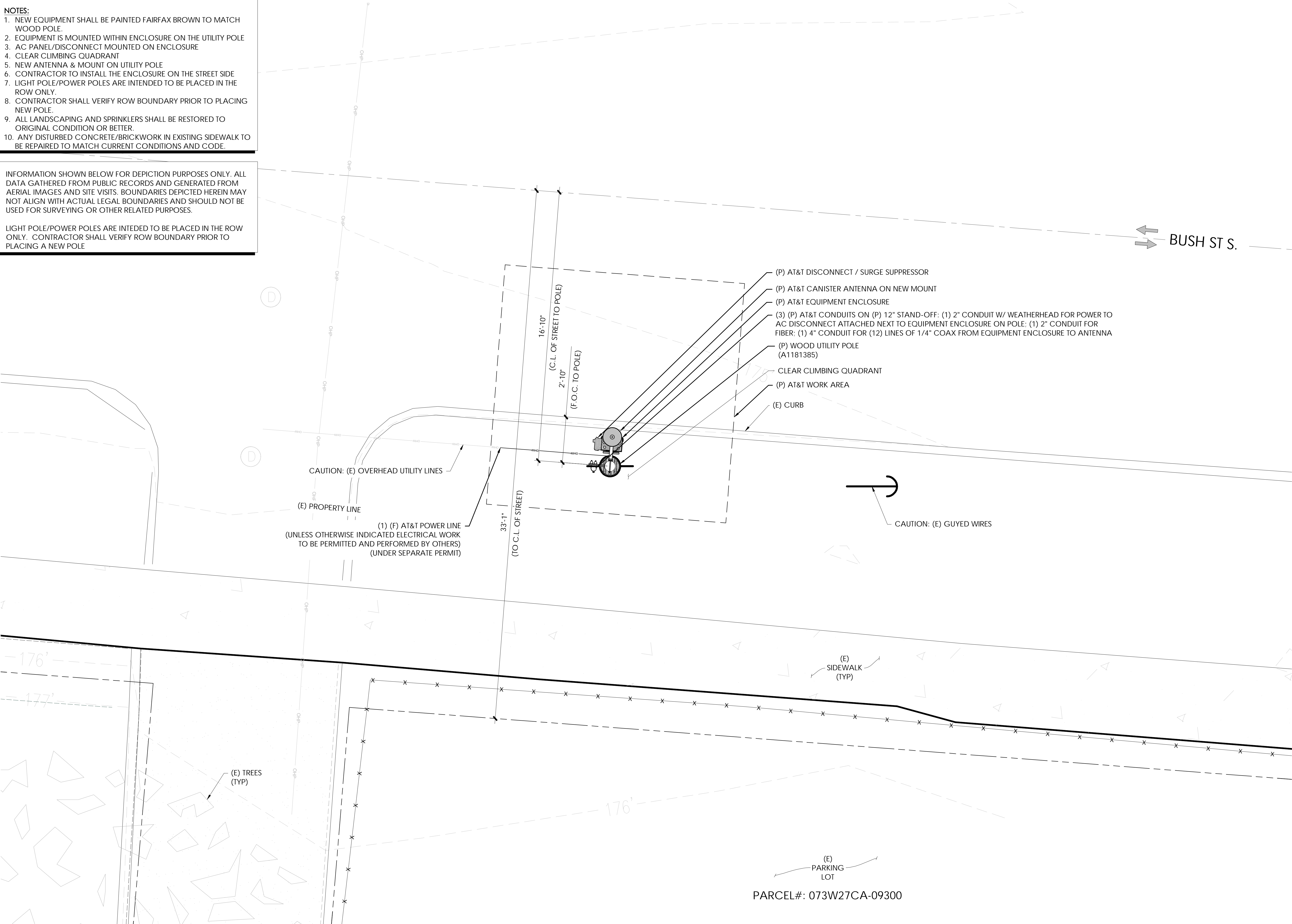
A-1

NOTES:

1. NEW EQUIPMENT SHALL BE PAINTED FAIRFAX BROWN TO MATCH WOOD POLE.
2. EQUIPMENT IS MOUNTED WITHIN ENCLOSURE ON THE UTILITY POLE
3. AC PANEL/DISCONNECT MOUNTED ON ENCLOSURE
4. CLEAR CLIMBING QUADRANT
5. NEW ANTENNA & MOUNT ON UTILITY POLE
6. CONTRACTOR TO INSTALL THE ENCLOSURE ON THE STREET SIDE
7. LIGHT POLE/POWER POLES ARE INTENDED TO BE PLACED IN THE ROW ONLY.
8. CONTRACTOR SHALL VERIFY ROW BOUNDARY PRIOR TO PLACING NEW POLE.
9. ALL LANDSCAPING AND SPRINKLERS SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
10. ANY DISTURBED CONCRETE/BRICKWORK IN EXISTING SIDEWALK TO BE REPAIRED TO MATCH CURRENT CONDITIONS AND CODE.

INFORMATION SHOWN BELOW FOR DEPICTION PURPOSES ONLY. ALL DATA GATHERED FROM PUBLIC RECORDS AND GENERATED FROM AERIAL IMAGES AND SITE VISITS. BOUNDARIES DEPICTED HEREIN MAY NOT ALIGN WITH ACTUAL LEGAL BOUNDARIES AND SHOULD NOT BE USED FOR SURVEYING OR OTHER RELATED PURPOSES.

LIGHT POLE/POWER POLES ARE INTENDED TO BE PLACED IN THE ROW ONLY. CONTRACTOR SHALL VERIFY ROW BOUNDARY PRIOR TO PLACING A NEW POLE.



ENLARGED SITE PLAN

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



1

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SALEM, OR 97302

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SITE PLAN

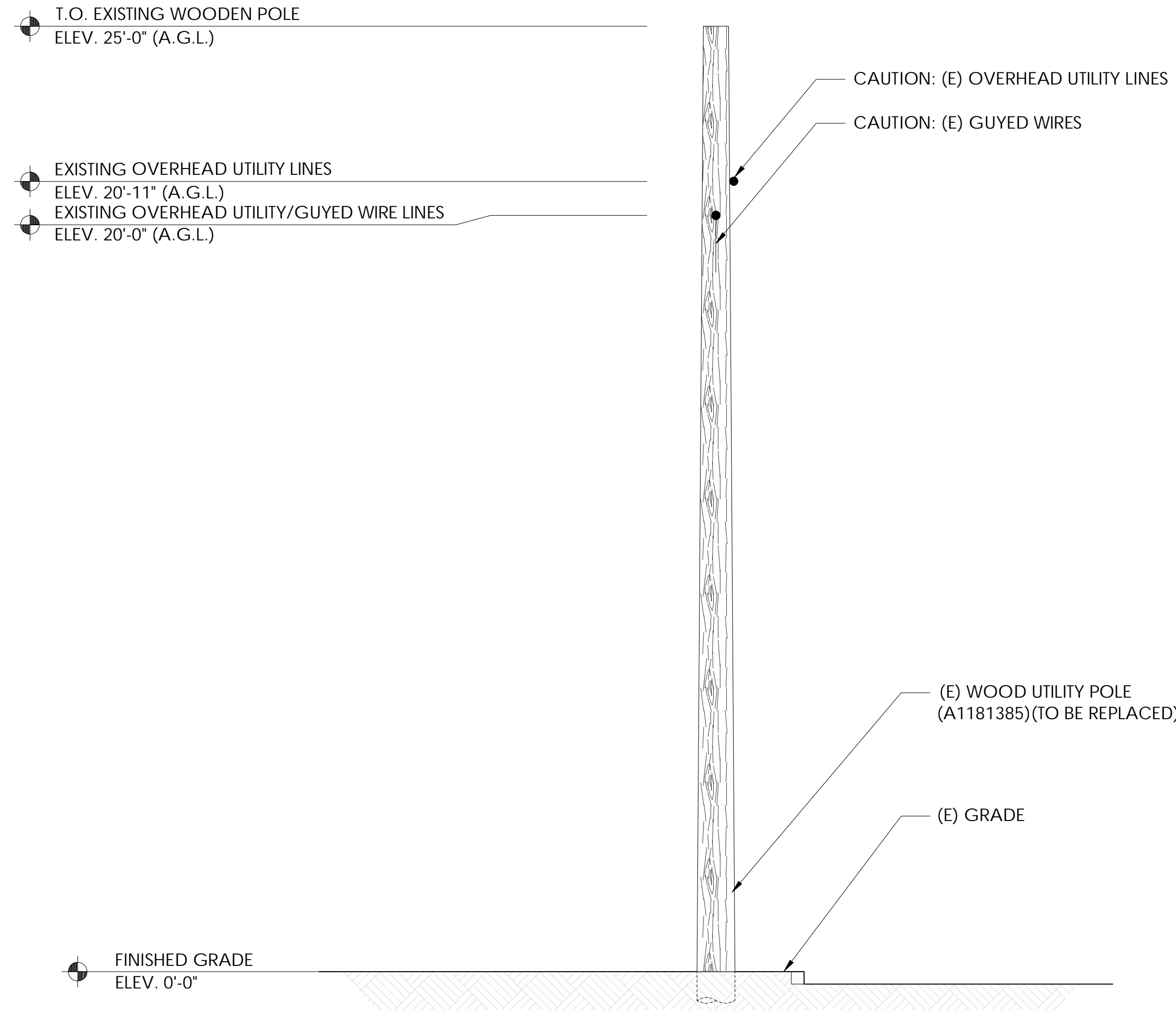
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A-2

- NOTE:
- NEW EQUIPMENT TO BE PAINTED FAIRFAX BROWN WITH RF TRANSPARENT, UV RESISTANT, OUTDOOR RATED PAINTED TO MATCH REPLACEMENT LIGHT POLE.
 - ALL CRAN EQUIPMENT, CONDUITS AND STAND-OFF TO BE PAINTED FAIRFAX BROWN.
 - CONTRACTOR SHALL RE-INSTALL ALL EXISTING STREET SIGNS AS NEEDED ON NEW POLE.
 - CONTRACTOR TO INSTALL ENCLOSURE ON STREET SIDE.
 - MAINTAIN A 6" CLEARANCE FROM ENCLOSURE TO POLE.
 - INSTALL RF WARNING SIGNS PER MANUFACTURER SPECIFICATIONS AS REQUIRED BY LAW OR BY THE POLE OWNER. NO ADDITIONAL SIGNAGE WILL BE POSTED.
 - PRESERVE THE CLIMBING SPACE ON THE FIELD SIDE OF THE POLE
 - PROPOSED CONDUITS TO BE LOCATED ON 18" STAND-OFF WITH MAX. 6" CLEARANCE FROM THE POLE.
 - FIBER TO BE PROVIDED BY OTHERS UNDER SEPARATE PERMIT.
 - ALL LANDSCAPING AND SPRINKLERS SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 - ANY DISTURBED CONCRETE/BRICKWORK IN EXISTING SIDEWALK TO BE REPAIRED TO MATCH CURRENT CONDITIONS AND CODE.

STRUCTURAL ANALYSIS OF EXISTING/NEW POLES ARE BY OTHERS.

AT&T IS RESPONSIBLE FOR MAKE READY COORDINATION AND CONSTRUCTION.



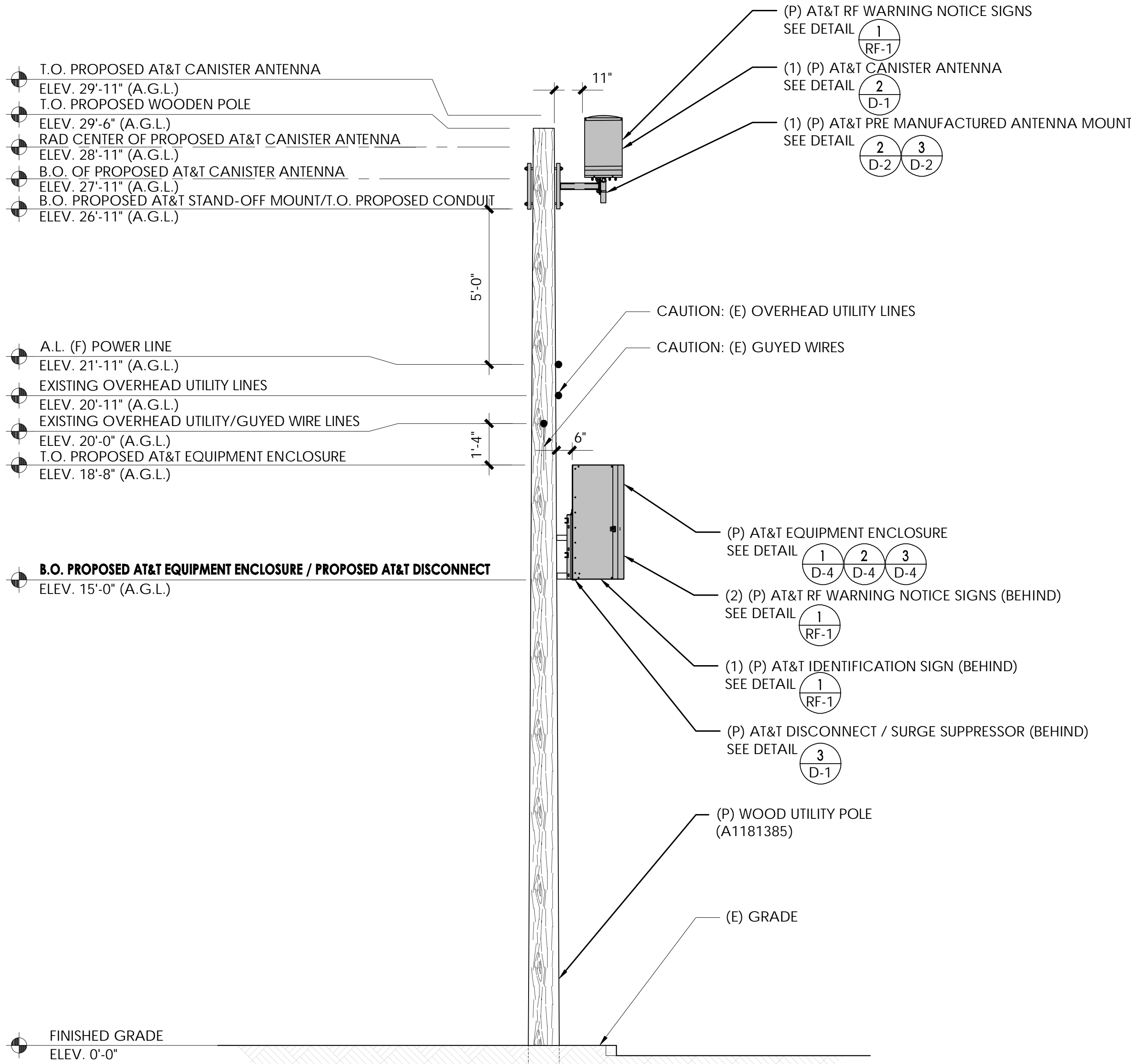
EXISTING EAST ELEVATION

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



2

DISCLAIMER:
ALL INFORMATION PERTAINING TO EXISTING POLE AND ANTENNA MOUNTS ARE FOR DEPICTION PURPOSES ONLY. CONFIRMATION OF THE STRUCTURE AND ASSOCIATED STRUCTURAL ELEMENTS ARE BEYOND THE SCOPE OF THIS PROJECT. IN NO EVENT WILL J5 INFRASTRUCTURE PARTNERS BE LIABLE AND RESPONSIBLE FOR THE STRUCTURES STRUCTURAL INTEGRITY AND ADEQUACY WITHOUT A STRUCTURAL ANALYSIS DETERMINED AS SUCH PRIOR TO NEW INSTALLATIONS.



PROPOSED EAST ELEVATION

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



1

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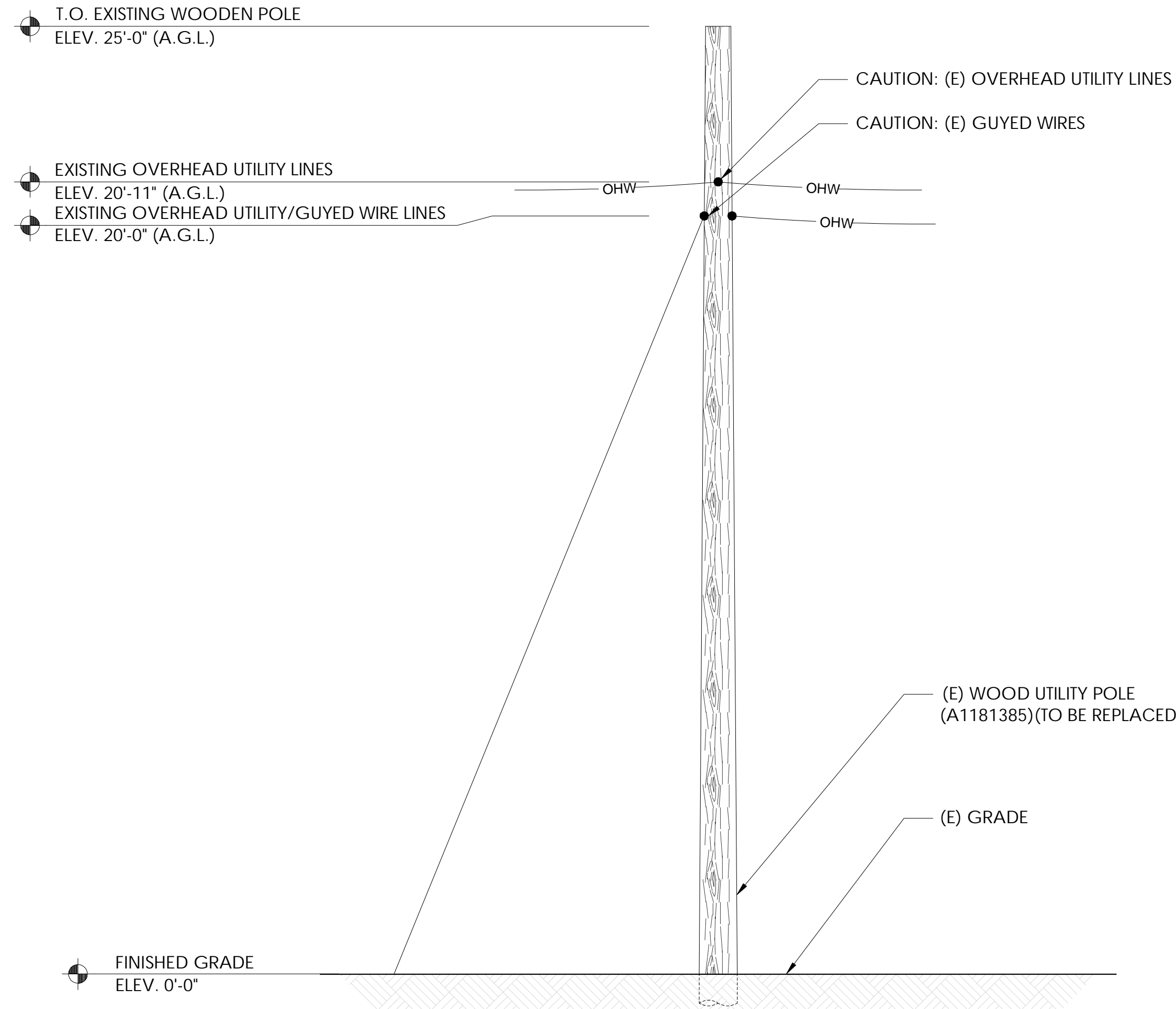
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ELEVATIONS

Sheet Number:

A-4

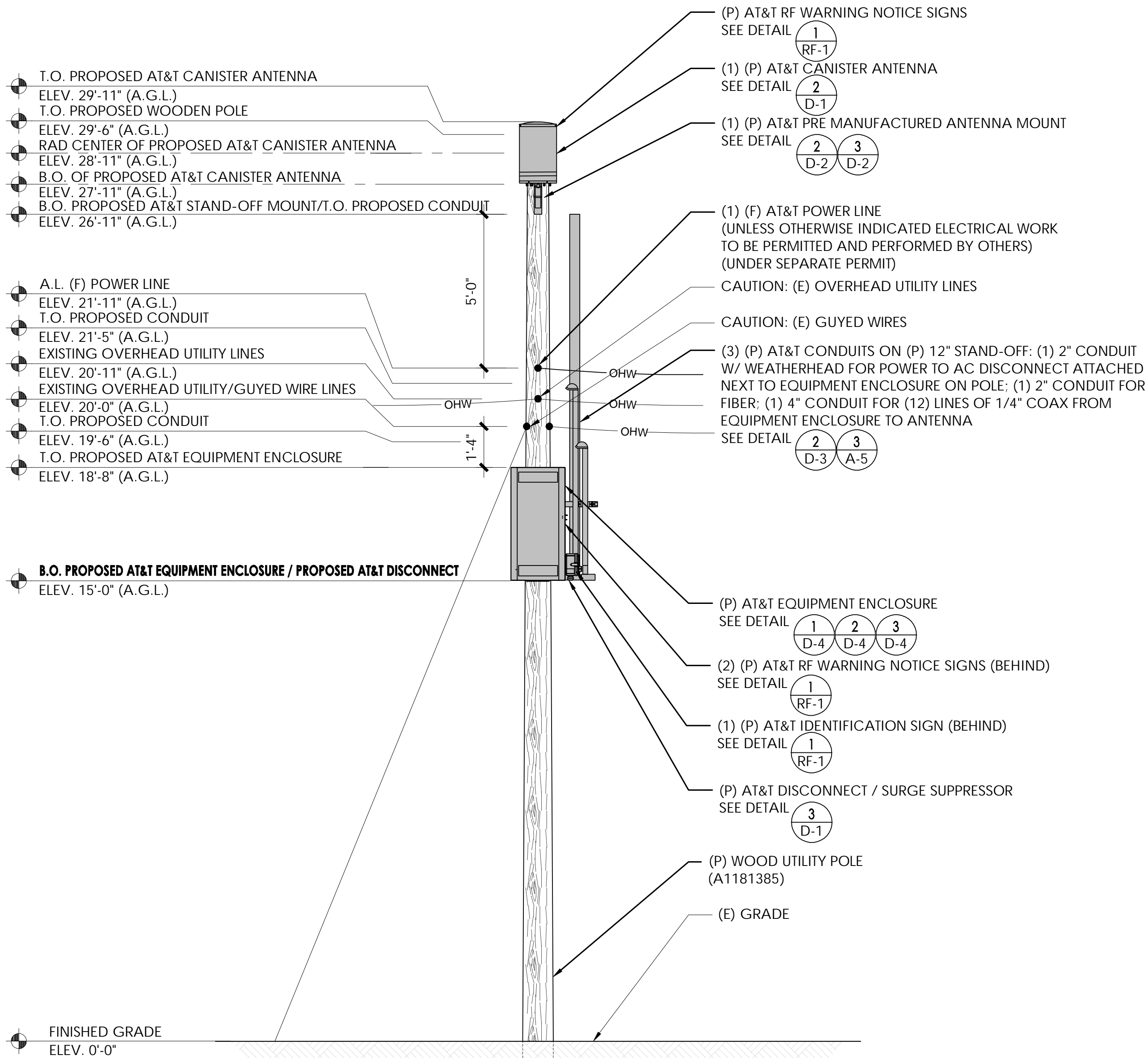
- NOTE:
- NEW EQUIPMENT TO BE PAINTED FAIRFAX BROWN WITH RF TRANSPARENT, UV RESISTANT, OUTDOOR RATED PAINTED TO MATCH REPLACEMENT LIGHT POLE.
 - ALL CRAN EQUIPMENT, CONDUITS AND STAND-OFF TO BE PAINTED FAIRFAX BROWN.
 - CONTRACTOR SHALL RE-INSTALL ALL EXISTING STREET SIGNS AS NEEDED ON NEW POLE.
 - CONTRACTOR TO INSTALL ENCLOSURE ON STREET SIDE.
 - MAINTAIN A 6" CLEARANCE FROM ENCLOSURE TO POLE.
 - INSTALL RF WARNING SIGNS PER MANUFACTURER SPECIFICATIONS AS REQUIRED BY LAW OR BY THE POLE OWNER. NO ADDITIONAL SIGNAGE WILL BE POSTED.
 - PRESERVE THE CLIMBING SPACE ON THE FIELD SIDE OF THE POLE
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 - ALL LANDSCAPING AND SPRINKLERS SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 - ANY DISTURBED CONCRETE/BRICKWORK IN EXISTING SIDEWALK TO BE REPAIRED TO MATCH CURRENT CONDITIONS AND CODE.
- STRUCTURAL ANALYSIS OF EXISTING/NEW POLES ARE BY OTHERS.
- AT&T IS RESPONSIBLE FOR MAKE READY COORDINATION AND CONSTRUCTION.



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

2

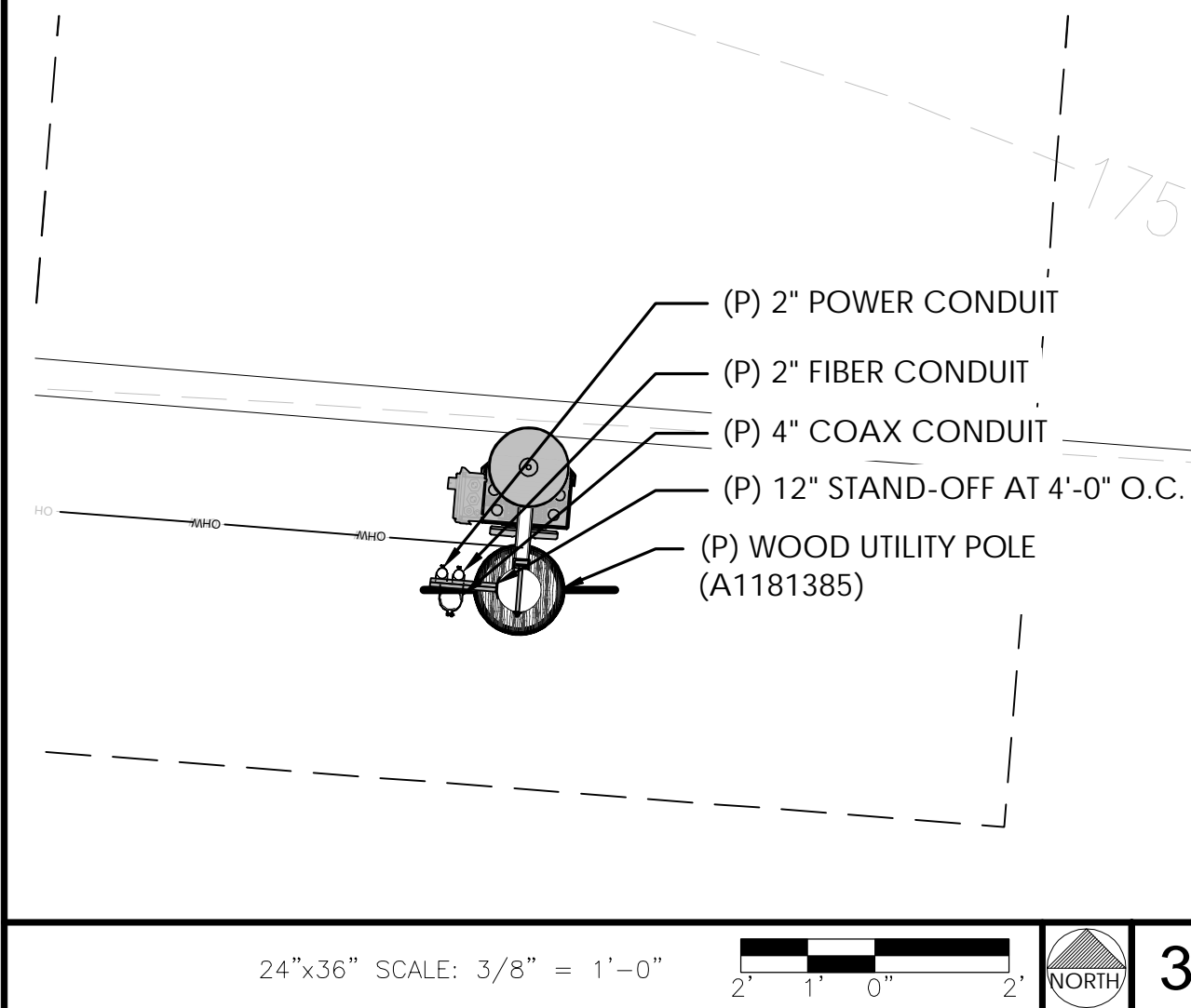
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24"x36" SCALE: 3/8" = 1'-0"

1

PROPOSED CRAN CONDUIT PLAN



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19801 SW 72ND AVE.
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Sheet Title:

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Sheet Number:

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