



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Utility Facility in EFU

File No. Z0498-24

Applicant's Proposal: The applicant proposes the construction of a 155-foot tall "stealth" telecommunication tower (Cell Tower) within a 50'x50' area that will also contain equipment cabinets and a backup propane generator. The proposed tower will be designed to look like a faux fir tree.

Decision Date: May 22, 2025

Deadline for Filing Appeal: June 3, 2025, at 4:00 pm.

Issued By: Aldo Rodriguez, Planner I, ARodriguez@clackamas.us, 503-742-4541

Applicant: Verizon Wireless

Owner of Property: Laura M. Henderson Trustee

Zoning: Exclusive Farm Use (EFU)

Assessor's Map & Tax Lot(s): T1 R3 Section E33D Tax lot 01400, T1 R3 Section E33C Tax lot 02500, T2 R3 Section E04 Tax lot 00400, T1 R3 Section E33D 01500, & T1 R3 Section E04 00300

Site Address: 21616 SE Bohna Park Rd., Damascus, OR 97089

Location Map



Community Planning Organization (CPO) for Area:

DAMASCUS CPO
GRISWOLD, THOMAS 971-263-5183
DAMASCUSOREGONCPO@GMAIL.COM

Community Planning Organizations (CPOs) are part of the county's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact Clackamas County Community Engagement at 503-655-8751.

Opportunity to Review the Record and Decision: The complete decision, including findings and conditions of approval, and the submitted application are available for review online at <https://accela.clackamas.us/citizenaccess/>. Select the **Planning** tab and enter the file number to search. Select **Record Info** and then select **Attachments** from the dropdown list, where you will find the submitted application. A copy of the decision, application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost by contacting the Planner listed above. Copies of all documents may be purchased at a cost established by the County fee schedule.

Appeal Rights: This decision will not become final or effective until the period for filing an appeal with the County has expired without the filing of an appeal. Any person who is adversely affected or aggrieved or who is entitled to written notice of the decision pursuant to Subsection 1307.09(C) of the Clackamas County Zoning and Development Ordinance may appeal this decision to the Clackamas County Land Use Hearings Officer by filing a written appeal. An appeal must include a completed Appeal Form available at www.clackamas.us/planning/supplemental.html and a \$250.00 filing fee and must be **received** by the Planning and Zoning Division by the appeal deadline identified above.

Appeals may be submitted in person during office hours (8:00 am to 4:00 pm Monday through Thursday, closed Friday and holidays). Appeals may also be submitted by email or US mail.

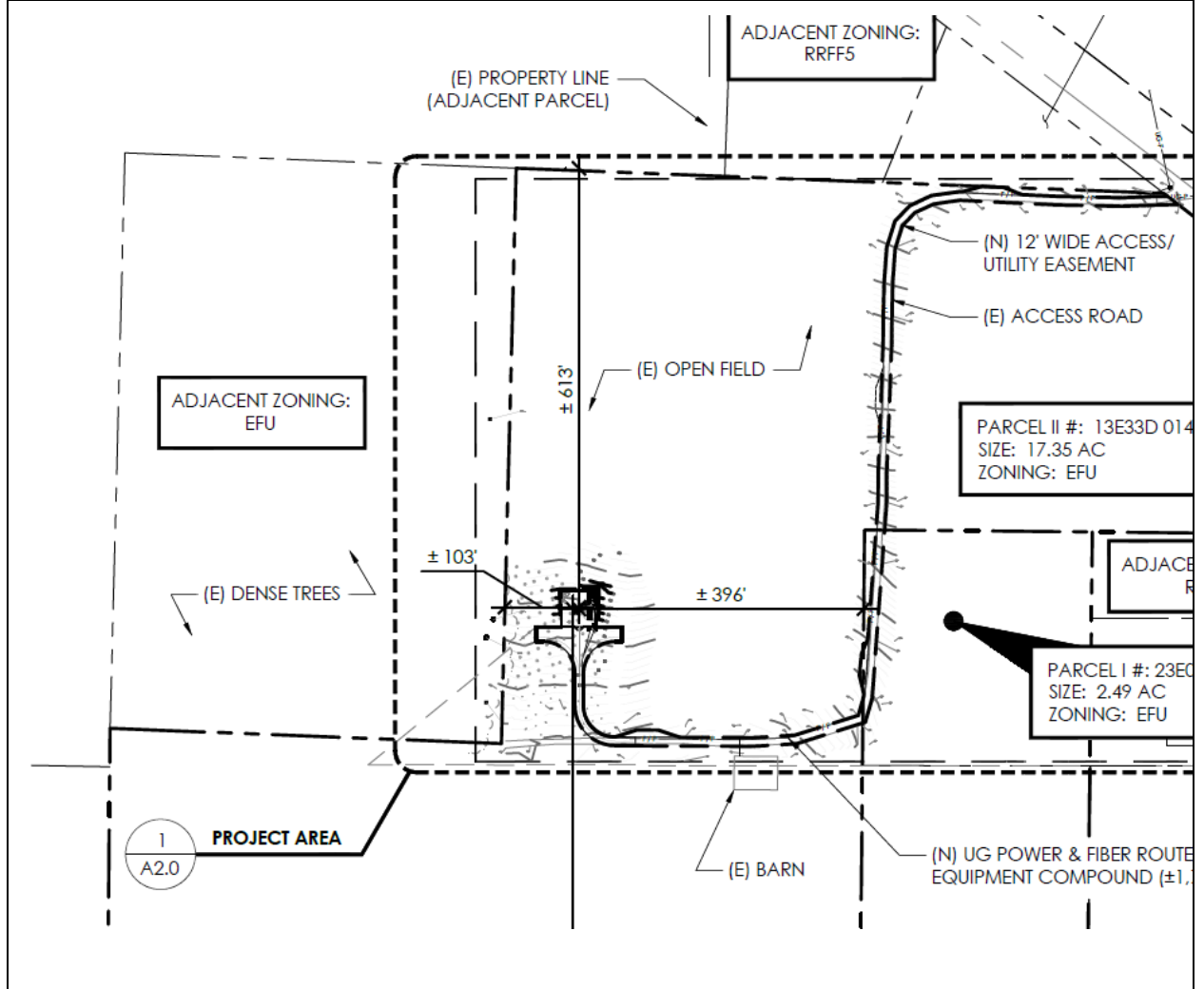
A person who is mailed written notice of this decision cannot appeal this decision directly to the Land Use Board of Appeals under ORS 197.830.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

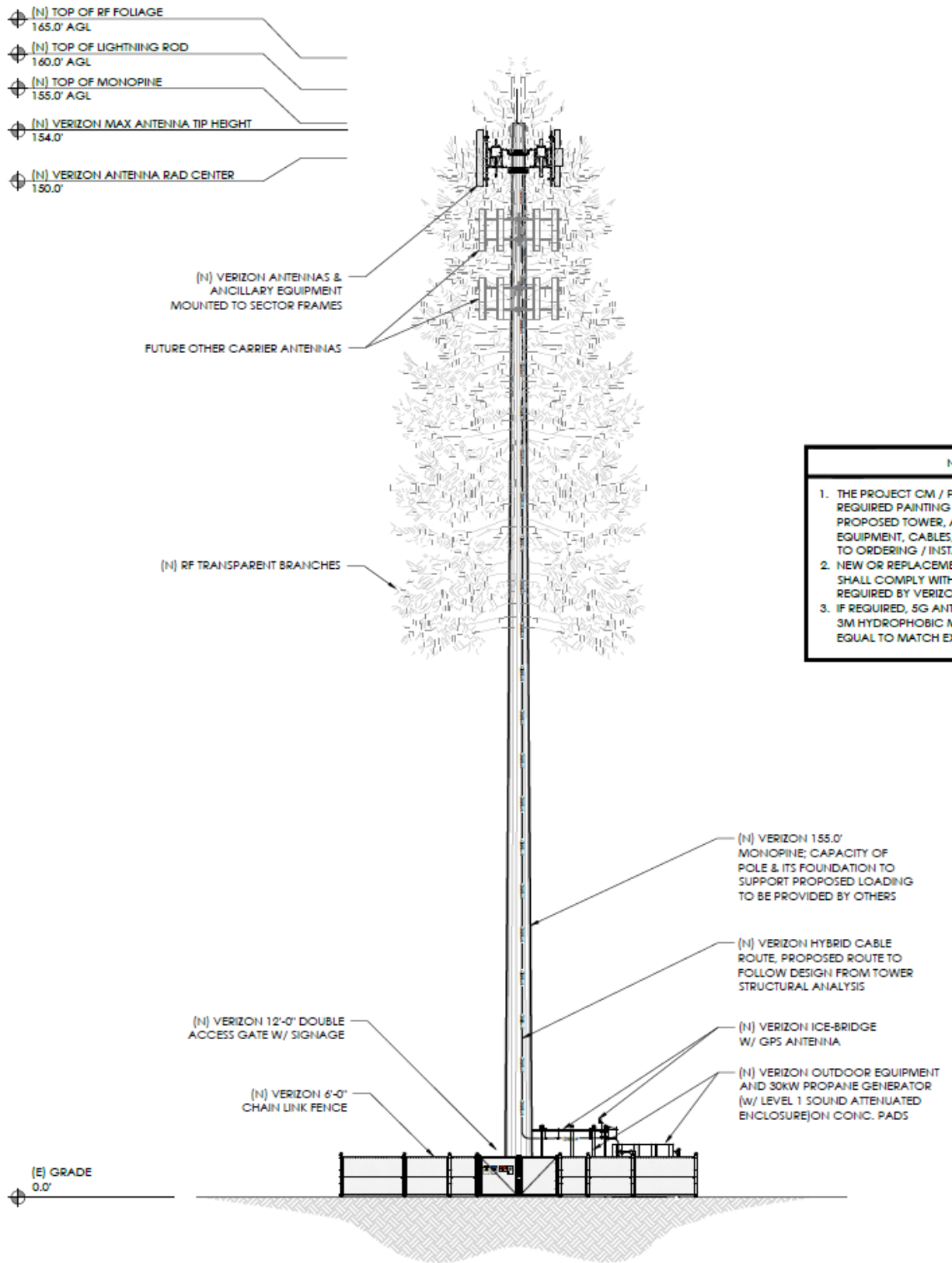
*Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.
503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통?*



Site Plan



Site Elevation



PERMIT EXPIRATION

Pursuant to ZDO Subsection 401, approval of this land use permit is valid for four years from the date of the final decision. Unless an appeal is filed, the date of the final decision is the “decision date” listed above., the. During this four-year period, the approval shall be implemented, or the approval will become void.

Implemented means all major development permits shall be obtained and maintained for the approved development, or if no major development permits are required to complete the development contemplated by the design review approval, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained.

A major development permit is:

- a) A building permit for a new primary structure that was part of the design review approval; or
- b) A permit issued by the County for parking lot or road improvements required by the design review approval.

This is the only notice you will receive of this deadline.

CONDITIONS OF APPROVAL

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parentheses.

1. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on 12/4/2024 and additional documents submitted on 2/27/2025 and 5/12/2025. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with these documents and the limitation of any approval resulting from the decision described herein.

2. **Prior to the issuance of a building permit,** the applicant shall obtain any necessary permits with the Development Engineering Division for private on-site and access improvements. The amount of work required and proposed will determine the level of permitting; it may be a Development Permit or an Entrance Permit. All private access and circulation improvement shall meet R100 for cross and structural section, along with C350 for emergency vehicle access and D500 for paved approach to a County roadway.
3. Adequate storm drainage facilities shall be provided. A storm water management plan per Roadway Standards Chapter 4 shall be provided when 10,000 square feet or more of impervious area is developed. Adequate conveyance of stormwater runoff shall be provided for the site and access road.
4. **Prior to the issuance of a building permit,** the applicant shall provide the Planning and Zoning Division a copy of the aeronautical determination letters from the Federal Aviation Agency (FAA) and the Oregon Department of Aviation (ODAV). In accordance with FAR Part 77.9 and OAR 738-070-0060, the proposed development is required to undergo aeronautical evaluations by the FAA and ODAV. The aeronautical evaluations are initiated by the applicant providing separate notices to both the FAA and ODAV to determine if the proposal poses an obstruction to aviation safety. The applicant must receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.
5. Proposed signage shall comply with the standards of ZDO Section 1010, and ZDO Subsection 1010.08 “institutional signs in natural resource zoning districts”.

APPLICABLE APPROVAL CRITERIA

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 401, 1006, 1015, and 1307.

PUBLIC AND AGENCY COMMENTS

Notice was sent to applicable agencies and owners of property within 750 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section.

Comments from Clackamas County Development Engineering Division and the Oregon Department of Aviation were received. Staff provided their comments in the advisory notes and placed applicable conditions in the conditions of approval section of the staff report.

Staff received numerous comments from the residents in opposition to the proposed application. As indicated above, comments received relating to applicable approval criteria are addressed in the staff report below.

FINDINGS

The findings below identify the standards and criteria that are relevant to this decision, state the facts relied upon in rendering the decision, and explain the justification for the decision.

1. Background/Overview of Applicant's Proposal:

The applicant originally submitted for a type 2 land use application for level two wireless telecommunication facility in accordance with section 804. It was later adjusted for a utility facility for public use (type 2 review) in section 401. Wireless Telecommunication towers under 200 feet in the EFU zones fall under the utility facility for a public service per table 401-1 permitted uses in the EFU District.

The public service provided by the applicant is the Verizon Wireless network for cell phone and internet usage. A new cell tower is proposed to increase the lack of coverage in the area due to the difficult terrain. Difficult terrain that affects signals are mountains, hills, valleys, and dense vegetation. Based on staff review of the contours and aerial images of the area there are hills, small valleys, and dense vegetation causing interference with transmission. The new cell towers will increase coverage and signal strength that will allow cell phone users and internet users to more easily connect to the network. The applicant proposes the construction of a 155-foot tall "stealth" telecommunication tower (cell tower) within a 50'x50' area that will include equipment cabinets and a backup propane generator. The proposed tower will be designed to look like a faux fir design and will be able to accommodate up to nine Verizon antennas and various tower mounted equipment. The tower will also be able to facilitate two additional carriers below the Verizon antennas. The property is zoned EFU, with 5 tax lots under the same ownership. Tax lots 1400 and 1500 will be associated with the proposed cell tower development. The proposed access will be a driveway off SE Boana Park Rd.

2. ZDO Section 401, Exclusive Farm Use (EFU) District

401.04 Uses Permitted: *Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. This category includes wireless telecommunication facilities not otherwise listed in Table 401-1, Permitted Uses in the EFU District.*

Finding: This proposal is for a new monopole that will aid in providing necessary public service in a coverage gap for Verizon wireless and internet uses and the

tower will be less than 200 feet (155 feet) in height; therefore, the proposal necessitates a Type II land use permit subject to ZDO Section 401.05(G)(2).

This criterion is met.

401.05(G)(2) Utility and Solid Waste Disposal Facility Uses: *A utility facility necessary for public service may be established as provided in OAR 660-033-0130(16)(a) and ORS 215.275 and 215.276, or, if the utility facility is an associated transmission line, as provided in OAR 660-033-0130(16)(b) and ORS 215.274 and 215.276.*

Finding: The project is not an associated transmission line, therefore the project must comply with OAR 660-033-0130(16)(a) and ORS 215.275 and 215.276. Compliance with these sections is discussed further, below. This standard is met.

401.07 Dimensional Standards: Minimum front and rear setback: 30 feet; Minimum side setbacks: 10 feet.

Finding: As demonstrated by the applicant's submitted site plan, the proposed wireless telecommunication facility complies with the minimum setback standards.

This criterion is met.

3. ZDO Section 1010, Signs 1010.08 Signs for Institutional Uses. *Pursuant to Section 202, Definitions, a utility facility is an institutional use.*

Finding: The south & east elevations sheet in the application materials identified a proposed sign to be located on the access gate, but did not provide the specific size or details of the sign. Any signage will require compliance with this section. The maximum sign area allowed is 32 square feet per side. Neither a freestanding nor a building sign shall exceed this standard. Maximum top-of-sign height is five feet for a freestanding sign. A condition of approval is warranted to ensure compliance with this section.

As conditioned, this criterion is met.

4. ZDO Section 1015, Parking *is designed to ensure that developments in Clackamas County provide sufficient and properly designed parking for motor vehicles as well as appropriate off-street loading areas.*

Finding: The development operates as an unstaffed ("unmanned") facility. The access road and maneuvering area (hammerhead turnaround) will adequately

provide off-street parking for the occasional maintenance needs of the unstaffed facility.

This criterion is met.

5. OAR 660-033-0130(16)(a): A utility facility established under ORS 215.213(1)(c) or 215.283(1)(c) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service

16)(a) a utility facility established under ORS 215.213(1)(c) or 215.283(1)(c) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must:

(A) show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

- (i) technical and engineering feasibility;*
- (ii) the proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;*
- (iii) lack of available urban and nonresource lands;*
- (iv) availability of existing rights of way;*
- (v) public health and safety; and*
- (vi) other requirements of state and federal agencies.*

(B) costs associated with any of the factors listed in paragraph (a) of this subsection may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(C) the owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this paragraph shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(D) the governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm

practices or a significant increase in the cost of farm practices on surrounding farmlands.

(E) utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under oar 660-033-0130(19) or other statute or rule when project construction is complete. Off-site facilities allowed under this paragraph are subject to 660-033-0130(5). Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

(F) in addition to the provisions of paragraphs (a) to (d) of this subsection, the establishment or extension of a sewer system as defined by oar 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of oar 660-011-0060.

(G) the provisions of paragraphs (a) to (d) of this subsection do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the federal energy regulatory commission.

Finding: The applicant provided evidence that the proposed facility is locationally-dependent because the proposed location is an area with a lack of coverage (See Exhibit C in the app. materials) is one of the highest geographical points within the reduced coverage area along with being large enough to accommodate the facility. The increase elevation of the subject property will allow strong radio frequency signals to be broadcasted to benefit people within the vicinity of the areas challenged by topography and thick vegetation coverage. The proposed cell tower benefit cannot be satisfied on other lands due to the lower elevation and existing vegetation limiting the signal, therefore the applicant is proposing to place the cell tower on resource lands zoned Exclusive Farm Use (EFU). Additionally, staff reviewed the elevations of the area, and the cursory review revealed that the subject property, zoned EFU, has elevations at 700 feet and above. The rural residential lands (suitable to accommodate the WCF) on the outskirts of the EFU district have lower elevations that range from 450 feet – 700 feet. Placing the tower on an area with higher elevation, above 700 feet (as shown in the survey detail in the app.), is needed to provide adequate signal for residents within areas that lack coverage.

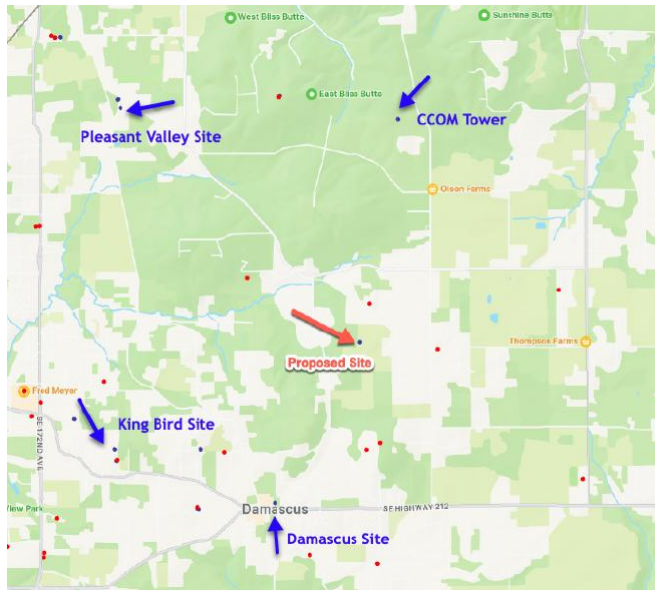
The applicant provided evidence showing lack of urban and nonresource land. As the applicant notes, the land outside of the proposed location was considered and notices were sent out within the area. The applicant provided a list of the properties that were notified, which included the subject property. In review, 70 % of the properties listed that were sent an inquiry notice are zoned RRFF-5, which indicates alternative sites were considered that are not resourced lands, but as noted, only the subject property owner responded to the inquiry.

The applicant provided evidence the proposal meets technical and engineering feasibility to be sited on the EFU zone property. Staff understand technical and engineering feasibility to be an evaluation that details the technical requirement, constraints and capabilities of the proposed development to determine whether it is feasible to develop, implement, and maintain it within the given constraints and available resources. The applicant states the Verizon radio frequency engineering team evaluated the gap in service and coverage in the area. From the evaluation, the applicant produced the coverage map (Exhibit C) in the application to show technical requirements, constraints, and solutions the proposed development would provide. By placing the tower in this specific location, the radio frequency signal can broadcast to the people within the difficult terrain. Poor signals are currently being experienced off Bohna Park Rd., 222nd Dr. and the surrounding areas due to the steep topography, and dense vegetation. As stated, a coverage map has been submitted by the applicant to show that the placement of the site on the EFU parcel drastically improves the signal.

The applicant identifies that the wireless telecommunication tower is needed to protect public health and safety by increasing coverage for customers to reach emergency services (911).

With the technical and engineering feasibility, locationally dependent needs, lack of urban, and nonresource land and the public health and safety needs identified in the application, location was not the sole determining factor in the subject site being identified as the necessary location for the public utility service.

Staff received numerous comments from nearby property owners. A comment was received regarding whether alternative sites or co-location were considered prior to choosing the subject property. The applicant representing Verizon stated the following: *The submitted (Exhibit C) Radio Frequency justification letter shows existing Verizon sites. There are three sites, Pleasant Valley, King Bird, Damascus that surround the proposed property. Since those towers are already in use by Verizon – they are not colocation possibilities. Submitted Exhibit D (located in the app.) is an existing facilities map. The BLUE dots on the map represent existing towers (RED dots are only antennas – not towers). The only non-Verizon occupied tower is located at 9350 SE Wooded Hills Ct, Damascus. This tower is owned by CCOM – Clackamas County 911 Safety Services. Verizon approached CCOM, through the managing partner at WCCCA. Because the tower was not constructed for carrier purposes and due to future growth required, colocation was not a possibility. Additionally, this tower location is too far north to remedy the lack in coverage in between the existing sites, as noted in Exhibit C. To further clarify the lack of colocation possibilities, I have labeled the BLUE dots on the submitted existing facilities map (Exhibit D in the app.) and inserted a graphic of this below. There are no existing towers in the area that Verizon does not already occupy.*

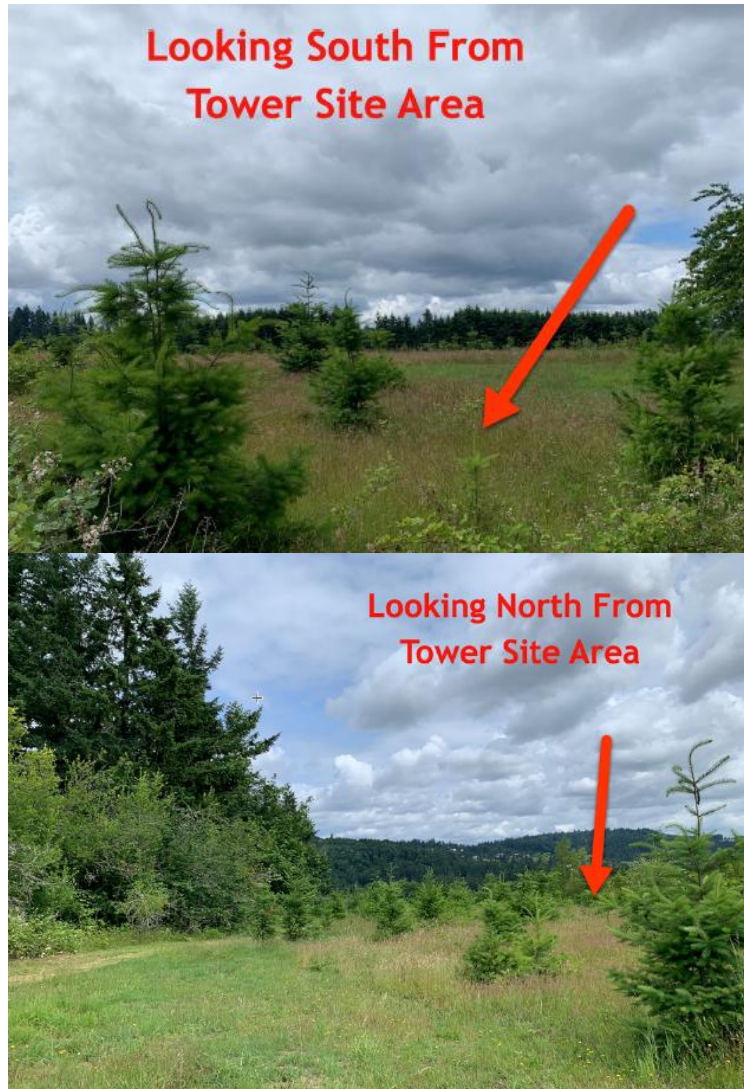


Based on the evidence provided by the applicant, reasonable alternatives, such as co-location and other sites that included urban and nonresource were considered and due to the findings above the subject property (EFU) property was chosen.

An additional comment was made indicating that 911 calls can go through with the existing coverage, so there is no need for the tower. Staff references the coverage map submitted by the applicant stating there is a lack of coverage in area. Based on the map, calls (including 911) do not have as much coverage as other areas with increased coverage.

The application materials identify the proposed cell tower location. The applicant states the lease agreement between Verizon and the property owners outlines the property is to be restored to its original conditions upon removal of the site.

The applicant states the proposed WCF will not have an impact on farming practices on surround properties or farmlands. The applicant states the following: *The tower site is an unoccupied facility. It does not create any emissions or odors that would impact farming. The parcel to the immediate west is heavily forested with fir trees and is zoned EFU. Additionally, all surrounding EFU zoned properties are under the same ownership as the site parcel. Existing site photos have been included below to show existing conditions of the property.* Based the applicants narrative above, staff has determined no mitigation is required and there are no impacts on surrounding lands devoted to farm use.



On-site and off-site facilities for temporary workforce housing for workers constructing a utility facility, sewer facilities, and natural gas utilities are not proposed in this application, therefore (E)(F) and (G) are not applicable and are included for informational purposes only.

The County notified the Oregon Department of Aviation of the land use application, and they provided comments in return. A condition of approval is imposed to ensure compliance with ODA standards are met.

This criterion is met.

1. **ORS 215.275: Utility Facilities Necessary For Public Service**

The County notified the Oregon Department of Aviation of the land use application, and they provided comments in return. A condition of approval is imposed to ensure compliance with ODA standards are met.

This criterion is met.

2. **215.274 and 215.276**

3. *ORS 215.274 relates to standards for transmission lines necessary for public service; ORS 215.276 relates to standards for transmission lines located on high-value farmland.*

4. **Finding:** The proposal does not include a request to add transmission lines.
This criterion is not applicable.

5. **WATER SUPPLY 1006.03**

The following standards apply inside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village: 1. Land divisions or other development requiring water service shall not be approved, except as provided in Subsection 1006.03(D)(4), unless they can be served by a public water system in compliance with drinking water standards as determined by the Oregon Health Authority. 2. Development requiring water service within the boundaries of a water service system, created pursuant to ORS chapters 264, 450, or 451, shall receive service from this system. 3. New public water systems shall not be created unless formed pursuant to ORS chapters 264, 450, or 451. 4. A lot of record not located within the approved boundaries of a public water system may be served by an alternative water source.

Finding: The subject parcels are located within a water limited area identified in the Clackamas County Groundwater Limited Map. The applicant has stated the site will not have any water service. Therefore, no additional review regarding water use is required.

This criterion is met.

ADVISORY NOTES

Advisory notes are not a part of the decision on this land use permit. The items listed below are not conditions of land use approval and are not subject to appeal. They are advisory and informational only but may represent requirements of other agencies/departments. As such, they may be required by these other agencies/departments in order to complete your proposed development.

1. Clackamas County Department of Transportation and Development prepared the following comment(s):

1. a. The applicant shall design and construct a minimum 12-foot wide by 20-foot long, paved approach at the intersection of the driveway with SE Bohna Park Road, per Roadway Standards Drawing D500. The driveway approach shall intersect SE Bohna Park Road at a 90 degree angle.
2. b. The applicant shall design and construct road improvements to provide a minimum 12-foot wide, gravel road from the paved approach on SE Bohna Park Road, to the communication facility site. The access road improvements shall be consistent with Roadway Standards Drawing R100.
3. d. A turnaround shall be constructed at or near the end of the on-site access road, constructed per Standard Drawing C350. Turnouts shall be constructed at approximately 400-foot intervals, as approved by the fire marshal, per Standard Drawing C350.
4. If an acre or more of area are disturbed for construction of the roadway and site improvements, the applicant obtain a NPDES 1200-C Erosion Control Permit from the Oregon Department of Environmental Quality. Any Oregon DEQ permitting shall be obtained and submitted prior to Development Permit issuance.