



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 12/29/2014
Jurisdiction: City of Astoria
Local file no.: A 14-04
DLCD file no.: 004-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/22/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 45 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 004-14 {22462}
Received: 12/22/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Astoria

Local file no.: **A14-04**

Date of adoption: 12-15-14

Date sent: 12/22/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 9-12-14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

no

Local contact (name and title): Rosemary Johnson, Planner

Phone: 503-338-5183

E-mail: rjohnson@astoria.or.us

Street address: 1095 Duane Street

City: Astoria

Zip: 97103-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

15.065.A.5, Prohibited Structures for Wireless Communication Facilities

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Clatsop County Emergency Services

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 14-12

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE SECTION 15.065.A.5 PERTAINING TO WIRELESS COMMUNICATION FACILITIES

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code Section 15.065.A.5, General and Operating Requirements, Prohibited Structures, is deleted in its entirety and replaced to read as follows:

"5. Prohibited Structures.

- a. Lattice and guyed wire towers and support structures and speculation ("spec") support structures are prohibited in all zones except as noted in Section 5.b.
- b. Lattice towers and support structures that are required for Emergency Communications Facilities and Temporary Communications Facilities operated by public officials may be located in the LR Zone (Land Reserve). Co-location by private communication providers on a lattice tower with emergency communication facilities is allowed."

Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

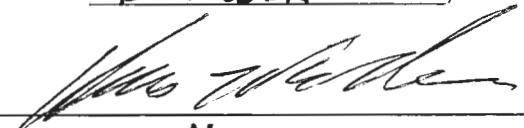
ADOPTED BY THE COMMON COUNCIL THIS 15TH DAY OF DECEMBER, 2014.

APPROVED BY THE MAYOR THIS 15TH DAY OF DECEMBER, 2014.

ATTEST:



Brett Estes, City Manager



Mayor

ROLL CALL ON ADOPTION:		YEA	NAY	ABSENT
Commissioner	LaMear	X		
	Herzig	X		
	Mellin	X		
	Warr	X		
Mayor	Van Dusen	X		

BEFORE THE ASTORIA PLANNING COMMISSION
OF THE CITY OF ASTORIA

IN THE MATTER OF AN AMENDMENT)
)
FOR THE FOLLOWING PROPERTY:)
CITY WIDE, ASTORIA OR 97103)
) ORDER NO. A14-04
)
APPLICANT: COMMUNITY DEVELOPMENT DEPARTMENT,)
CITY OF ASTORIA, 1095 DUANE, ASTORIA OR 97103)

The above named applicant applied to the City for Amendment A14-04 to amend Development Code Section 15.065.A.5 concerning prohibited wireless communication facility structures to allow lattice towers and support structures for public emergency communication facilities within the LR, Land Reserve, zone, City Wide, Astoria, Oregon 97103.

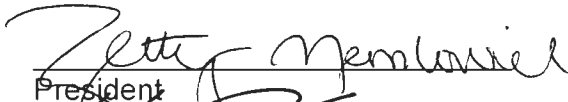
A public hearing on the above entitled matter was held before the Astoria Planning Commission on October 28, 2014; and the Astoria Planning Commission closed the public hearing and rendered a decision at the October 28, 2014 meeting.


The Planning Commission found the proposed amendment to be necessary and recommends to the Astoria City Council that the proposed amendment be approved. *A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*


DATE SIGNED: OCTOBER 28, 2014


DATE MAILED:

ASTORIA PLANNING COMMISSION

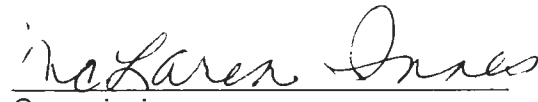



President


Commissioner


Commissioner


Commissioner



Commissioner


Commissioner

Commissioner

BEFORE THE ASTORIA CITY COUNCIL
OF THE CITY OF ASTORIA

IN THE MATTER OF AN AMENDMENT REQUEST)
)
FOR THE FOLLOWING PROPERTY:)
CITY WIDE, ASTORIA, OREGON 97103) ORDER NO. A14-04
)
APPLICANT: COMMUNITY DEVELOPMENT DEPARTMENT,)
CITY OF ASTORIA, 1095 DUANE, ASTORIA OR 97103)
)

The above named applicant filed a request to amend Development Code Section 15.065.A.5 concerning wireless communication facility structures to allow lattice towers and support structures for public emergency communication facilities within the LR, Land Reserve, zone. within the City limits of Astoria, Oregon.

A public hearing on the above entitled matter was held before the Planning Commission on October 28, 2014; and the Planning Commission closed the public hearing and rendered a decision at the October 28, 2014 meeting. The Planning Commission found the proposed amendment to be necessary and recommends to the Astoria City Council that the proposed amendment be approved.

A public hearing on the above entitled matter was held before the Astoria City Council and the public hearing was closed at the December 1, 2014 meeting; the Astoria City Council rendered a decision at the December 15, 2014 meeting.

The City Council found the proposed amendment to be necessary and orders that this application for an Amendment A14-04 is approved and adopts the findings and conclusions of law attached hereto. A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

The effective date of this approval is the date of the signing of this Order.

This decision may be appealed to the Land Use Board of Appeals (LUBA) by the Applicant, party to the hearing, or a party who responded in writing, by filing a Notice of Intent to Appeal with LUBA within 21 days of the date this Order is signed.

DATE SIGNED: DECEMBER 15, 2014 DATE MAILED:

ASTORIA CITY COUNCIL



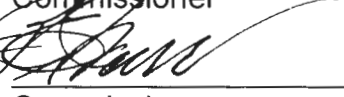
Mayor



Commissioner



Commissioner



Commissioner



Commissioner



CITY OF ASTORIA

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COMMUNITY DEVELOPMENT

October 20, 2014

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: AMENDMENT REQUEST (A14-04) ON WIRELESS COMMUNICATION FACILITIES

I. BACKGROUND SUMMARY

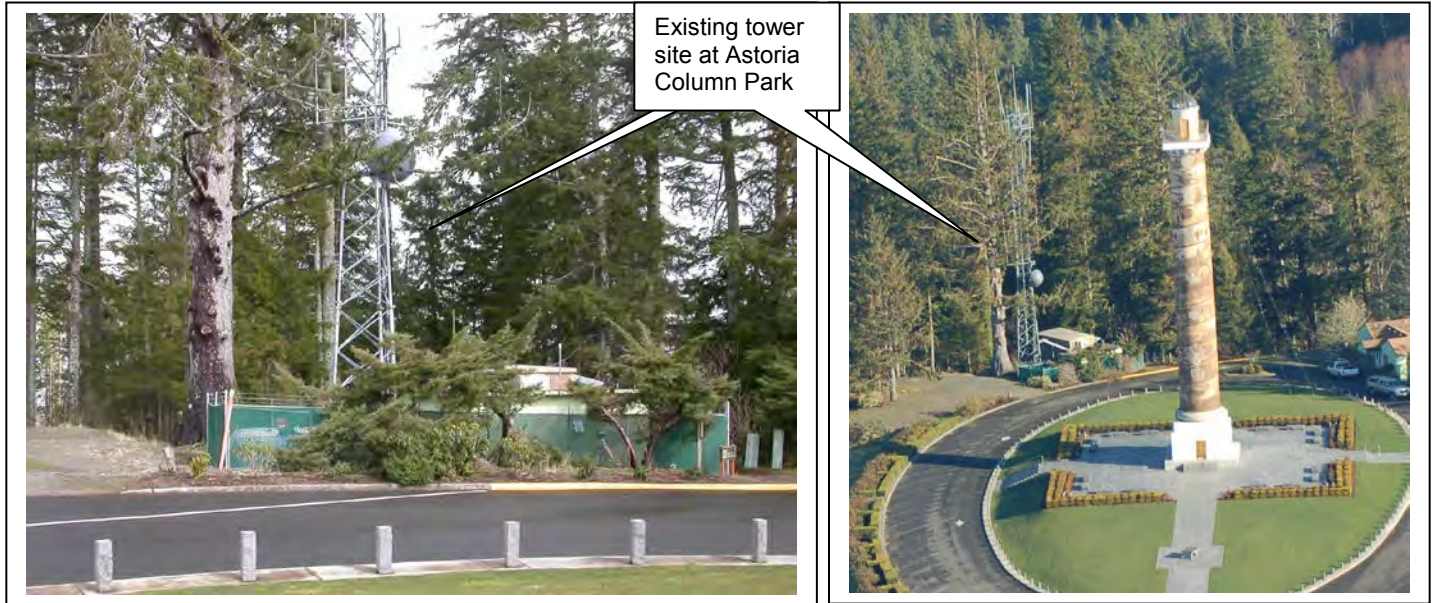
- A. Applicant: Brett Estes
Community Development Director
City of Astoria
1095 Duane Street
Astoria OR 97103
- B. Request: Amend the Astoria Development Code Section 15.065.A.5 concerning wireless communication facility structures to allow lattice towers and support structures for public emergency communication facilities within the LR Zone (Land Reserve)
- C. Location: City-wide

II. BACKGROUND

In 2002, the City adopted a Wireless Communication Facility Ordinance to address where and how these facilities could be located within the City. The intent was to encourage “stealth” location such as location on elevator penthouses, within church steeples, etc. The ordinance also encouraged co-location by multiple providers at one location/tower. Both of these requirements were intended to reduce the need for towers. For aesthetic purposes, lattice towers were prohibited requiring that any new support structures be monopoles. The ordinance provided that “public emergency communication” facilities were not subject to the requirements of the code to facilitate public safety. However, the code did not address co-location of a private provider with a public emergency communication facility, and therefore if the facility includes private providers, then it would be required to meet the code requirements.

The current public emergency communication facility and Verizon private facility are located on Coxcomb Hill adjacent to the Astoria Column. For over five years, the City has been working with Verizon concerning the upgrade of their services and the need to upgrade the public emergency services. After much consideration of the existing site, it was determined that the facility should be relocated to another site to improve the

aesthetics of the Astoria Column Park which is a major tourist attraction. The Friends of the Column, City, and Verizon have identified two alternate locations that would accommodate the needed towers and provide upgraded services to broader areas within the City and County. The two new locations would be at Shively Park and in the forested Land Reserve area above Irving Avenue. The Shively Park location would be for private companies and would not include emergency service facilities. However, the site in the Land Reserve near Reservoir 3 would include both private and public facilities.



Due to the type of facilities needed for public emergency communication services, and in order to allow co-location by other private providers, the tower needs to be fairly substantial in construction. The tower would need to be approximately 150' tall to accommodate quality two-way radio coverage. While monopoles can be built taller, generally they are a maximum of 100' or require extensive foundations. A lattice tower would provide the needed height and space on the tower for co-location of private provider antennas. In addition, maintenance and emergency repair of the facilities can be accomplished quicker with a lattice tower to maintain the critical coverage needed should there be outages of the public emergency service facilities.

If the tower were used only for emergency service facilities, the existing code would not apply and they would be allowed to install a lattice tower. However, since the tower will have co-location of private providers, it is subject to the Wireless Communication Facility Ordinance which prohibits lattice towers. By co-locating both public and private facilities, the number of towers is reduced and only one tower would be required at Reservoir 3 site. Therefore, staff has initiated a proposed code amendment to allow lattice towers in the LR Zone and only if they also accommodate an emergency service facility regardless of additional co-location by private providers. The intent of the original code was to prevent a forest of cell towers and to maintain the visual quality of the Astoria skyline. Since the tower could be lattice if it was only for emergency services, and since co-location would reduce the need for additional towers, it would be consistent with the intent of the code to allow a co-located emergency service tower to be a lattice tower.

III. PUBLIC REVIEW AND COMMENT

A. Astoria Planning Commission

A public notice was mailed to Neighborhood Associations, various agencies, and interested parties on October 3, 2014. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on October 21, 2014. The proposed amendment is legislative as it applies City-wide. Any comments received will be made available at the Astoria Planning Commission meeting.

The APC's recommendation will be forwarded to the City Council for public hearing tentatively at the December 1, 2014 City Council meeting.

B. City Council

A public notice will be mailed to Neighborhood Associations, various agencies, and interested parties on November 7, 2014. In accordance with Section 9.020, a notice of public hearing will be published in the Daily Astorian on November 24, 2014. Any comments received will be made available at the City Council meeting.

IV. FINDINGS OF FACT

- A. Development Code Section 10.020(A) states that *"an amendment to the text of the Development Code or the Comprehensive Plan may be initiated by the City Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident."*

Finding: The proposed amendment to the Development Code is being initiated by the Community Development Director.

- B. Section 10.050(A) states that *"The following amendment actions are considered legislative under this Code:*

1. *An amendment to the text of the Development Code or Comprehensive Plan. . ."*

Finding: The proposed amendment is to amend the text of the Astoria Development Code Article 15 concerning Wireless Communication Facilities (WCF) to allow lattice towers in the LR Zone that include emergency service facilities. The Code is applicable City-wide. Processing as a legislative action is appropriate.

- C. Section 15.010, Wireless Communications Facilities, Purpose states that *"To accommodate the increasing communication needs of Astoria residents, businesses, and visitors, while protecting the public health, safety and general welfare, and visual and aesthetic environment of the City, these regulations are established to:*

1. *Provide a process and uniform comprehensive standards for the development and regulation of Wireless Communication Service Facilities.*
2. *Enhance the ability to provide communications services to City residents, businesses and visitors.*
3. *Protect the City’s scenic, natural, cultural and historical resources, and visual environment from the potential adverse physical and visual effects of Wireless Communication Service Facilities, through careful design and siting standards.”*

Finding: The proposed amendment would allow for the co-location of public and private communication facilities on a single tower that would provided the needed services to the City while protecting the historic and visual qualities of the City. The design change from a monopole to a lattice tower in the LR Zone would eliminate the need for multiple towers.



C. Section 10.070(A)(1) requires that *“The amendment is consistent with the Comprehensive Plan.”*

1. CP.005(5), General Plan Philosophy and Policy Statement states that local comprehensive plans *“Shall be regularly reviewed, and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve.”*

Finding: The WCF Ordinance did not address the possibility of co-location of private and public facilities. The proposed amendment would address the changes in the technology of wireless communication, and the need to provide better service to the community.

2. CP.440.5, Forest Resource Policies, states that *“Scenic forest lands such as the corridor along Williamsport Road, the area around the Astor Column,*

or areas which have significant value for open space or recreation will be designated as such in the City's Plan."

CP.455, Overall Goal, states that *"The City of Astoria will, through its Plan and ordinances, protect the natural values that make the City a desirable place to live and work."*

CP.460.1, Natural Resource Policies states that *"The Plan land and water use designations will protect those areas that have high natural value, and direct intensive development into those areas that can best support it."*

CP.460.3 , Natural Resource Policies states that *"The City recognizes the importance of "trade offs" that must occur in the planning process. Although certain estuary areas have been designated for intensive development, other areas will be left in their natural condition in order to balance environmental and economic concerns."*

CP.460.4, Natural Resource Policies, states that *"The City's "Land Reserve" area has been designated as such in order to protect forest lands for forest uses, and to allow for limited, well planned residential development in certain areas. It is intended that forest uses include wildlife habitat, stream or drainage protection, windbreaks, recreation and scenic buffers. By requiring and encouraging techniques such as planned or cluster development, buffering, geologic site investigations, and similar measures, natural values will be protected."*

CP.250.1, Historic Preservation Goals states that *"The City will Promote and encourage, by voluntary means whenever possible, the preservation, restoration and adaptive use of sites, areas, buildings, structures, appurtenances, places and elements that are indicative of Astoria's historical heritage."*

CP.250.6, Historic Preservation Goals, states that *"The City will promote appreciation of Astoria's natural resource base, including wooded areas, marshlands, and water-based sites as elements of the City's historic growth and development."*

Finding: The intent of the WCF Ordinance is to allow for wireless facilities while preserving the scenic and historic character of Astoria. The proposed amendment would preserve the aesthetic views of the Astoria skyline with the ability to locate a tower that could accommodate both emergency services and private providers on one tower rather than multiple towers. This "trade off" is consistent with the intent of the WCF Ordinance.

Relocation of the existing towers at the Astoria Column would help to restore the Park to the original historic and natural setting. Allowing the use of lattice towers in the LR Zone would help facilitate the relocation of the existing towers located adjacent to the historic Astoria Column.

3. CP.205, Economic Development Goal 6, states that the City will “*Maintain a system of public facilities and services capable of supporting existing and future industry, and commercial development.*”

Finding: With the changing wireless communication industry, the private providers are continually upgrading the services in the Astoria and Clatsop County area. The upgraded services allow expansion of wireless based communications and industries in this area. The proposed change would allow co-location of public emergency services and private providers on a facility that would benefit both entities and reduce the need for multiple towers.

Finding: The request is consistent with the Comprehensive Plan.

- D. Section 10.070(A)(2) requires that “*The amendment will not adversely affect the ability of the City to satisfy land and water use needs.*”

Finding: The proposed amendment will satisfy land use needs in that it will allow for the installation of a public emergency communications facility that is co-located with private providers on a single tower to provide both public and private wireless services. With the proposal that the lattice towers only be located in the LR Zone which is outside the Urban Growth Boundary does not impact the buildable area of the City. The proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code. Staff recommends that the Astoria Planning Commission forward the proposed amendment to the City Council for adoption.



CITY OF ASTORIA

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COMMUNITY DEVELOPMENT

November 21, 2014

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM: BRETT ESTES, CITY MANAGER

SUBJECT: AMENDMENT REQUEST (A14-04) ON WIRELESS COMMUNICATION FACILITIES

BACKGROUND

In 2002, the City adopted a Wireless Communication Facility Ordinance to address where and how communication towers and antennae could be located within the City. For aesthetic purposes, lattice towers were prohibited requiring that any new communication towers be monopoles. The ordinance provided that “public emergency communication” facilities were not subject to the requirements of the code to facilitate public safety. However, the code did not address co-location of a private provider with a public emergency communication facility, and therefore if a public emergency communications tower includes private providers, then it would be required to be a monopole construction.

The current public emergency communication facility and Verizon private facility are located on Coxcomb Hill adjacent to the Astoria Column. For over five years, the City has been working with Verizon concerning the upgrade of their services and the need to upgrade the public emergency services. After much consideration of the existing site, it was determined that the facility should be relocated to another site to improve the aesthetics of the Astoria Column Park. The Friends of the Column, City, and Verizon have identified alternate locations that would provide emergency communications as well as cell service to replace what is provided by the tower at the Column. One site is located in the Land Reserve near Reservoir 3 (east of the Column) would include both private and public facilities.

Due to the type of facilities needed for public emergency communication services, and in order to allow co-location by other private providers, the tower needs to be fairly substantial in construction. The tower would need to be approximately 150’ tall to accommodate quality two-way radio coverage. While monopoles can be built taller, generally they are a maximum of 100’ or require extensive foundations. The topography and geology of the proposed site makes this challenging. A lattice tower would provide the needed height and space on the tower for co-location of private provider antennas. In addition, maintenance and emergency repair of the facilities can be accomplished quicker with a lattice tower to maintain the critical coverage needed should there be outages of the public emergency service facilities.

If the tower were used only for emergency service facilities, the existing code would not apply and they would be allowed to install a lattice tower. However, since the tower will have co-location of private providers, it is subject to the Wireless Communication Facility Ordinance which prohibits lattice towers. By co-locating both public and private facilities, the number of towers is reduced and only one tower would be required at Reservoir 3 site. Therefore, staff has initiated a proposed

code amendment to allow lattice towers in the LR Zone and only if they also accommodate an emergency service facility regardless of additional co-location by private providers. The intent of the original code was to prevent a forest of cell towers and to maintain the visual quality of the Astoria skyline. Since the tower could be lattice if it was only for emergency services, and since co-location would reduce the need for additional towers, it would be consistent with the intent of the code to allow a co-located emergency service tower to be a lattice tower.

At its October 28, 2014 meeting, the Astoria Planning Commission held a public hearing and recommended that the City Council adopt the proposed amendment. A copy of the Staff Report and Findings of Fact as adopted by the Planning Commission are attached. Also attached to this memo is the proposed ordinance. A public hearing and first reading on the Amendment was held at the December 1, 2014 City Council meeting.

RECOMMENDATION

If the Council is in agreement, it would be in order for Council to hold a second reading and adopt the Ordinance. The following is sample language for motions for adoption of the Findings of Fact and Ordinances:

“I move that the Astoria City Council adopt the findings and conclusions contained in the staff report, and approve Amendment Request A14-04 to the Astoria Development Code and adopt the Ordinance.”

By:

Rosemary Johnson, Planner