

**PORT ORFORD PLANNING COMMISSION
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING, PUBLIC HEARING and WORKSHOP
Tuesday, January 14, 2020
3:30 PM**

1. Call to Order
2. Approval of Minutes: November 12, 2019
3. Elections of Planning Chair, Vice Chair and Secretary
4. Comments from the Public
5. Planning Commission Training
6. Public Hearing

Conditional Use Permit 1901

Attachments:

- A. Staff Report
- B. Application Form and Narrative
- C. Assessors Map Information
- D. Port Orford Zoning Map with Subject Property
- E. Geology Memo of October 22, 2019
- F. 2006 Geologic Hazards, Seismicity and Geotechnical Investigation and Design Report
- G. Information Regarding Historic Cemeteries
- H. Trileaf Memo-Tichenor Cemeteries
- I. Notice of Land Use Hearing

7. Planning Matters

None

Other Business

- A. Announcements and Communications:
 - City Planner Comments
 - Planning Commission Comments
- B. Old and Continuing Business
 - Dark Sky Ordinance
 - Sign Ordinance

8. Public Considerations
9. Adjourn

CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING

Tuesday, November 12, 2019, 3:30 p.m.
Regular Meeting and Public Hearing and Workshop
Port Orford City Hall, Gable Council Chambers
555 W. 20th Street
Port Orford, Oregon

Date Draft:

Date Corrected:

Date Final:

1. Call to Order.

Planning Commissioner McHugh called to order the regular meeting of the City of Port Orford Planning Commission for Tuesday, November 12, 2019 at 3:30 p.m.

Those members present were: Commissioner McHugh, Comm. Schofield and Comm. Leonard.

City staff present were City Attorney Shala Kudlac and Planning Assistant Patty Clark.

2. Approval of Minutes:

Chair McHugh made the motion to approve the minutes of Port Orford Planning Commission meeting dated October 8, 2019 with correction on page 3 to capitalize the word safety in the item safety / security with Comm. Schofield as second. All approved the motion.

Chair McHugh announced to those in attendance that they are to state their name prior to speaking.

3. Comments from the public

Ann Vileisis – Speaks on Dark Sky Ordinance. As president of Audubon, she receives calls from citizens complaining of ordinance violations. Ms. Vileisis advises that dark sky does not mean dark town. The idea is there is light where needed with a dark sky above. Ms. Vileisis suggests naming the ordinance, The Port Orford Lighting Ordinance with the dark sky aspect a key purpose. She suggests the community might be more accepting with the name change. After reviewing similar ordinances from other jurisdictions, Ms. Vileisis has an idea that leads with safety and security, such as “The purpose of the Port Orford lighting ordinance is to ensure the safety and security of homes and businesses while also

contributing to the livability of the community by eliminating light trespass that becomes a nuisance to neighbors and degrades enjoyment of a night sky, an asset that the community has identified as valuable for quality of life and promotion of tourism.” Ann Vileisis reiterated she is still interested in working on a brochure or something similar to educate the community when the ordinance is resolved.

4. Public Hearing
None.

5. Planning Matters

Dark Sky Ordinance:

Ordinance Name – Commissioner McHugh addresses the ordinance name. He notes that most communities who have adopted a dark sky ordinance call their ordinance the Outdoor Lighting Code. Commissioner Schofield expresses agreement with a name that does not include dark sky. Commissioner Leonard expresses appreciation for Ann Vileisis sharing her concept. Commissioner Leonard states concern that somebody would abuse the privilege of not having a strict ordinance; however, generally speaking the public would feel more comfortable with an ordinance less stringent. Abuse of ordinance is described as people who do not abide by the requests that are being made of them. Rules and regulations would have to be clear for the purpose of enforcement.

Commissioner McHugh proposed the commission change the name of the ordinance to City of Port Orford Outdoor Lighting Code. With no objections from council, the name City of Port Orford Outdoor Lighting Code is approved.

Purpose – Commissioner McHugh provided suggestions for Purpose provided by a member of the community. The Purpose, as written, is verbiage. The Purpose suggested contains an ordered list. Commissioner Schofield would like some time for review before addressing next month. Commissioner McHugh suggested a Purpose section written out followed by a section called Intent, which would be the bulleted list. Commissioners agreed to review the Purpose and Intent and address this at the meeting next month.

Conformance, 1517.050.2, 3 and 4 – Shala Kudlac addressed commissioners’ previous decision requiring conformance by 2021. Ms. Kudlac feels that is a short timeframe and is concerned it will cause citizens to challenge. Nonconforming land use will have to be addressed by council to avoid challenges with nonconforming land use. Commissioner McHugh suggests changing 06-30-2021 to read, a date five years after adoption of his ordinance. Ms. Kudlac agrees with the change. Commissioner Leonard respects the opinion of Chair McHugh and legal counsel Kudlac.

Steve Lawton spoke to the planning commission stating he feels that is too long of a period. He feels two or three years is reasonable for conformity. Commissioner McHugh feels five

years is reasonable given the level of urgency for this ordinance and potential blowback the city might get.

Roland Willis shared his thoughts that the citizens who have the lights already in place have had ten years to conform to the current dark sky ordinance. Commissioner McHugh reported that the city is attempting to get Gold Beach Lumber to comply with the current dark sky ordinance. If the city were to mandate compliance five years from date of ordinance adoption, would that give Gold Beach Lumber more time. Counsel Kudlac confirms it would.

Commissioner McHugh suggested leaving it to City Council to shorten the compliance date if they feel they need to. Commissioners agreed. Commissioners agree to make the change from June 30, 2021 to five years from the date of adoption of the ordinance. He urges commissioners who feel five years is too long of a time, to address it with city council.

Applicability – Counsel Kudlac reported reviewing this section and does not have any amendments to this section. Counsel Kudlac recommended commission get permission for the drawings included in this section, as they might be copyrighted. Commissioner McHugh volunteered to call South Hampton to ask for permission.

Counsel Kudlac quoted a paragraph reading “nothing in this ordinance should be interpreted to restrict lighting necessary to conduct business in a safe efficient manner.” She recommends removing that language. It is understood that ordinances do not impede safety. Commissioner McHugh reads, “except for lights necessary for personal and building safety during the hours the business is closed.” Commissioner McHugh would like that exception removed to avoid ordinance abuse. Commissioners agree to remove that section. Commissioner McHugh reads, “businesses are encouraged to turn off parking lot lights, building lights, signs, landscaping lights and other similar exterior lighting features.” Commissioners would like to see dark-sky compliant lights be left on for law enforcement and public safety. Commissioner McHugh would like to remove paragraph 16 from the ordinance. Commissioners agree to remove paragraph 16. Numbering will be adjusted.

Counsel Kudlac addresses paragraph 10 on page 7 which states non-essential commercial and residential lighting shall be turned off. She would like to see non-essential lighting defined. She would like to see dark-sky compliant lights be left on after dark. Changing non-essential to non-compliant was suggested. Commissioner McHugh would like to review, edit and revisit this paragraph next month. Commissioners agree.

Kelvin Temperatures – Mr. Willis suggested 3000 kelvin. He suggested this as a recommendation and not a requirement. Commissioner McHugh defined and described

kelvin. Commissioner McHugh suggested writing in “should not exceed 3000 kelvin.” Commissioners agreed.

Area Lights – Commissioner McHugh contacted ODOT who claimed Highway 101 street illumination lamps are not ODOT lights. They belong to the Coos-Curry Electric, which are part of the contract with City of Port Orford. The lights are capped but not set square and are at an angle causing some light pollution.

Ann Vileisis suggested commissioners got to Florence, Waldport and Newport to observe their lights. They are lower and more in number, thus making a nicer look. Steve Lawton agrees. Commissioner McHugh will review the franchise agreement to see what Coos-Curry Electric is supplying. If Commissioner McHugh finds Coos-Curry Electric is agreeable, he would like Counsel Kudlac assist in changing the writing to make streetlights greater in number, lower in height and lower in intensity as written for parking area lights.

Commissioner McHugh requested Steve Lawton’s recommendation for streetlight mounting. Mr. Lawton advised that a full cutoff at 30 feet will create more pollution than a full cutoff at 10 feet. Larger commercial buildings will be a challenge to require a low cutoff. Mr. Willis suggested if lights are compliant, the height does not matter, thus making this paragraph F unnecessary. Commissioner McHugh feels the reading of paragraph F is too technical and suggests eliminating paragraph F. Commissioners agree.

Definitions:

Temporary Lighting – Commission needs to define how long temporary lighting be allowed. This includes holiday lighting. Commissioner McHugh suggested 30 days. Commissioner Leonard reminds that there is a 30-day extension. Commissioner McHugh suggested taking “holiday lighting” out of this section. Counsel Kudlac found an exemption for holiday lighting already addressed. Commissioners agreed to 30 days for temporary lighting.

Full Cutoff Light Fixture – Commissioner McHugh is not in favor of using candela as a measurement. Candela is illumination at the bulb as is a lumen. Commissioner McHugh suggested full cutoff light fixture is superfluous and complicated. He suggested it be made clear. Commissioner McHugh will come up with a term to replace candela in the definition of foot candle. Commission agrees to remove “candela.”

Steve Lawton commented, with regards to the franchise lights, the city is not looking for additional cost to modify or lower lights. The lights that Coos-Curry Electric have installed can be moved up and down. They can be easily adjusted.

Ann Vileisis questions commission's decisions on outdoor light design. Counsel Kudlac pointed out prohibition #3 prohibits any lighting that is flashing, blinking, rotating, etc. The road sign is a sign and not a light. She suggested reviewing sign codes to eliminate conflict. Chair McHugh suggested reviewing Page 10, paragraph 17 and discussing a solution during the December meeting. Commission agreed. Steve Lawton volunteered to research ordinances from other jurisdictions.

6. Other Business

A. Announcements and Communications.

City Planner Comments – None.

Planning Commission Comments – Commissioner McHugh addressed the Sixes River Land Company sign. He does not know of any place in the ordinance that allows it to be repurposed. It is not supposed to be higher than the parapet of the building. Patty Clark reviewed ordinances and reported they are allowed to go 45 feet.

B. Old and Continuing Business

Light ordinance.

7. Public Considerations

None.

8. Chair McHugh adjourned the meeting at 5:01 p.m.

The Role of the Planning Commissioner



1/8/2020

Overview

- History – Statewide role began in the 1970's.
- Today – Every city and county has a Plan acknowledged by DLCDC.
- Day to day decisions are made locally.
- Dept. Land Conservation and Development (DLCDC) reviews local plan amendments, provides technical assistance and some funding.



Regulatory Framework



Oregon Revised Statutes (ORS)

Oregon Administrative Rules

Case Law

Local Comprehensive Plan and Zoning Ordinance

Other Approved Local Plans

State and Federal Agency Requirements

1. Citizen Involvement
2. Land Use Planning
3. Agriculture Lands
4. Forest Lands
5. Natural Resources
6. Air Water, Land Quality
7. Natural Hazards
8. Recreational Needs
9. Economic Development
10. Housing
11. Public Facilities
12. Transportation
13. Energy Conservation
14. Urbanization
15. Willamette Greenway
16. Estuarine Resources
17. Coastal Shore Lands
18. Beaches and Dunes
19. Ocean Resources

What is City Planning?

■ **Planning Commission**

- Long range planning: Develop and amend the existing plans. Example: An ordinance to update flood provisions to be consistent with FEMA requirements.
- Implement existing plans: Make decisions regarding ongoing permits: Variance, Zone Change / Amendment, Conditional Use Permit, Land Partitioning, Subdivision

■ **Others at the City**

- Staff works with the public to provide regulations, sign off on building permits, provide information to Planning Commission for decision-making.
- City Council has the final say on some land use actions, but not all.

Long Range Planning

- Local Comprehensive Plans implement Statewide Goals.
- Zoning and Subdivision Ordinances have rules that carry out Comprehensive Plan policies.
- Other City plans for streets, water and sewer apply.



- Statewide Planning Goals
- Oregon Revised Statutes, Oregon Administrative Rules.
- Federal regulations such as clean air and clean water.

What is the Planning Commission's Role?

- Implement the local plan.
- Propose revisions to plans and ordinances.
- Oversee discretionary permits such as Conditional Use Permits, Variances, Land Partitioning, Subdivision, Site Plan Review.
- Understand the importance of Findings for decision-making
- Follow the rules for public meetings.
- Be informed.
- Be ethical and treat the public with respect.



Types of Land Use Decisions



■ Legislative – Policies and Ordinances

- Change in the text of the Zoning Ordinance.
- Zone change for a whole section of town.
- Change that affects everyone due to state law.
- Scope is broad.
- Includes public involvement, newspaper notices, public hearings at multiple levels.
- No limits on who Planning Commission can talk with about the proposed policies.
- Comprehensive Plan is legislative in nature.

Quasi-Judicial

■ Quasi-Judicial – Site Specific

- Conditional Use Permit for a single family dwelling in a light industrial zone.
- Variance to allow a different setback than the zone requires.
- Zone change or map amendment that applies to a single or a few owners.
- Subdivision proposal.
- Has a number of rules about public hearing procedures and who can speak when.
- Planning Commission members have to show no bias and no conflict of interest.
- Staff can have unlimited contact.



Staff Role

■ Administrative

- Provides information to the public about the requirements.
- Provides information to the applicant before application is filed, and throughout the process.
- Provides required notices to the newspapers and the the public.
- Follows up with any State or County agencies, or other organizations that may have concerns.
- Provides a written report (staff report) to the Planning Commission with all facts and information. Makes it available to the public. seven days before the meeting.
- Provides information to all parties as a professional liaison.
- Sends out decisions.
- Follows the rules and signs zoning clearance letters to allow building permits, grading permits, or other permits that are allowed by the zoning, or that have been approved by the Planning Commission.

Citizen's Rights



- Opportunity to be heard.
- Opportunity to present and rebut evidence.
- Right to an impartial hearing with decision-makers having no ex-parte contact, or as follows:
 - Ex-parte contact has to be placed in the record.
 - Ex-parte contact has to be announced and explained at the meeting.
- A right to findings of fact.
- A right to a record of the proceedings.

Basis of Decision

- Based upon criteria (Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, State Law, and how these documents pertain).
- Apply the criteria to the facts that are presented by the applicant, the staff, and the opponents.
- **The results are the Findings of Fact.**
 - ✓ **The Findings of Fact must address all the criteria, all the facts, and all the information that has been presented.**



Findings of Fact

- State the criteria and the conclusion.

Example Criteria:

To allow the use, there shall be an assurance that the property is not subject to landslides.

Example Finding: Criteria + Conclusion:

The property is not subject to landslides because Oregon Registered Engineer E. Geo Logical has entered a statement that he has tested subject property and that he has determined that there no potential for landslides due to the topography of the site.

Findings - Continued



- Identify legal standards and criteria.
- Weigh criteria with facts to make findings.
- If some criteria are not applicable, state why, and this is a finding.
- Where there is conflicting evidence, state that it is conflicting.

- Tell what you believe to be the facts, and why.
- State all your assumptions. You can get these from testimony.
- Do not use generalizations.
- If the project is modified, add new findings.

- Findings for big projects or contested activities can be organized by staff and brought to the next meeting (or a special meeting that is set). The Planning Commission can then accept the findings at the specified public meeting.

The Public Hearing

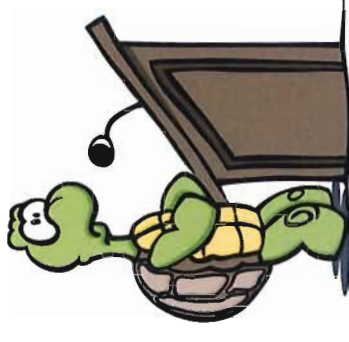
- Chair tells the audience:
 - How the hearing will be conducted.
 - How the decision will be made.
 - What constitutes relevant testimony.



Chair can take a poll to see the number proponents and opponents prior to asking for testimony to help organize the meeting.

Public Hearing

- Chair opens hearing.
- Chair reads hearing disclosure statement.
- Chair asks for declaration of actual or potential conflict of interest, ex-parte contact or personal bias.
- Applicant's testimony.
- Proponent's testimony.
- Opponent's testimony.
- Neutral Testimony
- Applicant's rebuttal.
- Commission deliberation.
- Carry over or close hearing.
- State findings and make recommendation to City Council or final decision (can make decision based upon findings and have findings prepared).
- Notice of decision to go to all parties.



Ex-Parte Contact

- Any written or verbal communication outside a public hearing between a decision-maker (Planning Commission member) and one or more of the parties (citizens)
- You are acting as a judge, and are not allowed this communication:

What do I do if someone attempts to talk about the upcoming application?

- Stop the person.
- Disclose the contact at the hearing.
- Decide whether you can make an impartial decision.
- Have a formal procedure adopted by the Planning Commission because that will make it

easier.



Conflict of Interest or Bias?

- **Bias:** An inclination or outlook with preconceived judgment or opinion that is adverse to an applicant without sufficient knowledge or information.

State your bias and participate, or choose not to participate because your opinion would taint the final decision.



Conflict of Interest

Results in a pecuniary (relating to money/ financial) benefit or detriment.

This must be disclosed and the person with conflict may not vote unless that vote is needed for a quorum. In that case, they can vote only, but not enter into discussion.

Clear and Objective standards Work Best

■ **Examples**

Not clear and objective: *The applicant shall provide adequate parking.*

Clear and objective: *Retail business shall provide one parking space for each 300 square feet of floor area.*

Not clear and objective: *Manufacturing will be allowed if it does not disturb the neighborhood.*

Clear and objective: *Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor that can be detected beyond the property line is prohibited.*



CITY OF PORT ORFORD
Staff Report

TO: Kevin McHugh, Port Orford Planning Commission Chair
City of Port Orford Planning Commission

FROM: Crystal Shoji, AICP; Port Orford Planning Director
Shoji Planning, LLC

*Staff Report includes reference to information provided by:
Patty Clark, Planning Assistant*

DATE: January 7, 2019

HEARING DATE: Tuesday, January 14, 2020 at 3:30 PM

SUBJECT: Application No. CUP-1901
Conditional Use Permit Request

See Attachment A – City of Port Orford Land Use Decision
Application Form with Signed Property Owner’s Consent,
Narrative Description of Project and Consent for
Authorized Agent

APPLICANTS/OWNER: **Owners:**
Ronald S. and Ann F. Baracker, Trustees
268 Robert Trent Boulevard
Eagle Point, OR 97524

Applicant on Behalf of T-Mobile
Crown Castle
Zach Phillips, Real Estate Specialist
5111 N. Bowdoin Street
Portland, OR 97203
Phone: 503-708-9200

SUBJECT PROPERTY: CURRY COUNTY ASSESSOR’S MAP DESCRIPTION:
T33S, R15W, Sec. 05CA, Tax Lots 100 and 400 – 836
square feet (combined lease area)

Attachment A

See Attachment B – Curry County Assessors Map
Information, GIS Lease Lot of Subject Property, and
Tichenor Cemetery Identified on Tax Lot Map

Subject Property is located at 698 Boot Hill Road (Tichenor Cemetery Road), which is at the northern terminus of Boot Hill Road. The proposed development site is located adjacent to and east of Tichenor Pioneer Cemetery, also known as Tichenor Family Cemetery.

PROPOSAL:

The conditional use permit application proposes to collocate T-Mobile onto an existing tower facility, and to add a twenty (20) foot extension to the existing tower. The applicant describes the intent to comply with the limitations and requirements outlined in the Spectrum Act, and to expand the ground compound by ten (10) by fifteen (15) feet to accommodate T-Mobile's support equipment. The equipment upgrade is desired to provide improved T-Mobile cell phone service coverage to the City of Port Orford. The applicant intends to extend the tower twenty (20) feet to prevent interference with other wireless carriers already located on the tower.

The applicant submitted an application along with other materials on June 24, 2019; the application was deemed incomplete. Additional information was submitted to respond to the Natural Hazards Overlay, and the application was deemed complete on November 20, 2019. In addition, the Crown Castle's Zach Phillips and Port Orford City Planner Crystal Shoji have exchanged e-mails and had a number of telephone conversations to clarify information and findings. Additional information, included as attachments within this staff report, has been submitted by the applicant.

Port Orford Municipal Code, Title 17, Zoning

Chapter 17.04 GENERAL PROVISIONS

Section 17.04.020 Purposes

. . . to facilitate adequate provisions for community utilities such as water, sewerage and transportation; and in general, to promote public health, safety, convenience and general welfare.

Finding: The proposed cell phone tower extension, with platform, antenna mount, and screened storage area can be authorized through the conditional use process in accordance with Chapter 17.32.

Section 17.04.030 Definitions.

“Accessory Structure or use” means a structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use.

Attachment A

Finding: The cell tower extension and components would be considered an accessory structure or use, consistent with this definition.

“Building” means a structure built for the support, or shelter or enclosure of persons, animals, chattels or property of any kind.

Finding: The structure with the enclosed fence is defined within this staff report in that it fits the above definition.

“Building footprint” means the outline of a building, as measured around its foundation.

“Conditional use” means the relaxation of strict terms of this ordinance to permit uses in districts where such uses require additional controls or safeguards not required for outright permitted uses.

“Development Activity” means any use or proposed use of land that requires disturbance of the vegetation or spoil or which requires action of the Planning Division or Building Division to allow the construction or modification of structures or other improvements or to allow the division of land.

“Geologic hazard areas.” Include those areas that may be subject to rapidly moving landslides as identified and further defined in Chapter 17.16.080 Natural Hazard Overlay Zone (NH), Applicability.

“Geologist” means a certified engineering geologist licensed by the State of Oregon as provided by ORS 672.505 to 672.705.

“Structural alteration” means any change to the supporting members of a structure including foundation, bearing walls, or partitions, columns, beams or girders, or any structural change in the roof.

“Structure” means that which is built or constructed. An edifice or building or piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having location on the ground.

Finding: Structure is defined and applied to the proposed use within this staff report.

“Use” means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Finding: The purpose of Title 17, Zoning of the City of Port Orford Municipal Code is to encourage appropriate use/development of land within the City of Port Orford, in a manner that does not have adverse effects on the community and its residents.

Attachment A

Provided above are pertinent definitions from *Title 17, Zoning of the Port Orford Municipal Code*.

See Attachment C - See Handout Packets available at the hearing, T-Mobile/Crown Castle Engineering Drawing Specifications, and Survey Documents

Chapter 17.12 USE ZONES

Section 17.12.010 Residential zone (1-R)

A. Purpose of Classification. The 1-R zone is designed to be applied to residential areas where dwellings are appropriate.

C. Conditional Uses Permitted. In a 1-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32:

- 6. Commercial communications² [sic] transmitter or receiver antenna*

Finding: Subject Property is identified with a Residential 1-R zoning designation. Subject Property has an existing residence and a permitted wireless communications tower structure. which is an accessory use that is permitted subject to a conditional use permit. The conditional use permit is requested in order to address desired additions and modifications to the existing wireless communications infrastructure.

D. Provision of Sewer and Water.

- 1. Sewer service shall be provided by the City of Port Orford, with hookups installed to City standards.*

Finding: Subject Property has one existing dwelling and an accessory structure currently on a lease area. No sewer service is needed in conjunction with the proposed wireless communications tower expansion and modifications. The above criteria is not applicable to this application.

E. Lot Size. Except as provided in Sections 17.20.030 and 17.20.040 in a 2-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water. If the lot is not served by public water system, the lot area shall conform to the state requirements for onsite water supply.

2. When both a public water and sewage system are available:

a. For uses other than a mobile home park, the minimum lot area shall be five thousand (5,000) square feet; or

3. The minimum lot width shall be fifty (50) feet.

Finding: No public water and sewage are required for the proposed use. The proposed use of Subject Property is not for a mobile home park. Subject Property and the parent

Attachment A

parcel is comprised of approximately 20.88 acres which equates to approximately 909,533 square feet. Subject Property has already been determined suitable for the uses that exist, including the existing cell tower use, which is now proposed for expansion. The tax lot that is the subject of this application is a lease lot.

F. Setback Requirements. *Except as provided in Sections 17.20.010 and 17.20.020 in 1-R zone yards shall be as follows:*

- 1. The front yard shall be a minimum of ten feet.*
- 2. The side yard shall be a minimum of five feet.*
- 3. The rear yard shall be a minimum of five feet.*

Finding: According to the survey map and site plan provided by the applicant, the proposed additions and modifications to the existing wireless communication facility are within the 1-R zone setbacks identified above.

G. Height of Buildings. *Except as provided in Section 17.20.050, in a 1-R zone no building shall exceed thirty-five (35) feet in height.*

Finding: Section 17.20.050 General exception to building height limitations states the following:

The following type of structure or structural parts are not subject to the building height limitations of this title: chimney, tank, church spire, belfry, dome monument, fire hose towers, observation tower, mast, aerial, cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television towers, and other similar projections.

The cell tower is similar in nature to transmission tower and radio and television towers. The height limitations do not apply.

See Attachment D – City of Port Orford Zoning Map (Depicting Subject Property)

Chapter 17.16.080 Natural Hazard Overlay Zone (NH).

Purpose of Classification. *The purpose of the NH overlay zone is to protect people, lands and development in areas that have been identified as being subject to geologic hazards and to apply review standards to all proposed development activity within the areas subject to geologic hazards.*

Finding: Subject Property is identified as an area subject to geologic hazards. Therefore, 17.16.080 Natural Hazards Overlay Zone (N-H) criteria is applicable to this application.

Applicability

For the purposes of these provisions, areas subject to identified geologic hazards are known as “geologic hazard areas” addressed in the Natural Resources Inventory Section of the City of Port Orford Comprehensive Plan, and the City of Port Orford Comprehensive Plan Goals and Policies under Statewide Planning Goal 7: Areas Subject

Attachment A

to Natural Disasters and Hazards. Mapping for such geologic hazard areas include the following:

- *Port Orford Geologic Areas Map, 3-A as incorporated into the Port Orford Comprehensive Plan Inventory. Map 3-A was compiled for informational purposes by Oregon Department of Land Conservation and Development GIS 1/14/14.*
- *Landslide Inventory Maps of Coastal Curry County Oregon 2014, developed by the Oregon Department of Geology and Mineral Industries (DOGAMI) as incorporated into the Port Orford Comprehensive Plan Inventory including: Blacklock Point to Port Orford 2014, Maps 3-B and Port Orford to Lookout Rock 2014, Map 3-C.*

Geologic hazard areas may also be identified by site specific characteristics such as, but not limited to, earth flow and slump topography with moderately sloping terrain and irregularities of slope, drainage or soil distribution; areas of recent earth movement exhibited by tension cracks, bowed trees or other indicators, steep slope mass movement areas subject to localized debris slides, debris flows, rock falls or rock slides, and other areas that may be identified by a geologist conducting the technical assessment and any statement and/or report required by this chapter of the City of Port Orford Municipal Code.

Geologic Hazard Areas specifically include those areas, which, because of their relation to or location with respect to Geologic Hazard Areas, are in jeopardy of rapidly moving landslides. Areas identified with more than 15% slope shall be subject to the Natural Hazards Overlay requirements.

A. Those areas identified as geologic hazard areas shall be subject to the following requirements at such time as a development activity application is submitted to the City.

Geologist Hazard Assessment

Geologist means engineering geologist licensed by the State of Oregon as defined in Section 17.04.030 of this ordinance.

1. The applicant shall present a geologic hazard assessment prepared by a geologist at the applicant's expense that identifies site-specific geologic hazards, associated levels of risk and the suitability of the site for the development activity in view of such hazards. The geologic hazard assessment shall include an analysis of the risk of geologic hazards on the subject property, on contiguous and adjacent property and on upslope and down slope properties that may be at risk from, or pose a risk to, the development activity. The geologic hazard assessment shall also assess erosion and any increase in storm water runoff and any diversion or alteration of natural storm water runoff patterns resulting from the development activity. The geologic hazard assessment shall include one of the following:

Findings: The applicant is proposing development activity as defined within this staff report on Subject Property. The "Geotechnical Investigation and Design Report Edge Wireless Tower Foundation Port Orford Site No.: OR 232, Port Orford Oregon" was produced by The Galli Group June 28, 2006 and utilized for an application at that time. The applicant provided findings of compliance in an initial application, but this

Attachment A

application was deemed incomplete because the findings were not prepared by a geologist licensed by the State of Oregon as defined in Section 17.04.030 of this ordinance. In response, the applicant provided the 2006 report along with an October 22, 2019 an updated addendum to respond to the Natural Hazard Overlay Zone requirements in effect in 2019. The application was deemed complete on November 20, 2019. The Natural Hazard Overlay findings provided in the June 19, 2019 Crown Castle Narrative, Section 7.16.080 Natural Hazard Overlay Zone (NH), Applicability have been replaced by documents from the Galli Group, which are included as Attachments.

- a. *A certification that the development activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property or to adjacent properties resulting from the proposed development activity.*

Finding: The Memo of October 22, 2019 states that there is little risk of significant geologic hazards at the site. The addendum appears to make the certification, but goes on to respond to Section (1) (b) below. This does not meet the requirement of a certification that the development activity can be accomplished without measures to mitigate or control the risk of geologic hazard to Subject Property or to adjacent properties resulting from the proposed development activity. In fact, the report goes on to state how the risk should be “designed and constructed in accordance with the recommendations of the Geotechnical Investigation and Design Report of June 28, 2006, as a response to criteria. This makes the certification findings unclear.

- b. *A statement that there is an elevated risk posed to the subject property or to adjacent properties by geologic hazards that requires mitigation measures in order for the development activity to be undertaken safely and within the purposes of Chapter 17.16.080 of the Port Orford Municipal Code.*

Finding: There is no statement that there is an elevated risk posed to Subject Property or to adjacent properties by the geologic hazards that requires mitigation measures in order for the development activity to be undertaken safely and within the purposes of Chapter 17.16.080. Instead, the response includes statements that the company’s supervising geologist or engineer is to be involved in development activity. The response to item (b) as set forth in the City’s code excerpt above includes other considerations that will be part of construction and building permit review. The conclusion following these considerations is that no additional mitigation measures are necessary. There is a certification as required in item (a) above. The remainder of the report, however, refers to specific actions that will be taken if there are situations needing attention, which is cooperative, but not helpful in that the requirement of the code is that the City of Port Orford receive the “certification that no additional mitigation measures are necessary” becomes convoluted with further reference to conditions.

The report does not provide clarity that the development activity can be accomplished without measures to mitigate or control the risk of geologic hazard to Subject Property or

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to adjacent properties resulting from the proposed development activity because the statement addressed above is made, but the report goes on as to what could happen, or what may be required.

The City of Port Orford does not have a geologist on staff to review the documents for clarity which would require comparing the documents and responses submitted by the applicant and providing analysis to determine full understanding. When the Geological Engineer has provided the required certification that is addressed above within the code, there should be no further assessment needed relative to the requirements as part of this application. Because the application continues with further analysis and assessment, it will be necessary for the Planning Commission to determine whether the certification has been made, or whether it will be important for the City to hire a Geological Engineer at the expense of the applicant. Any Geological Engineer would be appointed to oversee the work that the applicant is proposing on behalf of the City of Port Orford so that the City has no liability.

3. If the assessment provides a statement pursuant to Section (1)(b), the applicant must comply with the further requirements of this Section prior to the disturbance of the soils or construction.

Finding: The following requirements of 17.16.080 Natural Hazards Overlay Zone (N-H) may be applicable to this application, but the City does not have a Geological Engineer on staff to review the analysis, and this is not something that a planner is qualified to oversee.

4. Applications, subject to Section (3) above, where the assessment results in a statement pursuant to Section (1)(b) shall provide a Geologic hazard mitigation report by a geologist prepared at the applicant's expense containing the following information prior to the Planning Director's determination that the application is complete.

- a) *Drawings at scales that allow for clear depiction of the following:*
 - i) *An index map showing the location of the development activity within the City of Port Orford.*
 - ii) *A topographic site plan that shall include;*
 - 1. *all adjacent, contiguous and related property identified in the geologic hazard assessment as being at risk from or posing risk to the development activity;*
 - 2. *the degree of slope on the subject and adjacent properties;*
 - 3. *all features on the subject and adjacent properties that may cause or contribute to mass movement. Such features shall include any landslide, bluff failure or shoreline erosion that could migrate upslope into the subject or adjacent properties;*

4. *the location of all identified geomorphic features and microtopographic features related to the identified geologic hazards, and*
5. *all features or conditions, which gave, raise to the statement pursuant to the assessment, Section (1)(b) not otherwise required to be included.*

iii) A map that depicts features and conditions associated with any building site or construction site associated with the development activity.

iv) A technical analysis and narrative describing the following:

1. *The geologic features or conditions of the property as well as those features or conditions which gave rise to the statement pursuant to the assessment, Section (1)(b);*
2. *All features related to earth movement or geologic instability on, above and below the site;*
 - a. *The results of all geologic and/or engineering tests performed on soils, material, and rock type subsurface data from drill holes, or other data obtained from the site investigation with data points clearly identified on a map;*
 - b. *Whether the proposed development activity can be safely sited on the subject property or at the site in view of the geological hazards and risks that have been identified in the geologic hazard assessment;*
 - c. *All features related to earth movement or geologic instability on, adjacent to, upslope or down slope from the subject property;*
 - d. *A clear statement of all requirements or conditions that the geologist has determined are necessary to mitigate the geologic hazards;*
 - e. *A qualitative assessment of the likelihood that the proposed development activity will cause damage or contribute to damage to adjacent properties resulting from geologic hazards disclosed in the geologic hazard assessment or during the course of the preparation of the geologic hazard mitigation report.*
 - f. *A schedule of inspections to be completed by the engineering geologist to assure compliance with recommendations*

5. In the event the geologic hazard mitigation report fails to include the required information, fails to analyze or take into account documented hazards associated with the subject property or the proposed development activity, fails to consider new information made available to the Director or has other identified significant deficiencies, the Director shall deem the application incomplete, and notify the applicant in writing to identify the deficiencies. Thereafter the applicant

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shall:

a. Provide a revised geologic hazard mitigation report or, in the applicant's discretion, request the Director to submit the geologic hazard mitigation report for peer professional review at the applicant's expense.

b. In the event of peer review, the Director shall provide the applicant with a list of three qualified professionals from which the applicant shall choose one to conduct the peer review.

6. When all of the requirements of the geologic hazard mitigation report have been provided, the geologic hazard report shall be deemed complete for purposes of consideration of the application for development activity.

7. If the geologic hazard mitigation report discloses that the entire subject property is subject to geologic hazards that cannot be mitigated or that the subject property does not contain sufficient area that can be mitigated to allow the development activity as proposed, or that the development activity presents a significant risk of damage to or destabilizing adjacent property that cannot be mitigated in the course of the development activity itself, the development activity shall not be allowed, and the application shall be denied.

8. Prior to approval of the development activity, the applicant shall provide a mitigation plan prepared by a geologist specific to the development activity and based on the approved geologic hazard mitigation report.

a. The mitigation plan must adequately address all issues identified in the geologic hazard mitigation report and protect the subject property and surrounding lands.

b. In the event that the development activity is a division of land, the mitigation plan shall specify mitigation measures or improvements that must be implemented on each parcel to assure the protection of the subject property and of other properties from the hazards identified in the geologic hazard mitigation report.

c. The mitigation plan shall specify that all measures or improvements must be installed or constructed under the direction of a supervising geologist.

d. The applicant shall, prior to the issuance of any development permits, record on the title to the subject property a notification that includes a description of the measures or improvements and that also specifies the obligation of subsequent land owners to refrain from interfering with such measures or improvements and to maintain them.

e. A schedule of inspections shall be completed by the geologist to assure compliance with recommendations, and reports shall be provided to the City prior

to final plat approvals or issuance of permits for other development activity.

9. A Conditional Use Permit shall be required for development activity in all geologic hazard areas except where a certification has been provided under Chapter 17.16.080(A)(1)(a). The Planning Commission shall consider reports submitted by

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qualified professionals, including the proposed mitigation plan and any response from affected parties in making their decision. The Director or the Planning Commission may request the input of the city engineer to be provided at the applicant's expense.

10. Appeals of a Conditional Use Permit which challenge an assessment, report or plan prepared or approved under Chapter 17.16.080(A)(1), (4), (5) or (7), shall be accompanied by an analysis of the challenged document. Such analysis must identify and analyze the purported deficiencies with sufficient clarity to allow the Director to assess the concerns. In the event that the Director does not have adequate technical ability to make such an assessment, the Director may submit the matter for recommendation by a geologist in which case the appellant and the applicant shall equally share the cost of such peer review. Peer review shall be based on the entire record of the proposed development activity.

11. If a possible new geological hazard that has not been mapped is brought to the attention of city officials, the City may then require that a geologist be hired by the City to investigate the subject site and report on the nature of the hazard and its possible impact to the proposed use and surrounding properties. The cost of this geological hazard investigation is to be paid by the applicant.

12. The development activity, if approved, must be constructed as approved and must implement the measures and improvements in the approved mitigation plan. The plans submitted for development permits shall bear a statement from the geologist that the mitigation measures contained in the approved mitigation plan have been included in the plans submitted for the permit. If required by the mitigation plan, installation or construction of such measures and improvements shall be undertaken under the supervision of a geologist.

13. In the case of a building permit, upon the completion of construction and prior to issuance of a certificate of occupancy, the supervising geologist or engineer shall certify that the measures and improvements in the approved mitigation plan have been properly installed. No as-built changes to the requirements of a mitigation plan will be accepted in the absence of certification of the changes by the geologist who prepared the mitigation plan. (Ord. 2009-01 § 080, 2008) (Ord. 2015-08 § 080, 2015)

See Attachment E – Registered Geology Review dated October 22, 2019 and e-mail and OSBE: Registration License Search confirmation of Engineering Geologist Edward Busby

See Attachment F – Galli Group – Geologic Hazards, Seismicity and Geotechnical Investigation and Design Report dated June 28, 2006

Chapter 17.15 Historic Preservation

17.15.20 Purpose

The City of Port Orford establishes a Historic Preservation Ordinance to identify, recognize and preserve significant properties related to the community's history; encourage the rehabilitation and ongoing viability of historic buildings and structures; strengthen public support for historic preservation efforts within the community; foster

civic pride; and encourage cultural heritage tourism. The process is a voluntary process for property owners who wish the historic value of their property to be preserved.

17.15.050 *The Historic Preservation Commission*

The Historic Preservation Commission is a subcommittee of the Planning Commission and composed of at least 3 persons. The Planning Commission serves the purpose of conducting land use procedures when needed. The Historic Preservation will now be referred to as the Commission.

Finding: The code provides a number of provisions as to how the Historic Preservation Commission recognizes and preserves significant properties related to the community's history. There are definitions for the following: 1) Historic Resource; 2) Historic Resources of Statewide Significance; 3) Historic Resource Survey; 4) Historic Significance; Landmark; 5) Landmark Register; 6) National Register of Historic Places; 7) Non-Contributing; and more. There is no clear listing of all that apply. There are, however two important aspects to be considered:

The Port Orford Comprehensive Plan Goals and Policies, which are the most general and visionary basic applicable policies for land use activity within the City of Port Orford's acknowledged land use program recognizes Tichenor Cemetery in the Oregon State Registry at the State Historic Preservation Office (SHIPO). This designation is found on their web site, and included within this staff report as Attachment G.

The Port Orford Comprehensive Plan Goals and Policies that address Statewide Planning Goal #5 make reference to Tichenor Cemetery are as follows:

Port Orford Comprehensive Plan Goals and Policies

City Goals

- 1) Maintain an inventory of natural, scenic and historic resources pursuant to Statewide Goal 5.*
- 3) Protect archaeological sites within the City*

City Policies

- 2) Maintain Tichenor Cemetery as an historic cemetery listed on the Oregon State registry at the State Historic Preservation Office, and support listings.*

At the Preapplication meeting to address this application, which was held by conference call on May 3, 2019 at 1:00 p.m., the following parties participated: Zach Phillips, Crown Castle; Patty Clark, City of Port Orford; Hui Rodomsky, DLCD; Tracy Schwartz, SHPO; Ryan Wortman and Crystal Shoji, Shoji Planning, LLC.

In response to the location of Tichenor Cemetery adjacent to the Cell Tower site, a Section 106 report was initiated for SHPO by Crown Castle. Attachment H is the report

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that was provided as a result. Also, attached is a Position Paper that provides guidance and recommendations for historically designated cemeteries within the State of Oregon, provided by the Oregon Commission on Historic Cemeteries, Attachment H.

On the week of December 9, Crystal Shoji notified Jim Kuhn, who chairs the City's Historic Preservation Commission to inform the group that the Planning Commission would be having a hearing regarding the Crown Castle proposal for the cell tower extension on January 14, 2020. No response has been received from the Commission to date.

See Attachment G – State Historic Preservation Office Historic Cemetery designation page, from SHPO website, Oregon Commission on Historic Cemeteries, Position Paper

See Attachment H –Historic Information packet including Trileaf Environmental Report (Project #647275) provided to the City of Port Orford

Chapter 17.32 Conditional Uses

17.32.020 Application for a conditional use.

A request for a conditional use, modification of an existing use or a reinstatement of a discontinued nonconforming use may be initiated by the property owner or his authorized agent by filing an application with the planning commission or its designated agent. The application shall include plans of the proposed use, or modification to an existing use, or reinstatement of a discontinued nonconforming use. The application shall be accompanied by a fee as established by the city council.

Finding: Subject Conditional Use Permit application #CUP-1901 was filed on June 24, 2019 by the property owner's authorized agent (Crown Castle). The application packet included an authorized agent acknowledgement, site plan, other supporting documents, and the applicable fee. The applicant complies with the above criteria. The applicant is proposing a modification to an existing use. The application was deemed complete on November 20, 2019, and the hearing was scheduled for January 14, 2020.

17.32.050 Additional standards governing conditional uses.

In addition to the standards of the zone in which the conditional use is located and the other standards in this title, conditional uses must meet the following standards:

A. Conditional Uses, Generally.

- 1. Setbacks. In a residential zone, yards shall be at least two-thirds the height of the principal structure. In any zone additional yard requirements may be imposed.*

Finding: This application proposes modifications that extend and enlarge an existing cell phone tower. The principal structure on site Subject Property is a single-family dwelling with the existing cell tower as an accessory structure. The accessory use includes a structure that houses some of the existing cell phone tower equipment. The cell tower and the proposed extension are on a separate tax lot, which is the leased area.

2. *Limitation on Access to property and on Openings to Buildings. The city may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within fifty (50) feet of residential property in a residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.*

Finding: Subject Property is served by an existing access at the northern terminus of Boot Hill Road. The access serves the existing single-family home, accessory structure/storage building, and cell phone tower. In addition to the site access, there is a twenty (20) foot P.O.B. and utility easement to the existing cell phone tower.

In response to Port Orford Conditional Use Permit application, #9 regarding proposed new roads or driveways, the applicant states that there will be a “temporary access road to access the new ground area during construction.”

The applicant has stated that there will be no additional vehicle trips anticipated as a result of the proposed cell phone tower modification. Staff assumes that there will be some additional vehicle trips, but based upon the applicant’s statement, vehicle trips to the site are expected to be minimal. The fifty (50) foot minimum building opening requirement is not applicable.

3. *The city may require assurances to guarantee development in accordance with the standards established and conditions imposed in granting a conditional use.*

Finding: After hearing the applicant’s presentation and public comment, it is appropriate that the Planning Commission consider whether additional assurances are necessary to guarantee development in accordance with the standards in granting a conditional use. Requirements specific to the cell tower use are included within the code as follows:

D. Communications Transmitter, Receiver, Antenna or Tower, Utility Station, Substation, or Wind Generator.

1. *In any residential zone, all equipment storage on the site shall be within an enclosed building.*

Finding: Subject Property is located in the Residential 1-R zone. According to the site plan provided by the applicant, some aspects of the existing or proposed development are located outside of what we would normally recognize as “building,” but the City’s definitions of “building” and “structure” provide clarity.

Section 17.04.030 Definitions.

“Building” means a structure built for the support, or shelter or enclosure of persons, animals, chattels or property of any kind.

“Structure” means that which is built or constructed. An edifice or building or piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having location on the ground.

While “building” is defined within the code as a “structure” built for the support, or shelter or enclosure of persons, animals, chattels, or property of any kind, *structure is an edifice or piece of work composed of parts joined together in some definite manner that requires location on the ground. . . .*

The proposal is to build a 20-foot extension and antennas on an existing 99.75-foot monopole for a new height of 119.75 feet (123.75 feet with attachments), and install ground-based T-Mobile support equipment within an expanded 10 x 15-foot lease area northwest of and adjacent to the existing compound. An 8-foot X 10-foot concrete pad enclosed by a 6-foot tall cedar wood fence is proposed house the equipment within the expanded lease area.

Utilizing the code definitions, the additions will comprise a “structure” in that they are a *piece of work composed of parts joined together that requires location on the ground.* The structure fits within the definition of building because it is *built for the support” . . . or shelter or enclosure of property.* The definitions and interpretations comprise a response to the requirement that *“In any residential zone, all equipment storage on the site shall be within an enclosed building.”*

2. The use shall be fenced and provided with landscaping.

Finding: The site plan provided by the applicant indicates that the cell phone tower site is enclosed with both wooden and chain link fencing. It is unclear if landscaping is proposed as part of this application. It is appropriate for the Planning Commission to consider SHIPO comments and any comments from the City’s Historic Preservation Commission, and determine any specific landscaping that is needed. See Attachments G and H.

3. The minimum lot size for a public utility facility may be waived on finding by the planning commission that the waiver will not result in noise or other detrimental effect to adjacent property.

Finding: The 1-R zone requires a minimum lot size of 5,000 square feet. Subject Property (the entire site) is comprised of four tax lots which equal approximately 909,533 square feet (20.88 acres). A Planning Commission waiver for lot size is not applicable.

4. *As far as possible, transmission towers, poles, overhead wires, pumping stations, and similar gear shall be located, designed and installed as to minimize their conflict with scenic values.*

Finding: The application proposes the modification to an existing cell phone tower which adds height to the tower, along with an extended equipment storage area. Subject Property is located near the terminus of a road, in a densely wooded area at the top of a hill.

Scenic values are always important to residents, and residents have previously expressed concerns with the location of the tower where some have indicated that it conflicts with scenic values. The City's Comprehensive Plan Goals and Policies document provides reference to scenic values in the section entitled *STATEWIDE PLANNING GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACE* as follows:

City Goals:

2. *Resolve conflicts between incompatible development activities and identified natural, scenic and historic resources.*
3. *Work to acquire viewshed resources property if and when funding is available.*

City Policies:

4. *Port Orford will encourage maintaining access to scenic viewpoints within the city.*

The City's goals and policies provide guidance as to values, but they do not provide specificity. Code language to carry out the adopted goals and policies has not been adopted. The City has no zoning code regulations that have the purpose of protecting scenic values. In addition, there are a number of court cases and procedural rulings that lend complexity. Without clear criteria as to what values are to be preserved, and the criteria for such preservation of scenic values, the City's ability to stop a cell tower expansion based upon scenic values would likely be costly and futile.

17.32.060 Time On a Permit for Conditional Use.

Authorization of a conditional use shall be void after one year or year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the planning commission may extend authorization for an additional period not to exceed one year, upon written application to the planning commission.

Finding: Staff recommend the Planning Commission condition the applicant provide a signed acknowledgement of *17.32.060 Time On a Permit for Conditional Use*.

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Chapter 17.16 SUPPLEMENTARY PROVISIONS

17.16.060 Archaeological provisions.

Upon encountering archaeological artifacts on any property in Port Orford, the following sequence of events shall occur:

- A. All disturbances of the site shall immediately cease.*
- B. The developer shall notify the planning director of the discovery and the planning director shall notify the appropriate agencies, including the State Archaeologist.*
- C. The State Archaeologist, or other appropriate agency charged with the preservation of antiquities shall have ten working days to conduct a preliminary review of the site to include determination of significance of the [sic]*
- D. If, during this ten-day period, the site is determined not to be archaeologically significant, resumption of development may occur.*
- E. If the site is determined to be archaeologically significant by the above process or is presently identified in the comprehensive plan inventory, further disturbance on the site shall cease for an additional thirty (30) days to allow acquisition by the appropriate agency or negotiations for development of the site. If such activities are not initiated by the appropriate agency within this time period, resumption of development may occur.*

Finding: The Crown Castle narrative submitted with the application packet states, “Crown and its affiliates agree to follow this procedure when archeological artifacts are discovered.” Staff will recommend a condition of approval that requires the applicant to cease all work immediately upon discovery of archeological significant artifacts during construction of the proposed cell phone tower modification and notify Patty Clark at the City.

It is appropriate to and provide a condition regarding compliance with Section 17.16.060 for any archaeological discoveries that are made when development activity is taking place on Subject Property.

Chapter 17.17 Erosion Prevention and Sediment Control

17.17.010 Purpose

The purpose of this provision consistent with Goal 5 of the Port Orford Comprehensive Plan, is 1) to preserve or enhance the health, safety, welfare and quality of life of the inhabitants of Port Orford by providing clean water, and by minimizing risk to inhabitants and property through the control of erosion and management of storm water and 2) to maintain or improve water quality within Port Orford consistent with the requirements of the State of Oregon and the United States government.

Finding: Chapter 17.17 includes a number of provisions that are applicable. In the October 22, 2019 Memo, Attachment E, the applicant has provided findings regarding *Section 17.17.40 Erosion Prevention and Sediment Control*, and Section 17.50 regarding the number of square feet of soil that will be disturbed. The applicant’s response is that

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150-square feet of soil is the expansion area, and that the excavation will be 1-foot deep. There is no mention of the area of ground disturbance for a temporary new road, equipment, turn-around or construction. *Section 17.17.050 Development Affected* is specific about the entire area of excavation. Any ground disturbance activity that results in the excavation of 800 square feet or more of soil surface will be required to comply with Chapter 17.17. In order to evaluate the project relative to erosion prevention and sediment control, the applicant needs to present a site plan for the City to understand what will be taking place on the site, and in what areas. The applicant makes reference to sediment control methods such as hay bales, silt fences covering spoils, and other means used to minimize impacts. The site plan for the disturbance area and the proposed activities should include any control methods that will be used for erosion and sediment control at the specific location where they should be used, with an understanding that additional measures can be taken as necessary on the ground.

If the site plan is not sufficient to protect Tichenor Cemetery and other adjacent uses, it is appropriate that the Planning Commission require the applicant to address the requirements of this Chapter in further detail. This may involve the City Engineer reviewing a plan, or overseeing work including any temporary road for turnaround and laydown area for construction and equipment, making any inspections that are necessary, and requiring modifications as necessary to carry out the purposes of this Chapter. This involvement of the City Engineer would be required at the expense of the applicant.

See Attachment E, pages 6 and 7, Chapter 17. 17 Erosion Prevention and Sediment Control findings

Chapter 17.18 Storm and Surface Water Management Standards

17.18.010 Purpose

Detention of stormwater collected from impervious surfaces on a given property, or within public rights-of-way, is essential to the management of stormwater in Port Orford. This ordinance includes standards for conveyance of surface water to streams, creeks, and channels. It also addresses pollution reduction and flow control for stormwater generated from new and redevelopment. For the purpose of this ordinance, "new" and "redevelopment" refers to any man-made change to improved or unimproved real estate including, but not limited to the placement of buildings or other structures, dredging, filling, grading or paving. The ordinance provides standards for addressing infiltration treatment and detention of stormwater separately as well as an option for a combined approach to mitigating the water quality impacts of developments that fall below a certain size threshold.

Finding: *Chapter 17.18.020 Applicability* refers to construction of new development that results in improvements that result in impervious cover greater than 500 square feet for the development activity on any land within the City of Port Orford at the date of an application. It is unclear whether the new development will result in the impervious

cover greater than 500 square feet because no analysis of the existing impervious area along with the new proposed addition has been included.

It is appropriate that the Planning Commission require the applicant to address the requirements with analysis and findings relative to Chapter 17.18, and address any storm and surface water management standards that are applicable. The Planning Commission should require that such analysis is provided to the City Engineer who will review the applicants' plans for the proposed use for compliance with the code. This may require further communications, specifications for compliance, and any inspections that are necessary to carry out the purposes of this Chapter. This involvement of the City Engineer shall be at the expense of the applicant.

Section 17.04.100 Notice.

B. Written Notice to Affected Property Owners and Interested Parties.

- 2. Written notice shall be mailed to all property owners within two hundred fifty (250) feet of the external boundaries of the legally described property in the application for all permits and variances.*

Finding: Notice was provided on December 18, 2019. No written comments were received at the time that this staff report was prepared.

See Attachment I – Notice Subject to Section 17.04.100.

Staff Considerations / Recommendations

1. The Planning Commission is encouraged to consider all the requirements, findings, and recommendations provided within this staff report, and all public testimony presented in writing or orally at the hearing.
2. It is appropriate that the Planning Commission consider whether additional assurances or conditions are necessary to guarantee development in accordance with the regulations that are set forth within this staff report and the City Municipal Code. The Planning Commission may add additional findings, adjust findings, or delete findings to include or respond to information from other sources and/or public testimony. Note: Findings are a combination of the requirements in the code, and a response that Planning Commissioners believe addresses those requirements in a factual way.
3. The expectation is that the Planning Commission make their decision based upon compliance with the criteria set forth in the City code. When the Planning Commission determines that the applicant has shown compliance, the application

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may be approved. Conditions can be added as part of compliance. A list of recommended conditions are included below.

4. The findings and conditions provided within this staff report are appropriate to justify approval of proposed conditional use permit request application (Application CUP 1901), with the recommended conditions of approval provided below.

Staff Recommended Conditions of Approval

1. The requirements of 17.16.080 Natural Hazards Overlay Zone (N-H) are applicable, but the City does not have a Geological Engineer on staff to review the analysis that has been provided in that it provides assessment and concerns beyond the certification that have to do with mitigation and how to control the risk. The applicant has the burden of proof to determine that the proposed development can be accomplished “without measures to mitigate or control the risk of geologic hazard to Subject Property or to adjacent properties resulting from the proposed activity.” If the applicant’s geologist makes this certification prior to the decision, the project can proceed without further analysis.

If the applicant’s geologist cannot make this certification, the Planning Commission should include a condition that any and all mitigation activities to be undertaken must be reviewed on paper and in the field by an engineering geologist working on behalf of the City of Port Orford. This geologist would be engaged by the City of Port Orford at the expense of the applicant.

2. Any temporary construction activity or laydown area that disturbs is subject to the Natural Hazards Overlay zone, and needs to be considered relative to the city’s stormwater and erosion provisions during construction and following construction for rehabilitation. The applicant has the burden of proof to determine that the proposed development will not cause runoff onto the Tichenor Cemetery area, or other neighboring properties, or otherwise cause instability in the Hazard Overlay area. At the date of the preparation of this staff report, there has been no site plan to show the extent of ground disturbance. The Planning Commission needs to review a site plan showing the area of ground disturbance, that shows how runoff will be handled during construction, and how rehabilitation will be handled following construction. If such a site plan is included, and the Planning Commission is satisfied, the Planning Commission need not provide a condition.

The Planning Commission should include a condition that such a plan shall be reviewed at a later date by City Engineers working on behalf of the City. This would be at the expense of the applicant in order to assure that runoff of stormwater, and erosion provisions are handled in an appropriate manner to

protect neighboring uses including Tichenor Cemetery, and minimize the liability of the City of Port Orford.

3. The Planning Commission should consider SHIPO comments and any comments from the City's Historic Preservation Commission, to determine specific landscaping that may be needed to protect the integrity of Tichenor Cemetery. *Chapter 17.32 Conditional Uses, Section 17.32.050 (D)(2)* requires fencing and landscaping for "Communication Transmitter, Receiver, Antenna or Tower, Utility Station, Substation, or Wind Generator." The Planning Commission should require specific landscaping and fencing as to type, size and placement, taking into consideration any site plan for landscaping presented by the applicant
4. The applicant shall comply with Section 17.16.060 for any archaeological discoveries that are made when development activity is taking place on Subject Property.

File No. CUP-1901
Fee 920.00
Rept.No. R00032992

PORT ORFORD LAND USE DECISION
APPLICATION FORM

APPLICATION INFORMATION:	FOR DEPARTMENT USE ONLY
Application Type <u>Conditional use</u>	App. Date _____
Pre-App. Mtg with _____	P. A. Mtg. Date _____
File Number <u>CUP-1901</u> Zone <u>1R</u>	Hearing/Dec. Date _____
Staff Planner _____	Staff Rept. Prf. Date _____

APPLICANT - PLEASE COMPLETE ITEMS 1 - 14 BEFORE REQUESTING A PRE-APPLICATION MEETING WITH A PLANNER. THE STAFF WILL NEED THIS INFORMATION TO DISCUSS THE PROPOSAL WITH YOU AND DETERMINE IF THE APPLICATION IS COMPLETE FOR THE DIRECTOR OR PLANNING COMMISSION TO REVIEW.

- PROPERTY OWNER OF RECORD
Name: RONALD & ANN BARACKER
Address: 268 ROBERT TRENT BLVD, EAGLE POINT, OR 97524
Phone: _____
- AGENT (if any)
Name: Zach Phillips w/Crown Castle
Address: 5111 N. Bowdoin St., Portland, OR 97203
Phone: 503/708-9200
- BASIC PROPOSAL (Briefly describe your proposed land use)
Collocate T-Mobile onto an existing tower facility. Add a 20' extension to the existing tower, meeting the limitations and requirements outlined in the Spectrum Act. Expand the ground compound by 10' x 15' to accommodate T-Mobiles support equipment.
- PROPERTY LOCATION
Address (if assigned): 698 Boot Hill Rd. (Tichenor Cemetery Rd.)
Description of how to locate the property
Please see the attached survey, construction plans, and narrative detailing the location of the proposed work.
- PROPERTY DESCRIPTION
3315-05CA-00400-00 (ACCOUNT ID: R19383),
Assessor Map No. 3315-05CA-00100-00 (ACCOUNT ID: R19276) Tax Lot No. _____
Total Land Area: Combined lease area 836 sq.ft./Ac./Sq. Ft. Zoning: R1

6. EXISTING LAND USE (Briefly describe the present use of the property)

Home, wireless communication facility, and vacant property.

7. SURROUNDING LAND USE (Briefly describe the land use of adjacent lands)

Residential, Tichenor Cemetary

8. SERVICES AND FACILITIES AVAILABLE

Please indicate what services and facilities are available to the property. Please submit a site evaluation or permit for on-site sewage disposal and water rights of on-site water sources.

Water Source: NA

Sewage Disposal: NA

Electrical Power: Coos-Curry Electric Cooperative

Telephone Service: Frontier

Fire District/Department: Port Orford Fire Dept.

School District: NA

9. ROAD INFORMATION

Nearest Public Road Boot Hill Rd. (Tichenor Cemetary Rd.)

Private Road(s) Serving the Property:

NA

Road Condition:

Legal Status (Please indicate ownership of private road, submit easement records etc.)

New Roads or Driveways (Briefly describe any new road construction related to this application)

Temporary access road to access the new ground area during construction.

10. PLOT OR PLAN MAP

Please submit the following:

- A standard size (18" X 20") Assessor Map of the subject property with your application (available from the Curry County Assessors Office)
- An accurate plot plan (please prepare a plot plan which is drawn to scale and shows the pertinent details of the proposed development as outlined on the attached information sheet)

11. PHYSICAL DESCRIPTION OF PROPERTY

Topography (Briefly describe the slope and terrain of the property)

The new support equipment location is on the top of Cemetery Hill. There are nearby slopes all around the top of the hill

Vegetation (Briefly describe the nature of the vegetation on the property)

Deciduous trees and grass.

Special Features (Briefly describe any special features such as creeks, sea cliffs, rock outcrops, wetlands, etc.)

Hilltop.

12. FINDINGS OF FACT

Oregon statute and the City of Port Orford Municipal Code requires that land use decisions be supported by factual findings. The burden of proof is on the proponent therefore it is required that the applicant provide the City with findings that support the request in this application. The standards and criteria that are relevant to this application are attached to this form. Please read the standards and criteria carefully and provide factual information with sufficient specificity to allow the City to determine whether your request meets these requirements.

13. All fees must be paid at the time you have completed the pre-application meeting with the planning staff and it has been determined that your application is complete. Fees are NON REFUNDABLE once they are paid and the City has begun review of your application.
14. This application MUST BE SIGNED BY ALL PROPERTY OWNERS OF RECORD or you must submit a notarized document signed by each owner of record who has not signed the application form stating that the owner has authorized this application. However, if the application is a "Corporation" Oregon Revised Statute (ORS) 9.320 requires that a corporation be represented by an attorney.

15. Applicant(s) Signature and Statement of Understanding:

I (we), Zach Phillips w/Crown Castle, have filed this application for T-Mobile with the City of Port Orford to be reviewed and processed according to State and City requirements. My (our) signature(s) below affirms that I (we) have discussed the application with the planning staff, and that I (we) acknowledge the following disclosures:

- A. I (we) are stating that all information and documentation submitted with this application is true and correct to the best of my (our) knowledge.
- B. I (we) understand that if false information and documentation has been submitted and the decision is based on that evidence that the decision may be nullified and the city may seek all legal means to have the decision reversed.
- C. I, (we) understand that any representations, conclusions or opinions expressed by the planning staff in the pre-application review of this request do not constitute final authority or approval, and that I (we) am (are) not entitled to rely on such expressions in lieu of formal approval or my (our) request.
- D. I (we) understand that I (we) may ask questions and receive input from planning staff, but acknowledge that I (we) am (are) ultimately responsible for all information or documentation submitted with this application. I (we) further understand that planning staff cannot legally bind the city to any fact or circumstance which conflicts with state or local laws, and in the event a conflict occurs, the statement or agreement is null and void.
- E. I (we) understand that I (we) have the burden of proving that this request meets ordinance requirements, and that I (we) must address all of the standards that apply to the decision being made. The standards for approving or denying this request have been provided to me (us) as part of this application.
- F. I (we) understand that the planning staff is entitled to request additional information or documentation any time after the submission of this application if it is determined that such information is needed for review of the proposed land use action.
- G. I (we) understand that this application will be reviewed by the Oregon Department of Land Conservation and Development and possibly other state agencies as part of the statewide land use coordination process. I (we) also understand that state agencies that participate in the review process have a legal right to appeal the decision of the City in this matter.
- H. I (we) understand that it is my (our) responsibility, and not the City's, to respond to any appeal and to prepare the legal defense of the approval of my (our) request. I (we) further understand that it is not the City's function to argue the case at any appeal hearing.
- I. I (we) understand that I (we) am (are) entitled to have a lawyer or a land use consultant represent me (us) regarding my application and to appear with me (or for me) at any appointment, conference or hearing related to it. In light of the complexity and technical nature of most land use decisions, I (we) understand that it may be in my best interest to seek professional assistance in the preparation of this application.

J. The undersigned are the owner(s) of record for property described as:
Assessor Map(s) 3315-05CA-00400-00 Tax Lot(s) (ACCOUNT ID: R19383),
3315-05CA-00100-00 (ACCOUNT ID: R19276)

(1) Print Name Ann Baracker
Signature Ann Baracker

(2) Print Name Ronald Baracker
Signature Ronald Baracker

(3) Print Name _____
Signature _____

(4) Print Name _____
Signature _____



1505 Westlake Avenue North
Suite 800
Seattle, WA 98109

Phone: (503) 708-9200
www.crowncastle.com

June 19, 2019

City of Port Orford
555 W. 20th St
PO Box 310
Port Orford, OR 97465

RE: Add T-Mobile Wireless Communication Facility (WCF) onto an existing tower with support equipment located onto a new ground equipment area.

Property: 698 Boot Hill Rd. (Tichenor Cemetery Rd.)
Port Orford, OR 97465

APN: R19276

Property Owner: Ronald & Ann Baracker
268 Robert Trent Jones Blvd.
Eagle Point OR 97524

Zone: R1

Proposal:

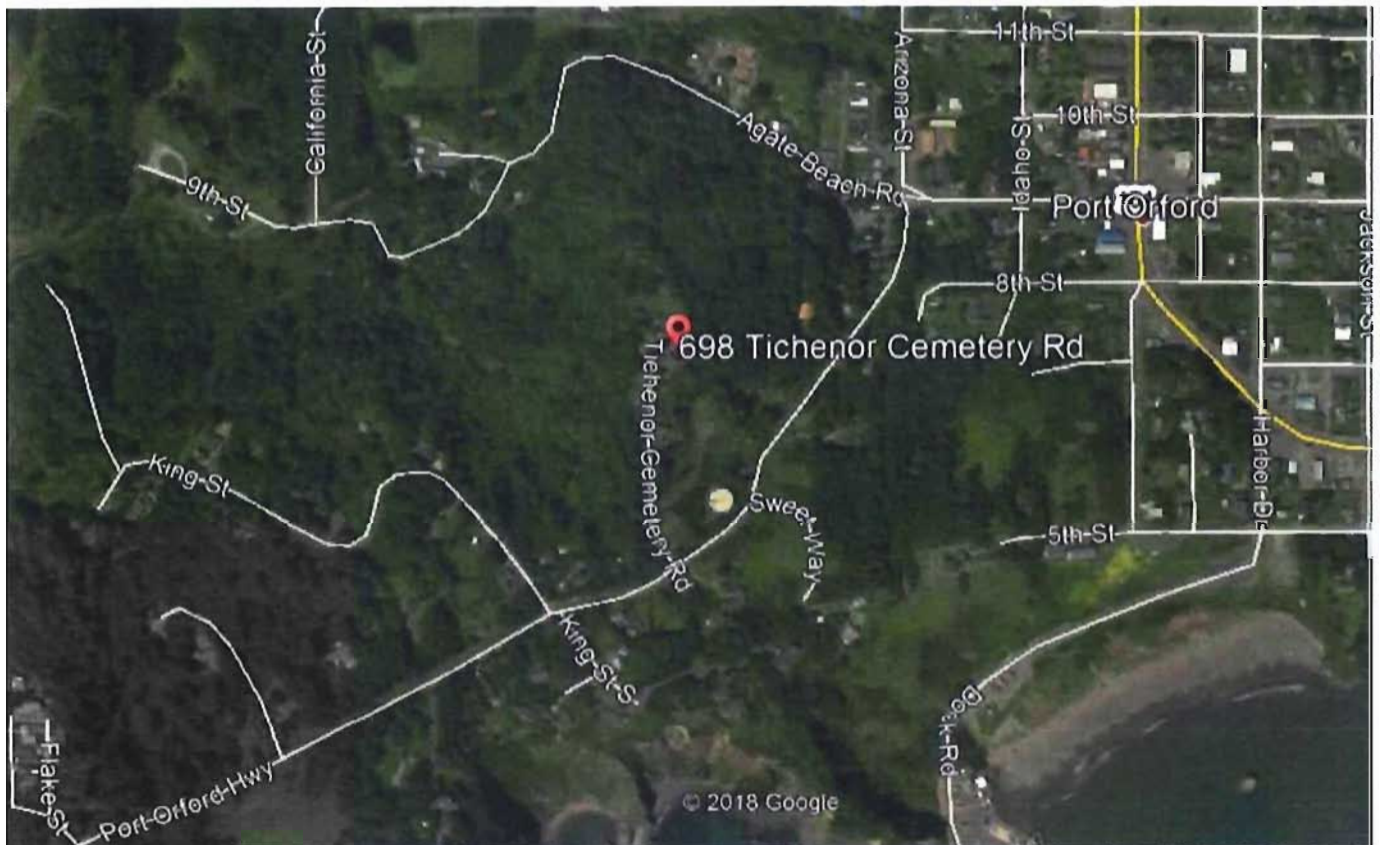
T-Mobile needs to provide improved coverage to the City of Port Orford. It is proposing to locate a new WCF onto an existing tower on Boot Hill. The tower will need to be extended by 20' to prevent the new WCF from interfering with the other wireless carriers already on the tower. Adjacent the existing compound, on the northwest side, T-Mobile will install its support equipment onto a new 8' x 12' concrete pad. The support equipment will consist of two support cabinets, a backup generator, and ancillary equipment. The current compound, which houses other carriers, is too small to add T-Mobile's equipment.

Scope:

1. Install a 20' tower extension with a platform antenna mount onto the existing tower.
2. Add three panel antennas, six Remote Radio Units (RRU), one Overvoltage Protection Unit (COVP), and one Hybrid Cable (HCS).

3. Install a 8' x 12' concrete pad enclosed by a 6' tall cedar wood fence. (The entire compound will be 10' x 15'.)
4. Add two support cabinets, backup generator, utility meter H-frame, and maintenance light onto the new pad.
5. Install protective ice-bridge and ice-canopy.

Tower Location – Red Pin



Source: Google Earth

Existing Tower



Source: Crown Castle

The following narrative will address sections of the City of Port Orford’s Municipal Code that were determined to apply to the proposed WCF expansion from the Pre-Application conference that took place on May 3, 2019.

It was established that the tower modifications met the standards of an “Eligible Facility” under the Code of Federal Regulations, Title 47, Subpart CC—State and Local Review of Applications for Wireless Service Facility Modification, Section 1.40001, Wireless Facility Modifications; therefore the narrative will only address the ground expansion.

Applicable Code

Port Orford Municipal Code, Chapter 17, Zoning
Chapter 17.16 Supplementary Provisions

17.16.60 Archaeological provisions.

Upon encountering archaeological artifacts on any property in Port Orford, the following sequence of events shall occur:

- A. All disturbances of the site shall immediately cease.

***Response:** This is Crown’s typical procedure when construction encounters archaeologically significant artifacts during the construction phase. Crown and its affiliates agree to follow this procedure when archeological artifacts are discovered. Crown Castle has a Section 106 Compliance Report in process to meet the requirements of the National Historic Preservation Act.*

Crown’s policy: Consistent with Section IX of the Nationwide Programmatic Agreement and applicable law. In the event of an inadvertent find during construction, all ground-disturbing work shall cease and the Cultural Resources office will be notified immediately.

- B. The developer shall notify the planning director of the discovery and the planning director shall notify the appropriate agencies, including the State Archaeologist.

***Response:** Crown and its affiliates agree to follow this procedure when archeological artifacts are discovered.*

- C. The State Archaeologist, or other appropriate agency charged with the preservation of antiquities shall have ten working days to conduct a preliminary review of the site to include determination of the significance of the (discovery).

Response: *Crown and its affiliates agree to work with the State and City if any archaeological artifacts are discovered.*

- D. If, during this ten-day period, the site is determined not to be archaeologically significant, resumption of development may occur.

Response: *Crown and its affiliates agree to work with the State and City if any archaeological artifacts are discovered.*

- E. If the site is determined to be archaeologically significant by the above process or is presently identified in the comprehensive plan inventory, further disturbance on the site shall cease for an additional thirty (30) days to allow acquisition by the appropriate agency or negotiations for development of the site. If such activities are not initiated by the appropriate agency within this time period, resumption of development may occur. (Ord. 278. § 3.090, 1977)

Response: *Crown and its affiliates agree to work with the State and City if any archaeological artifacts are discovered.*

7.16.080 Natural Hazard Overlay Zone (NH).

Applicability

Geologic Hazard Areas specifically include those areas, which, because of their relation to or location with respect to Geologic Hazard Areas, are in jeopardy of rapidly moving landslides. Areas identified with more than 15% slope shall be subject to the Natural Hazards Overlay requirements.

- A. Those areas identified as geologic hazard areas shall be subject to the following requirements at such time as a development activity application is submitted to the City. Geologist Hazard Assessment. Geologist means engineering geologist licensed by the State of Oregon as defined in Section 17.04.030 of this ordinance.

1. The applicant shall present a geologic hazard assessment prepared by a geologist at the applicant's expense that identifies site-specific geologic hazards, associated levels of risk and the suitability of the site for the development activity in view of such hazards. The geologic hazard assessment shall include an analysis of the risk of geologic hazards on the subject property, on contiguous and adjacent property and on upslope and down slope properties that may be at risk from, or pose a risk to, the development activity. The geologic hazard assessment shall also assess erosion and any increase in storm water runoff and any diversion or alteration of natural storm water runoff patterns resulting from the development activity. The geologic hazard assessment shall include one of the following:

a. A certification that the development activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property or to adjacent properties resulting from the proposed development activity.

Response: See the *Geotechnical Investigation and Design Report from June 28, 2006. Section 4.0 Geological Hazards Evaluation of the report outlines the possible geologic hazards and states that the only concern comes from horizontal ground acceleration caused by an earthquake. Under section 4.2 Tectonic Setting, the report makes design recommendations for the tower design to account for "peak horizontal bedrock acceleration." This is more explicitly detailed in section 7.0 Geotechnical Recommendations.*

b. A statement that there is an elevated risk posed to the subject property or to adjacent properties by geologic hazards that requires mitigation measures in order for the development activity to be undertaken safely and within the purposes of Chapter 17.16.080 of the Port Orford Municipal Code.

Response: See the *Geotechnical Investigation and Design Report from June 28, 2006. Section 4.0 Geological Hazards Evaluation of the report outlines the possible geologic hazards and states that the only concern comes from horizontal ground acceleration caused by an earthquake. An engineer whom will certify that the tower will continue to meet International Building Code and ANSI/TIA-222-G wind loading standards will design the addition to the tower. The design documents will be provided after Land Use is approved and submitting for Building Permit review. There will not be an elevated*

risk from the proposed facility to the subject property or adjacent properties. No additional mitigation measures are necessary.

2. If the assessment provides a certification pursuant to Section (1)(a), the development activity may proceed without further requirements of this Section.

Response: *The previous geotechnical report provides the necessary information with regards to geological hazards. However, the tower addition still needs to be designed. The Structural analysis and tower upgrades need to be reviewed by the Curry County Building Department to ensure that the facility will meet building code requirements.*

3. If the assessment provides a statement pursuant to Section (1)(b), the applicant must comply with the further requirements of this Section prior to any disturbance of the soils or construction.

Response: *See the Geotechnical Investigation and Design Report from June 28, 2006, Section 4.0 Geological Hazards Evaluation of the report. No further requirements are required by this section.*

4. Applications, subject to Section (3) above, where the assessment results in a statement pursuant to Section (1)(b) shall provide a Geologic hazard mitigation report by a geologist prepared at the applicant's expense containing the following information prior to the Planning Director's determination that the application is complete.

Response: *Additional mitigation measures are not required for the expansion of the existing wireless facility.*

5. In the event the geologic hazard mitigation report fails to include the required information, fails to analyze or take into account documented hazards associated with the subject property or the proposed development activity, fails to consider new information made available to the Director or has other identified significant deficiencies, the Director shall deem the application incomplete, and notify the applicant in writing to identify the deficiencies. Thereafter the applicant shall:

- a. Provide a revised geologic hazard mitigation report or, in the applicant's discretion, request the Director to submit the geologic hazard mitigation report for peer professional review at the applicant's expense.
- b. In the event of peer review, the Director shall provide the applicant with a list of three qualified professionals from which the applicant shall choose one to conduct the peer review.

Response: *If a mitigation report is needed, Crown will work with the City of Port Orford to ensure that an adequate mitigation plan is developed and executed.*

7. If the geologic hazard mitigation report discloses that the entire subject property is subject to geologic hazards that cannot be mitigated or that the subject property does not contain sufficient area that can be mitigated to allow the development activity as proposed, or that the development activity presents a significant risk of damage to or destabilizing adjacent property that cannot be mitigated in the course of the development activity itself, the development activity shall not be allowed, and the application shall be denied.

Response: *Additional mitigation measures are not required for the expansion of the existing wireless facility.*

8. Prior to approval of the development activity, the applicant shall provide a mitigation plan prepared by a geologist specific to the development activity and based on the approved geologic hazard mitigation report.

Response: *Additional mitigation measures are not required for the expansion of the existing wireless facility.*

9. A Conditional Use Permit shall be required for development activity in all geologic hazard areas except where a certification has been provided under Chapter 17.16.080(A)(1)(a). The Planning Commission shall consider reports submitted by qualified professionals, including the proposed mitigation plan and any response from affected parties in making their decision. The Director or the Planning Commission may request the input of the city engineer to be provided at the applicant's expense.

Response: *If Crown needs to provide any geologic professionals at the hearing or additional written statements, please notify in advance.*

10. Appeals of a Conditional Use Permit which challenge an assessment, report or plan prepared or approved under Chapter 17.16.080(A)(l), (4), (5) or (7), shall be accompanied by an analysis of the challenged document. Such analysis must identify and analyze the purported deficiencies with sufficient clarity to allow the Director to assess the concerns. In the event that the Director does not have adequate technical ability to make such an assessment, the Director may submit the matter for recommendation by a geologist in which case the appellant and the applicant shall equally share the cost of such peer review. Peer review shall be based on the entire record of the proposed development activity.

Response: *Understood.*

11. If a possible new geological hazard that has not been mapped is brought to the attention of city officials, the City may then require that a geologist be hired by the City to investigate the subject site and report on the nature of the hazard and its possible impact to the proposed use and surrounding properties. The cost of this geological hazard investigation is to be paid by the applicant.

Response: *If new geologic hazards are discovered, Crown will work with the City of Port Orford to see that they are adequately mapped.*

12. The development activity, if approved, must be constructed as approved and must implement the measures and improvements in the approved mitigation plan. The plans submitted for development permits shall bear a statement from the geologist that the mitigation measures contained in the approved mitigation plan have been included in the plans submitted for the permit. If required by the mitigation plan, installation or construction of such measures and improvements shall be undertaken under the supervision of a geologist.

Response: *Crown will construct the site as permitted.*

13. In the case of a building permit, upon the completion of construction and prior to issuance of a certificate of occupancy, the supervising geologist or engineer shall certify

that the measures and improvements in the approved mitigation plan have been properly installed. No as-built changes to the requirements of a mitigation plan will be accepted in the absence of certification of the changes by the geologist who prepared the mitigation plan. (Ord. 2009-01§ 080, 2008) (Ord. 2015-08 § 080, 2015)

Response: *Crown will construct the site as permitted.*

Historical Site Provisions, Ordinance 2012-06

Response: *The area where T-Mobile will be expanding its facility is not part of a Historic Resource. It is more than 100 ft. from the Tichenor Cemetery, which is Historic Resource. Tichenor Cemetery and the surrounding area will not be affected by the 10' x 15' wireless compound expansion.*

Crown's policy: Consistent with Section IX of the Nationwide Programmatic Agreement and applicable law. In the event of an inadvertent find during construction, all ground-disturbing work shall cease and the Cultural Resources office will be notified immediately.

17.17.40 - Erosion Prevention and Sediment Control

All development activity shall comply with the requirements for erosion prevention and sediment control. The intent of these provisions is to minimize the amount of sediment and pollutants that exit the site of development activity and, thereby, minimize the amount of such material that reaches waterways, wetlands, public improvements and the property of others. These provisions are intended to require that temporary and permanent measures be taken for all development activity that require or result in the disturbance of the surface of soil and/or vegetation.

17.17.050 Development Affected

1. All development activity can result in altered or increased runoff, erosion and sediment both during and following vegetation removal, grading, construction of improvements, landscaping and other activities that disturb the surface of the soil. Measures must be taken to manage site hazards such as water runoff, soil erosion and sediment deposition. The requirements of this section must be met by all development activities that:

- a) Will result in the excavation of 800 square feet or more of soil surface or

Response: *The whole expansion area is only 150 square feet. The concrete pad will be 1' deep.*

- b) Will result in the construction of either 2,000 square feet of impervious surface on a site or will result in the coverage of 25% or more of the area of a site in impervious surfaces, whichever is less.

Response: *The whole expansion area is only 150 square feet.*

17.17.060 Erosion Prevention and Sediment Control Plan

1. Applications for authorization to undertake development and other activities described in Chapter 17.17.050 must be accompanied by an Erosion Prevention and Sediment Control Plan.

Response: *The whole expansion area is only 150 square feet. Section 17.17.050 only applies if there is the excavation of more than 800 square feet of soil or more than 2000 square feet of impervious surface, neither of which are true.*

However, there are typical sediment control methods such as hay bales, silt fences, covering spoils and along with other means that are used to minimize the impacts on local water supplies, storm water drains, and riparian zones.

The attached information provides a description of what is proposed and how the proposed tower modification and ground expansion comply with the City of Port Orford's Municipal Code. Please let me know if you have any questions or need any additional information.

Sincerely,



Zach Phillips
Real Estate Specialist
Crown Castle

zach.phillips@crowncastle.com

503.708.9200

The Foundation for a Wireless World.

CrownCastle.com

City of Port Orford
CONSENT FOR AUTHORIZED AGENT

On this 25 day of July, 2019, I, _____

Baracker Family Trust

(Print Owners Name as on Deed)

owner/owners/ of the property described as Township _____, Range _____,

Section _____, Tax Lot _____, Deed Reference # R19383 / ALT APN 3315-05CA-00400-00

hereby grant permission to _____ Crown Castle to
(Print Name and Business (if applicable))

submit land use applications and communicate with the City and me (the property owner) on all topics related to this application.

Owners Signature/s Ann Baracker, trustee
Ronald Baracker, Trustee

Assessors Map Information: 12-10-19

Owner Information:

BARACKER, RONALD S & ANN F TRSTEEES
BARACKER FAM TRST 3/17/
268 ROBERT TRENT JONES

EAGLE POINT, OR 97524

Situs Address:

698 BOOT HILL RD
PORT ORFORD, OR 97465

MapTaxlot: 3315-05CA-00400-00

MapNumber: 33S15W05CA

Taxlot: 400

MapTaxlot: 3315-05CA-00100-00

MapNumber: 33S15W05CA

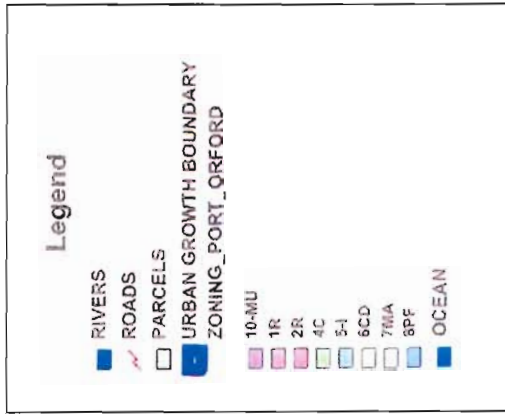
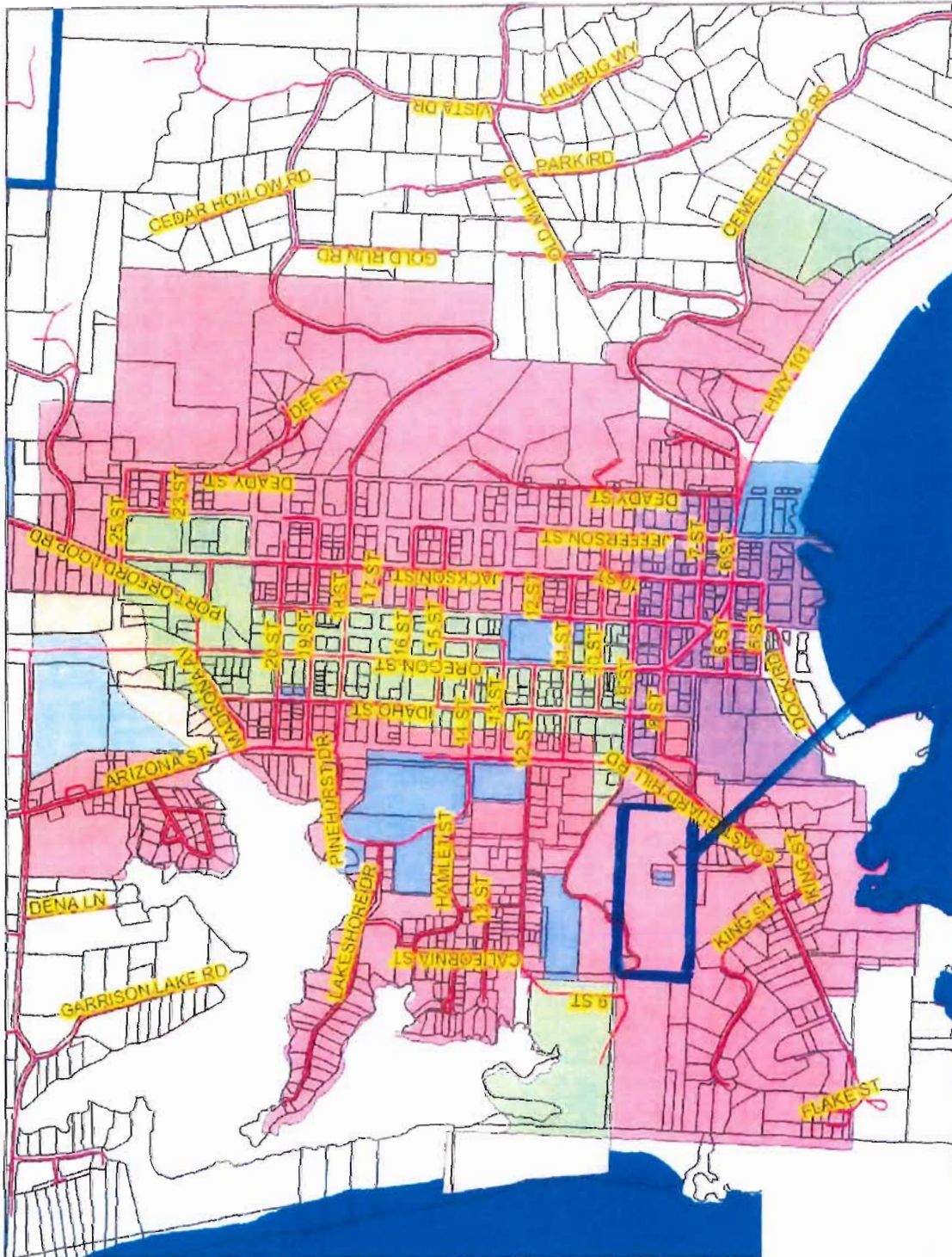
Taxlot: 100

Property: R19276



Subject Property

Port Orford Zoning Map



Subject Property



02-3845-02
October 22, 2019

MEMO

TO: City of Port Orford
FROM: Bill Galli, P.E., G.E.
CC: Chelsey Puhalla/Crown Castle
SUBJECT: **REGISTERED GEOLOGIST REVIEW
CROWN CASTLE LETTER OF 6/19/2019
T-MOBILE WIRELESS EQUIPMENT INSTALLATION
698 BOOT HILL ROAD
PORT ORFORD, OREGON**

In accordance with your request, we are pleased to provide analysis and conclusions regarding geologic hazards for this and adjacent properties. This is provided in support of the newly proposed tower extension and addition, equipment slab and screen wall for the new installation. This shall be located on the existing tower and on the small land parcel to the northwest of the tower equipment.

SUMMARY

In summary, we have found no geologic hazards associated with this new site development that will adversely impact the subject project and adjacent property as a result of the subject development.

There is no risk of significant geologic hazards at the site. Therefore, the risk of damage at the site due to the geologic hazards is considered low.

REVIEW CRITERIA

This memo was developed utilizing our revised Geologic Hazards and Geotechnical Report (September 18, 2019). It includes comments on requirements of 17.16.080, A, la, b, 2, 3 and 4 of the Natural Hazard Overlay Zone (NH) from the Port Orford Municipal Code.

GEOLOGIC HAZARDS REVIEW CONFIRMATION

At your request, we are providing this review/verification of the Crown Castle responses to requirements of the City of Port Orford Municipal Code Section 7.16.080 Natural Hazard Overlay Zone (MH). Where we agree with the Crown Castle response, we state that. Where we have added information, that is provided. We have ordered this review based on the numbers used by Crown Castle in their June 19, 2019 letter. The first response is Crown Castle's previous response, and the response following theirs is our response (where applicable).

Review Comments

7.16.080 Natural Hazard Overlay Zone (NH).

1. The applicant shall present a geologic hazard assessment prepared by a geologist at the applicant's expense that identifies site-specific geologic hazards, associated levels of risk and the suitability of the site for the development activity in view of such hazards. The geologic hazard assessment shall include an analysis of the risk of geologic hazards on the subject property, on contiguous and adjacent property and on upslope and down slope properties that may be at risk from, or pose a risk to, the development activity.

The geologic hazard assessment shall also assess erosion and any increase in storm water runoff and any diversion or alteration of natural storm water runoff patterns resulting from the development activity. The geologic hazard assessment shall include one of the following:

a. A certification that the development activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property or to adjacent properties resulting from the proposed development activity.

***Response:** See the Geotechnical Investigation and Design Report from June 28, 2006. Section 4.0 Geological Hazards Evaluation of the report outlines the possible geologic hazards and states that the only concern comes from horizontal ground acceleration caused by an earthquake. Under section 4.2 Tectonic Setting, the report makes design recommendations for the tower design to account for "peak horizontal bedrock acceleration." This is more explicitly detailed in section 7.0 Geotechnical Recommendations.*

Our Response: We agree to this response.

b. A statement that there is an elevated risk posed to the subject property or to adjacent properties by geologic hazards that requires mitigation measures in order for the development activity to be undertaken safely and within the purposes of Chapter 17.16.080 of the Port Orford Municipal Code.

Response: See the Geotechnical Investigation and Design Report from June 28, 2006. Section 4.0 Geological Hazards Evaluation of the report outlines the possible geologic hazards and states that the only concern comes from horizontal ground acceleration caused by an earthquake. An engineer whom will certify that the tower will continue to meet International Building Code and ANSI/TIA-222-G wind loading standards will design the addition to the tower. The design documents will be provided after Land Use is approved and submitting for Building Permit review. There will not be an elevated risk from the proposed facility to the subject property or adjacent properties. No additional mitigation measures are necessary.

Our Response: We agree to this response

2. If the assessment provides a certification pursuant to Section (1)(a), the development activity may proceed without further requirements of this Section.

Response: The previous geotechnical report provides the necessary information with regards to geological hazards. However, the tower addition still needs to be designed. The Structural analysis and tower upgrades need to be reviewed by the Curry County Building Department to ensure that the facility will meet building code requirements.

Our Response: We agree to this response

3. If the assessment provides a statement pursuant to Section (1)(b), the applicant must comply with the further requirements of this Section prior to any disturbance of the soils or construction.

Response: See the Geotechnical Investigation and Design Report from June 28, 2006, Section 4.0 Geological Hazards Evaluation of the report. No further requirements are required by this section.

Our Response: No further requirement is needed provided the project is designed and constructed in accordance to the recommendations of the Geotechnical Investigation and Design Report of June 28, 2006, updated September 20, 2019.

4. Applications, subject to Section (3) above, where the assessment results in a statement pursuant to Section (1)(b) shall provide a Geologic hazard mitigation report by a geologist prepared at the applicant's expense containing the following information prior to the Planning Director's determination that the application is complete.

Response: Additional mitigation measures are not required for the expansion of the existing wireless facility.

Our Response: Additional mitigations are not required provided the project is designed and constructed in accordance to the recommendations of the Geotechnical Investigation and Design Report of June 28, 2006, updated September 20, 2019.

5. In the event the geologic hazard mitigation report fails to include the required information, fails to analyze or take into account documented hazards associated with the subject property or the proposed development activity, fails to consider new information made available to the Director or has other identified significant deficiencies, the Director shall deem the application incomplete, and notify the applicant in writing to identify the deficiencies. Thereafter the applicant shall:

a. Provide a revised geologic hazard mitigation report or, in the applicant's discretion, request the Director to submit the geologic hazard mitigation report for peer professional review at the applicant's expense.

b. In the event of peer review, the Director shall provide the applicant with a list of three qualified professionals from which the applicant shall choose one to conduct the peer review.

Response: If a mitigation report is needed, Crown will work with the City of Port Orford to ensure that an adequate mitigation plan is developed and executed.

7. If the geologic hazard mitigation report discloses that the entire subject property is subject to geologic hazards that cannot be mitigated or that the subject property does not contain sufficient area that can be mitigated to allow the development activity as proposed, or that the development activity presents a significant risk of damage to or destabilizing adjacent property that cannot be mitigated in the course of the development activity itself, the development activity shall not be allowed, and the application shall be denied.

Response: Additional mitigation measures are not required for the expansion of the existing wireless facility.

Our Response: Additional mitigations are not required provided the project is designed and constructed in accordance to the recommendations of the Geotechnical Investigation and Design Report of June 28, 2006, updated September 20, 2019

8. Prior to approval of the development activity, the applicant shall provide a mitigation plan prepared by a geologist specific to the development activity and based on the approved geologic hazard mitigation report.

Response: bAdditional mitigation measures are not required for the expansion of the existing wireless facility.

Our Response: Additional mitigations are not required provided the project is designed and constructed in accordance to the recommendations of the Geotechnical Investigation and Design Report of June 28, 2006, updated September 20, 2019

9. A Conditional Use Permit shall be required for development activity in all geologic hazard areas except where a certification has been provided under Chapter 17.16.080(A)(1)(a). The Planning Commission shall consider reports submitted by qualified professionals, including the proposed mitigation plan and any response from affected parties in making their decision. The Director or the Planning Commission may request the input of the city engineer to be provided at the applicant's expense.

Response: If Crown needs to provide any geologic professionals at the hearing or additional written statements, please notify in advance.

10. Appeals of a Conditional Use Permit which challenge an assessment, report or plan prepared or approved under Chapter 17.16.080(A)(1), (4), (5) or (7), shall be accompanied by an analysis of the challenged document. Such analysis must identify and analyze the purported deficiencies with sufficient clarity to allow the Director to assess the concerns. In the event that the Director does not have adequate technical ability to make such an assessment, the Director may submit the matter for recommendation by a geologist in which case the appellant and the applicant shall equally share the cost of such peer review. Peer review shall be based on the entire record of the proposed development activity.

Response: Understood.

11. If a possible new geological hazard that has not been mapped is brought to the attention of city officials, the City may then require that a geologist be hired by the City to investigate the subject site and report on the nature of the hazard and its possible impact to the proposed use and surrounding properties. The cost of this geological hazard investigation is to be paid by the applicant.

Response: If new geologic hazards are discovered, Crown will work with the City of Port Orford to see that they are adequately mapped.

12. The development activity, if approved, must be constructed as approved and must implement the measures and improvements in the approved mitigation plan. The plans submitted for development permits shall bear a statement from the geologist that the mitigation measures contained in the approved mitigation plan have been included in the plans submitted for the permit. If required by the mitigation plan, installation or construction of such measures and improvements shall be undertaken under the supervision of a geologist.

Response: Crown will construct the site as permitted.

13. In the case of a building permit, upon the completion of construction and prior to issuance of a certificate of occupancy, the supervising geologist or engineer shall certify that the measures and improvements in the approved mitigation plan have been properly installed. No as-built changes to the requirements of a mitigation plan will be accepted in the absence of certification of the changes by the geologist who prepared the mitigation plan. (Ord. 2009-01 § 080, 2008) (Ord. 2015-08 § 080, 2015)

Response: *Crown will construct the site as permitted.*

Historical Site Provisions, Ordinance 2012-06

Response: *The area where T-Mobile will be expanding its facility is not part of a Historic Resource. It is more than 100 ft. from the Tichenor Cemetery, which is Historic Resource. Tichenor Cemetery and the surrounding area will not be affected by the 10' x 15' wireless compound expansion.*

Crown's policy: *Consistent with Section IX of the Nationwide Programmatic Agreement and applicable law. In the event of an inadvertent find during construction, all ground-disturbing work shall cease and the Cultural Resources office will be notified immediately.*

17.17.40 - Erosion Prevention and Sediment Control

All development activity shall comply with the requirements for erosion prevention and sediment control. The intent of these provisions is to minimize the amount of sediment and pollutants that exit the site of development activity and, thereby, minimize the amount of such material that reaches waterways, wetlands, public improvements and the property of others. These provisions are intended to require that temporary and permanent measures be taken for all development activity that require or result in the disturbance of the surface of soil and/or vegetation.

17.17.050 Development Affected

1. All development activity can result in altered or increased runoff, erosion and sediment both during and following vegetation removal, grading, construction of improvements, landscaping and other activities that disturb the surface of the soil. Measures must be taken to manage site hazards such as water runoff, soil erosion and sediment deposition. The requirements of this section must be met by all development activities that:

a) Will result in the excavation of 800 square feet or more of soil surface or

Response: *The whole expansion area is only 150 square feet. The concrete pad will be 1' deep.*

b) Will result in the construction of either 2,000 square feet of impervious surface on a site or will result in the coverage of 25% or more of the area of a site in impervious surfaces, whichever is less.

Response: *The whole expansion area is only 150 square feet.*

17.17.060 Erosion Prevention and Sediment Control Plan

1. Applications for authorization to undertake development and other activities described in Chapter 17.17.050 must be accompanied by an Erosion Prevention and Sediment Control Plan.

Response: *The whole expansion area is only 150 square feet. Section 17.17.050 only applies if there is the excavation of more than 800 square feet of soil or more than 2000 square feet of impervious surface, neither of which are true.*


However, there are typical sediment control methods such as hay bales, silt fences, covering spoils and along with other means that are used to minimize the impacts on local water supplies, storm water drains, and riparian zones.

Our Response: The Geotechnical Investigation and Design Report of June 28, 2006, updated September 20, 2019, section 7.7 Site Drainage and Erosion Control Measures, provides recommendations for short and long term erosion control. Provided these recommendations are followed during construction of the project and given that the entire expansion area is only 150 square feet, a formal Erosion Prevention and Sediment Control Plan is not required at this time.

Please let us know if you have any question or need additional information.

Respectfully Submitted,

THE GALLI GROUP
GEOTECHNICAL CONSULTING



ED Busby, P.G., C.E.G., HG
Senior Engineering Geologist



William F. Galli, P.E., G.E.
Senior Principal Engineer



EXPIRES: 6/21





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Status	Name	License #	Address	First Registered	Last Registered	License Type
Active	Edward Boub	#E0916	Astoria, OR	04-11-1988	04-30-2000	Engineering Geologist

[Return to search](#)

Zach Phillips
Network Real Estate Specialist
Tel: (503) 708-9200

To: Crystal Shoji <crystal@shojiplanning.com>
Subject: FW: Crown Castle CUP Application - Port Orford, Oregon (857572)

Chrystal-

Ed Busby's certification number is E916. Attached is a copy of his current stamp identifying him as an Oregon Certified Engineering Geologist. It is on page 18 of the report, attached is the page. What else are you looking for? Typically, there is an easy lookup on the Oregon State Board of Examiner for Engineering and Land Surveying (OSBEELS), but they appear to be updating the site and nothing can be looked up.

Zach Phillips

Network Real Estate Specialist
[Tel:\(503\)708-9200](tel:5037089200)

From: Puhalla, Kelsey <Kelsey.Puhalla@crowncastle.com>
Sent: Friday, December 13, 2019 1:07 PM
To: Phillips, Zach <Zach.Phillips@crowncastle.com>
Cc: Quisenberry, Rebecca <Rebecca.Quisenberry@crowncastle.com>
Subject: RE: Crown Castle CUP Application - Port Orford, Oregon (857572)

See if this works. He insists both of them are OR certified.

Thanks,

Kelsey Puhalla
Project Manager
T: (206) 336-2874
M: (701) 367-7983

CROWN CASTLE
1505 Westlake Avenue North
Suite 800
Seattle, WA 98109
CrownCastle.com

From: Phillips, Zach <Zach.Phillips@crowncastle.com>
Sent: Friday, December 13, 2019 7:30 AM
To: Puhalla, Kelsey <Kelsey.Puhalla@crowncastle.com>
Cc: Quisenberry, Rebecca <Rebecca.Quisenberry@crowncastle.com>
Subject: FW: Crown Castle CUP Application - Port Orford, Oregon (857572)

Kelsey-

The jurisdictions needs some confirmation that Ed Busby is an Oregon certified/licensed geologist. I am trying to get confirmation that our sediment control plan is sufficient, but they may need more. Below are comments from the planner.

Zach Phillips

Network Real Estate Specialist
[Tel:\(503\)708-9200](tel:5037089200)



received
Nov. 18, 2019
C. S. S. S.

GEOLOGIC HAZARDS, SEISMICITY
AND GEOTECHNICAL INVESTIGATION
AND DESIGN REPORT
EDGE WIRELESS TOWER FOUNDATION
PORT ORFORD
SITE NO.: OR-232
PORT ORFORD, OREGON

For: Kelsey Puhalla
Crown Castle
1505 Westlake Ave. N., Ste. 800
Seattle, WA 98109

By: THE GALLI GROUP
612 NW Third Street
Grants Pass, OR 97526
(541) 955-1611

SITE NO.: OR-232
02-3845-02
June 28, 2006
Revised September 23, 2019.

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**GEOLOGIC HAZARDS, SEISMICITY
AND GEOTECHNICAL INVESTIGATION
AND DESIGN REPORT
EDGE WIRELESS TOWER FOUNDATION
PORT ORFORD
SITE NO.: OR-232
PORT ORFORD, OREGON**

1.0 INTRODUCTION

In accordance with your request, we have completed our field investigation and office evaluation for the above-referenced tower foundation. The following paragraphs provide 1) a brief description of the project and our field investigation at the site, 2) a description of our office analyses, 3) conclusions regarding adequacy of site soils for the proposed tower foundation, 4) resistivity testing data from the site and 5) recommendations for design and construction of the subject tower foundation. This also has recommendations for future development at the site.

2.0 SITE AND PROJECT DESCRIPTION

The subject tower site is located on top of a ridge, which overlooks the small coastal town of Port Orford, Oregon. The site is situated on this ridge at an elevation of approximately 280 feet and overlooks the Highway 101 corridor and the Pacific Ocean. The project site is located adjacent to Fichtenor Cemetery at the top of the hill. Please see Figure 1, Vicinity Map, for a more precise site location. The proposed tower location is located adjacent to an existing Edge Wireless 45-foot tall, laminated wood cell tower. It appears part of the existing fence that encloses the current tower "runs" across the proposed new tower location. Vegetation cover surrounding the proposed tower site consists of dense, native grasses and brush and blackberry bushes and periodic stands of fir trees.

This project consists of installing a single 100-foot tall, steel monopole cellular tower and the associated "ice bridge" which will be connected to the existing onsite equipment "shed". We understand the tower will be designed for the anticipated local winds and appropriate icing and dead load conditions. Other site improvements will likely include additional crushed rock for the access road and moving extending the fencing enclosure to surround the new pole for security purposes. No underground levels or other larger structures are planned at this time. Large cuts and fills are also not anticipated.

Additional future development could include extending the height of the new tower installing added equipment areas, installing a new equipment structure and possibly installing another tower. This report is applicable to all such additional work.

3.0 SUBSURFACE INVESTIGATION

On June 22, 2006, Melvin J. Galli, Staff Engineer, visited the site to accomplish the subsurface exploration. One exploratory boring to a depth of 38¹/₂ feet was drilled in the area proposed for the new tower. The boring was accomplished with an 8-inch diameter hollow-stem auger, using a CMI 55 trailer-mounted drill rig provided by Lawrence & Associates.

Our personnel logged the subsurface soil and water conditions encountered and obtained samples for transport to the office. Samples were obtained utilizing the Standard Penetration Test (SPT). This entails driving a 2-inch diameter split-spoon sampler into the bottom of the boring by dropping a 140-pound weight a distance of 30 inches. The number of blows that it takes to drive the split-spoon the last 12 inches of an 18-inch drive is called the SPT "N-value." A more detailed description of the boring can be viewed in Appendix A at the end of this report. Upon completion of the boring, the hole was backfilled with soil spoils from the drilling operations.

On August 12, 2019 and September 18, 2019, representatives (Engineer and Geologist) of The Galli Group visited the subject site. The area around the existing 104-foot monopole tower and adjacent equipment areas were evaluated for stability, slope gradient and any apparent instability or soil problems in anticipation of added site development.

4.0 GEOLOGIC HAZARDS EVALUATION

4.1 REGIONAL GEOLOGIC SETTING

The project is located within the city limits of Port Orford, on the southwestern Oregon coast. The site is at the northern terminus of the Klamath Mountain Physiographic Province, with the transition to the Oregon Coast Range Physiographic Province occurring a few miles to the north near Bandon, Oregon.

The project site has surficial units consisting of Quaternary marine terrace deposits which overly Jurassic-Cretaceous marine sedimentary bedrock at relatively shallow depths (OGDC-6, 2015; McCloughry, et al., 2015). Weakly to moderately consolidated silts and sands of the Indian Creek marine terrace cap the hilltop surface at the project site. These silts and sands were encountered as the surficial units within an onsite soil boring completed for this project. Based on regional mapping, underlying the terrace unit are marine graywacke, mudstone, siltstone, and shale of the Jurassic-Cretaceous Otter Point Formation (OGDC-6, 2015; McCloughry, et al., 2015). A detailed description of the surficial units at the project site is provided in the subsurface investigation portion of this report.

No active faults are known to traverse the site location. The main trace of the Battle Rock Fault Zone is mapped approximately 1,200 feet east of the project site (OGDC-6, 2015; USGS 2019; HazVue, 2019). This fault offsets the Indian Creek terrace near the project area but does not offset the Pioneer terrace at the northward projection of the fault.

(Geomatrix, 1995; USGS, 2019). The Indian Creek terrace is estimated to be 200 ka or older, and the Pioneer terrace is approximately 105 ka (Geomatrix, 1995). The Battle Rock fault is considered to have had movement in middle and late Quaternary (~ 750,000 years) (USGS, 2019), and is listed as an "active fault" on Dogami's HazVu dataset (HazVu, 2019). The main trace of the fault is considered to have a slip rate of less than 0.2mm/year (USGS, 2019a).

4.2 TECTONIC SETTING

The project site is in regional proximity to several zones of active seismicity. The region is affected by the Cascadia Subduction Zone, an active subduction zone off the Oregon coast, considered capable of Magnitude 8.0 or greater earthquakes. The surface expression of this fault, at the base of the continental slope, is approximately 60 kilometers offshore of the project site. Assuming an average 10-degree easterly dip on this interface and a 90-kilometer wide downdip seismogenic zone (Weaver and Schedlock, 1996), the interface is as close as 10 kilometers below the project site. Average recurrence intervals for such great earthquakes, as determined by recent investigations, range between 300-600 years. The last "great" earthquake was interpreted to be approximately 300 years ago.

Relatively deep focus intraplate (depths of 40-60 km within the subducted Juan de Fuca plate) earthquakes of Magnitude 7.0 to 7.5 are considered possible within the subducted plate beneath western Oregon and Washington. The recurrence interval is not established, but the devastating earthquakes in Puget Sound (M7.1, 1949; M6.5, 1965; M6.8, 2001) are assumed to have occurred in this seismic zone.

Relatively shallow crustal earthquakes up to Magnitude 6.5 can occur in the upper North American plate at depths of 5-25 km. This is the zone that generally produces most of the earthquakes in Western Oregon. The nearby Battle Rock-Whaleshead Fault zone would be considered in this class.

More recently a seismic event on the Cascadia Subduction Zone is considered to be the greatest risk to the region. Magnitude 9.0 events are anticipated. This will result in severe shaking, especially along the Southern Oregon Coast. Seismic Design criteria for the site base on this and other events is presented in the next section.

4.3 SEISMIC DESIGN PARAMETERS

4.3.1 ASCE 7/16 Design Earthquake

The design earthquake for the project area is based upon established values and methodology in ASCE 07-16.

The Maximum Considered Earthquake (MCE) and spectral response accelerations were established as set forth in Chapters 11, 20 and 22 of ASCE 7-16 and were obtained from the online ASCE 7 Hazard Tool (ASCE, 2019).

Table 1- DESIGN EARTHQUAKE (ASCE 7-16)

Parameter	Value
Project Latitude/Longitude Port Orford Lower, Port Orford, Oregon (02-3845-02)	Lat. 42.74453 N Long. 124.503472 W
Occupancy/Risk Category (ASCE SEI 7-16)	IV
Mapped Spectral Response Acceleration (MCE) at Short Period (S_{MS})	1.291 g
Mapped Spectral Response Acceleration (MCE) at 1-Second Period (S_{M1})	1.057g
Site Class - (ASCE SEI 7-16)	C
Short Period Site Coefficient based on Site Class - (F_{s1})	1.200
1-Second Site Coefficient based on Site Class - (F_{s2})	1.400
MCE_{MS} Spectral Response Acceleration - (S_{MS})	$S_{MS} = 2.749g$
MCE_{1s} Spectral Response Acceleration for 1-Second - (S_{M1})	$S_{M1} = 1.480g$
Design Spectral Response Acceleration for Short Periods - (S_{DS})	$S_{DS} = 1.833g$
Design Spectral Response Acceleration for 1-Second - (S_{D1})	$S_{D1} = 0.987g$
PGA = MCE_{MS} (ASCE SEI 7-16)	PGA = 1.118g
F_{max} (ASCE SEI 7-16)	$F_{max} = 1.200$
$PGA_M = F_{max} * PGA$ (ASCE SEI 7-16)	1.342g
Design PGA ($PGA_M * 2/3$)	0.895g
Seismic Design Category (ASCE SEI 7-16)	I

4.4 SEISMIC INDUCED HAZARDS FOR THE PROJECT SITE

Liquefaction. No static groundwater levels, perched water or seepage was observed in the auger drill hole during the field investigation. SPT blow counts were consistently at or above an N-value of 8 to a depth of 18 feet, where a soft to medium hard (R-1 to R-3) Siltstone was encountered to the bottom of the bore hole. Therefore, the likelihood of liquefaction occurring in these terrace deposits and the underlying Siltstone unit is considered to be low.

Landslides. No slope instability was observed at the project site at the time of our field investigation. This was verified when the site was revisited in 2019. No mapped instability is shown on published geologic maps of the site area. The risk of slope instability is low for the project site.

Ground Rupture. No known faults cut the project site. Published data for the project area indicates fault activity in the last 780,000 years (late Quaternary) at the Battle Rock fault approximately one-half kilometer east of the site. However, the risk of damage at the site due to ground rupture is considered low.

Amplification or Resonance. The medium dense silt and sand units in the upper 15 feet should not produce significant amplification or resonance effects that might result in unexpectedly severe ground shaking. The seismic design parameters presented in section 4.3 should adequately compensate for amplification of seismic waves related to site soil rock conditions.

Tsunami. The project is at an elevation of approximately 185 feet, and is not within a mapped tsunami hazard zone for the Port Orford Quadrangle (DOGAMI, 1995).

Ground Shaking. Based on the Seismic Design Parameters structures must be designed for a $PGA_{(y)} = 0.52$. This should provide adequate strength for protection of egress during a seismic event. Please note this does not mean that damage would not occur as a result of such an event.

In our professional opinion, based upon published information and site data, seismically induced hazards, other than those created by the peak horizontally ground acceleration listed above, should be low and should not significantly adversely affect the project.

5.0 SUBSURFACE CONDITIONS

5.1 SOIL

One boring, accomplished to a depth of 38 $\frac{1}{2}$ feet, encountered a surficial silty Sand over a loose to medium dense, fine Sand, which was in turn underlain by a medium stiff to hard, slightly clayey Silt. The boring terminated within a severely to moderately weathered Siltstone bedrock unit. The subsurface soils conditions encountered were as follows:

Silty Sand

From 0 to 2 $\frac{1}{2}$ feet, the boring encountered a loose to medium dense, brown, silty Sand with occasional rounded gravels. This unit was moist throughout the boring.

Fine Sand

From 2 $\frac{1}{2}$ to 10 feet, the boring encountered a medium dense, light-brown, fine Sand. This unit was moist during our investigation.

Clayey Silt

At 10 feet, a medium stiff, moist, tan to grey Silt layer was encountered, with scattered gravels and organic materials (small to hair-like roots) initially. This unit quickly transitioned to a very stiff to hard, dry, clayey Silt with trace coarse sands and gravels with orange and black staining.

Weathered Siltstone

From approximately 18 feet to the bottom of the boring, a dry unit of severely to moderately weathered Siltstone was encountered. This very dense material was tan and gray-blue with orange and black stains discontinuities. The hardness of this weathered rock unit ranged from soft to medium hard, becoming harder with depth. Drilling through this unit was very slow with the hollow-stem auger (7 feet in approx. 1 hour).

These are the materials we encountered at the boring location of the proposed tower location near the edge of the ridge. While subsurface conditions can change with lateral distance from our boring, on this site we do not anticipate a significant change within a 30 to 50-foot distance from where the boring was located (as long as the tower is located near the top of the ridge). A more detailed account of the subsurface conditions encountered may be found in Appendix A, Boring Log, at the end of this report.

5.2 GROUNDWATER

No free groundwater was encountered in this boring. The soils encountered were moist to dry to the bottom of the boring at 38.5 feet. A static groundwater level was not encountered during the investigation. Therefore, a localized water table should not rise high enough to affect the design of the structure foundation. It is recommended that construction be accomplished during the drier months to avoid possible sloughing of the silty and sandy soils on the excavation walls.

6.0 CONCLUSIONS

Based on our field exploration and site review, in our professional opinion, this site is suitable for construction of the proposed steel monopole cell tower installation. It is also acceptable for construction of added installations in the area of the current tower. The underlying Sand layer may present some difficulties during the construction of this facility. The weathered Siltstone should provide good vertical and lateral support for the proposed tower. The following sections provide recommendations for the final design and construction of the tower.

7.0 GEOTECHNICAL RECOMMENDATIONS

7.1 GENERAL

The following sections provide recommendations for final design and construction of the proposed tower installation. The tower foundation details provided us for other tower installations are not applicable to this tower. We understand this type of tower is typically set into an augured hole and backfilled with concrete or bolted to an anchor system which is embedded into a drilled pier foundation. Due to the high wind loads on the tower, critical soil parameters are passive soil resistance or "lateral bearing".

allowable bearing capacity and overall stability of the drilled hole during the construction process.

The items of concern in development for this tower would then be:

- Embedment of all surficial footings below the surficial organic soil unit.
- Sloughing of underlying sand layer during foundation and utility excavations drilling
- Placement of additional fill on the slope.
- Surface water control on the site.

These issues are all addressed in sections of this report.

7.2 FOUNDATIONS

The proposed tower foundation may be designed utilizing the following soil parameters. Please note, these parameters do not include factors of safety (except where otherwise noted.) Therefore, appropriate factors of safety must be included in the design computations for the size and depth of embedment of this foundation.

SOIL PARAMETERS FOR DESIGN

<u>Soil Parameter</u>	<u>Depth</u>	<u>Parameter Value</u>
Friction Angle	0' - 2'	26
	2' - 10'	
	10' - 18'	18°
	18' - 40'	N/A
Cohesion	0' - 10'	0 psf
	10' - 18'	200 psf
	18' - 40'	N/A
West Unit Weight	0' - 2'	115 pcf
	2' - 10'	120 pcf
	10' - 18'	115 pcf
	18' - 40'	125 pcf
Active Equiv. Fluid Press	0' - 2'	45 pcf
	2' - 10'	35 pcf
	10' - 18'	55 pcf
	18' - 40'	30 pcf
Passive Equiv. Fluid Press	0' - 2'	300 pcf
	2' - 10'	350 pcf
	10' - 18'	250 pcf
	18' - 40'	400 pcf
	Compacted Crushed Rock	500 pcf

Lateral Bearing	0' - 5'	1,000 psf
	5' - 10'	1,500 psf
	10' - 18'	2,000 psf
	18' - 40'	3,000 psf

Below depth of 2 1/2 feet the width of the pole or concrete pier may be factored up by 1 when computing lateral resistance due to arching of the soil.

Coef. Of Sliding Friction	0' - 10'	0.40
	10' - 18'	0.35
	18' - 40'	0.40
	Crushed Rock	0.50

Design Water Table	40 feet
Design Frost Depth	12 inches

Seismic Lateral	PG AII	0.42g
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Allowable Bearing Capacity (f S = 2.5 to 3.0)	5' - 10'	2,000 psf
	10' - 15'	2,500 psf
	15' - 30'	5,000 psf
	30' - 40'	6,000 psf

Anticipated Settlement	30' - 40' (embed)	3/4 to 1 1/2 inch
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Small Surface Structures:

Allowable Bearing Pressure	12 inches embed	1,500 psf*
Anticipated Settlement	12 inches embed	3/4 inch

*Assumes Redensified subgrade

The base of the footing excavations should be clean of sloughed materials and free of standing water when the concrete or structural fill is placed. All concrete or structural fill to be placed against dense undisturbed native sands/silts or weathered bedrock. All reinforcing steel must be securely held in place so as not to be displaced by the concrete. Minimum separations (per ACI) from soil contact should be maintained on all reinforcing steel.

It is recommended that The Galli Group representative observe the completed and cleaned out footing excavation to verify subsurface conditions are as assumed for these design parameters.

7.3 CONSTRUCTION CONSIDERATIONS

Other items that may affect construction of the foundations at this site are as follow

- The surficial soils should be able to be removed with easy effort by large excavators or drill rigs to a depth of approximately 18 feet. Below 18 feet, the weathered Siltstone should be able to be drilled with moderate to hard effort. We do not anticipate blasting or rock excavation techniques for this project. However, drilling into the weathered rock would be very slow.
- Excavations or uncased bore holes which penetrate the underlying silty Sand and fine Sand layers will most likely experience significant sloughing and caving (unless cased). Sloughing of the sand zones should be expected, especially in wet weather. Perched groundwater may also cause sloughing or caving of excavations or augured holes. Casing the hole may be required to advance auger rigs through the sand layers (Protect workmen at all times).
- The site is accessible by a crushed rock access roadway.
- If backfill materials are required to create a level pad around the tower or for other structures, we recommend that locally available crushed rock or jaw-run shale be used. These materials should be placed on a stripped and redensified subgrade. The fill should be placed and compacted in accordance with later sections of this report.

Please see the following sections on Site Preparation and Structural Fill for more details.

7.4 SITE PREPARATION AND GRADING

7.4.1 Clearing, Grubbing and Stripping.

All areas proposed for structures, roadways, parking and walkways should be cleared and grubbed of all trees, stumps, brush and other debris and/or deleterious materials. The site should then be stripped and cleared of all vegetation, sod and organic topsoil. It appears that a stripping depth of 2 to 3 inches will be required in most areas due to the crushed rock access driveway and/or topsoil and dense grass layer. The stripped native topsoil and organic materials should be hauled from the site or stockpiled for use in landscape areas only. These materials should not be used in structural fill, trench backfill or footing backfill on this project.

Abandoned utility lines, storm drains, underground tanks or other items which provide void space beneath the surface should be removed or effectively plugged. Movement of surface and/or groundwater through these old conduits can create the potential for piping of soils (the removal of soil fines by water seeping into the void spaces or through conduits), resulting in subsidence of the surface or settlement of structures and paved areas.

Holes or depressions resulting from the removal of underground obstructions, old ditches and excavations that extend below the finish subgrade and will be beneath structures or roadways shall be cleared of all loose or soft material and dished to provide access for compaction equipment. These areas shall then be backfilled and compacted to grade with structural fill, as described later in this report.

7.4.2 Proofrolling and Subgrade Preparation.

The exposed subgrade throughout the site which will support structures, fills, pavements and parking areas should be proofrolled (after grubbing and stripping). The proofrolling may be accomplished with a loaded dump truck or large heavy roller (no vibration). Proofrolling should not be attempted in wet weather and should be discontinued if it appears the operation is pumping moisture up to the surface or otherwise disturbing the in-place soils.

Where soils are disturbed or do not demonstrate a firm, unyielding condition when proofrolled, the soil should be removed and replaced with imported granular fill. The subgrade preparation should be accomplished such that the subgrade soils are compacted to a minimum of 95 percent of their maximum dry density as determined by ASTM Test Method D-698 (Standard Proctor). Undisturbed native silts and clays should not be scarified and redensified.

7.5 STRUCTURAL FILL PLACEMENT AND COMPACTION

7.5.1 Beneath Structures.

Structural fill is defined as any fill placed and compacted to specified densities and used in areas that will be under structures, fills, pavements, parking areas and other load-bearing areas. At this time, it appears that small cuts and fills may be required to create a level area for the tower and its associated structures.

Structural Fill Materials. Ideally, and particularly for wet weather construction, structural fill should consist of a free-draining granular material (non-expansive) with a maximum particle size of six inches. The material should be reasonably well-graded with less than 5 percent fines (silt and clay size passing the No. 200 mesh sieve). During dry weather, any organic-free, non-expansive, compactible granular material, free of debris and other deleterious materials, meeting the maximum size criteria, is acceptable for this purpose. Locally available crushed rock and good quality jaw-run crushed shale have performed adequately for most applications of structural fill. *The onsite sandy soils are acceptable for use as structural fill material. However, these fill materials will tend to erode readily when exposed to wet weather and will be difficult to compact during wet weather.*

Structural Fill Placement. Structural fill should be placed in horizontal lifts not exceeding 8 inches loose thickness (less, if necessary, to obtain proper compaction) for heavy compaction equipment and four inches or less for light and hand-operated equipment. Each lift should be compacted to a minimum of 98 percent of the maximum dry density, as determined by ASTM Test Method D-698 (Standard Proctor).

Structural fill placed beneath footings or other structural elements must extend beyond all sides of such elements a distance equal to at least the total depth of the structural fill beneath the structural element in question for vertical support. Where fill is placed to build up the area on the low side of the site for building or vehicle support or on the downslope side of the tower, we recommend the structural fill extend beyond the tower

foundation at least 10 feet horizontally (for lateral support) then slope away at no steeper than 2.5H:1V.

To facilitate the earthwork and compaction process, the earthwork contractor should place and compact fill materials at or slightly above their optimum moisture content. If fill soils are on the wet side of optimum, they can be dried by continuous windrowing and aeration or by intermixing lime or Portland Cement to absorb excess moisture and improve soil properties. If soils become dry during the summer months, a water truck should be available to help keep the moisture content at or near optimum during compaction operations. The clayey subgrade soils should be kept moist until covered.

Fill Placement Observation and Testing Methods. The required construction monitoring of the structural fill utilizing standard nuclear density gage testing and standard laboratory compaction curves (ASTM D-698 specified) is not applicable to larger jaw run "shale" or larger crushed rock. The high percentage of rock particles greater than 1" in these materials causes laboratory and field density test results to be erratic and does not provide an adequate representation of the density achieved. Therefore, construction specifications for this type of material typically specify method of placement and compaction coupled with visual observation during the placement and compaction operations.

For these larger rock materials, we recommend the 8-inch lift be compacted by a minimum of 3 passes with a heavy vibratory roller. One "pass" is defined as the roller moving across an area once in both directions. The placement and compaction should be observed by our representative. After compaction, as specified above, is completed the entire areas should be proofrolled with a loaded dump truck to verify density has been achieved. All areas which exhibit movement or compression of the rock material under proofrolling should be reworked or removed and replaced as specified above.

Field density testing by "nuclear" methods would be adequate for verifying compaction of 2-inch to 4-inch minus crushed base rock and other materials 2-inches or smaller in size. Therefore, typical specifications would suffice.

7.5.2 Utility Trench Backfill.

Utility lines of various types may be buried across the site. These need to be adequately supported and the trenches need to be backfilled and compacted properly to prevent subsidence of the surface or damage to the utility lines or pavement section.

In our experience, utility trench backfill has been the source of the majority of post-construction fill settlement problems in paved areas. Some utility contractors do not expend the effort necessary to adequately place and compact trench backfill in lifts as specified. As a result, over a relatively short period of time, the trench backfill has a tendency to settle, thereby leaving a hollow or depression in the surface along its alignment. These linear depressions show up particularly well on relatively flat roadways and parking areas just after it rains. They are also areas which cause early pavement failure due to inadequate subgrade support.

We strongly recommend that all utility trench backfill be placed and compacted in the same manner as described for structural fill above. *The on-site sands, free of organics should make reasonable trench backfill in dry weather.* These soils will become unworkable when wet. Trench backfill beneath structures should be placed and compacted in accordance with the section on Structural Fill, earlier in this report. Trench backfill beneath asphalt pavements but not under structures should be compacted to at least 98 percent of the maximum dry density, as determined by ASTM Test Method D-698 (Standard Proctor) for the upper 24 inches. Below 24 inches the trench backfill should be compacted to between 93 and 95 percent of the maximum dry density. Trench backfill in landscape areas, that are not part of a cut or fill slope, may be compacted to between 90 and 93 percent of the maximum dry density per ASTM D-698.

We recommend our personnel periodically observe and or test trench backfill to verify compliance with project plans and specifications.

7.5.3 Non-Structural Fill.

Any waste soil, organic strippings or other deleterious soil would be considered non-structural fill. It should not be placed as part of a structural fill slope. It is recommended that when these soils are used, they be given a moderate level of compaction (92 percent) to help seal them from surface water.

7.6 CUT AND FILL SLOPES

Cut and fill slopes may be required in order to augment improve the level building pad for the proposed project. Cuts and fills ranging from 2 to 4 feet may be required. These should be designed as described below.

7.6.1 Cut Slopes.

All permanent cut slopes should be constructed at no steeper than 3H:1.0V. Some sloughing and/or raveling of the slope surface could be expected in wet weather and extremely dry weather until they become fully vegetated.

7.6.2 Fill Slopes.

We have assumed that fill slopes may be utilized to construct a level construction site and for edges of parking areas on this project. Where fill slopes are required the following provides guidelines for their construction.

Fill slopes may be constructed of imported rock shale fill. We recommend maximum slope angles of fill of 2.5H:1.0V for compacted crushed rock or clean crushed shale. All materials should be placed and compacted as structural fill, described above. It is critical to decrease long-term settlements beneath structures that these fills be placed and compacted properly. We recommend periodic density testing of all fills as they are being built. Density testing on only the top fill is not adequate.

Fill placed on sloping areas of the site (slope angle of underlying native slope 8H:1V or greater) must incorporate additional precautionary measures. To assure that these fills remain in place or do not fail due to hydrostatic pressure of trapped water, we recommend the following:

Key Trench. The toe of all fills placed on slopes must be keyed into the slope by use of a key trench. The depth of embedment should be at least 2 feet into the silty sands for fill slopes up to 10 feet high. The key trench should be wide enough to accommodate excavation and compaction equipment (10 to 12 feet minimum) and have the base flat or sloped back into the hillside somewhat (see Figure 5).

Benching. The underlying native slope should be benched into flat benches up the slope prior to placement of the fill slope. These benches should be flat or tipped back slightly into the hillside. Please see Figure 5 for graphic representation of these details.

Drainage. All noticeable seepage or wet zones observed during the keying and benching excavation process should be provided with subdrains. At the discretion of the geotechnical engineer, at a minimum, the key trench may require a subdrain section. Where wet conditions exist, the benches may also require subdrain sections to remove subsurface flow from behind the new fill. *This is especially crucial on this site due to the susceptibility of the native soils to becoming saturated and possibly creating a massive landslide.* Please note that fills placed on slopes have a much lower lateral permeability than the native soils. Therefore, seepage through the native soil can become trapped behind these fills causing fill slope stability problems.

Note: Due to the possibility of creating conditions of instability, we strongly recommended that we be allowed to review any proposed fill that will be located on or close to slopes, prior to construction bidding and site construction.

7.7 SITE DRAINAGE AND EROSION CONTROL MEASURES

Site Drainage. Final grading should be such that the ground surface promotes rapid positive drainage away from the tower foundation. This water should be channeled to surface drains or ditches for proper disposal. Site surface soils are highly erodible when disturbed. The site grades are such that erosion during construction could be large if allowed to go unchecked. Care must be taken to ensure that the proposed site development does not "overload" slopes with excessive water which could cause slope instability problems. Therefore, no surface water runoff should be allowed to collect and run uncontrolled over the edge of cuts, fills or native slopes and down the hillside.

Runoff shall be directed to a collection point where a small settling basin (generally consisting of silt fencing and hay bales) can filter out most of the sand and silt before runoff flows into disposal ditches. All runoff ditches must be protected with a rock lining or runoff must be contained in a drainage conduit.

Short-term Erosion Control Measures. During construction we recommend that downslope areas of the site be protected from mitigation of silt and sand in storm runoff water. To accomplish this, we recommend the following:

- Install a silt fence across the slope downslope of the proposed disturbed area of the tower site. Make sure the base of the fabric is embedded at least 1 to 6 inches into the soil to avoid runoff flowing under the silt fence.
- Slope the construction site such that the runoff will be collected in ditches and conveyed to a settling basin.
- Conveyance ditches must be protected with shale lining and have hay bales placed (and staked in place) periodically to slow flow velocities and trap silt and sand.
- Settling basin (or basins if required by topography of the site) should consist of a hay bale-backed silt fence enclosure large enough to contain storm water runoff and allow it to flow out of a discharge pipe. Alternately the settling pond could be constructed of a compacted soil berm topped with silt fence and hay bales. The discharge pipe should be placed high enough to allow for siltation of the pond as well as storm water retention. The berm must be wide enough to remain stable when saturated.
- The discharge from the settling pond pipe must flow out onto an area protected from erosion by a shale covering over a non-woven filter fabric.
- This discharge must then be directed to an acceptable disposal location which will not cause stability or erosion problems.
- The staging area must be protected by a crushed rock or shale topping. This will decrease erosion and tracking of mud onto the county or city streets. Placing a woven geotextile support fabric on the undisturbed subgrade prior to placing base rock will provide a better long-term access road over these silty soils.

We recommend these erosion control provisions be maintained in working order throughout the construction process. At the end of construction the area should be restored by means of the long-term erosion control recommendations listed below.

Long-term Erosion Control Measures Long-term erosion protection should consist of the following:

- Permanently grade areas above slopes (cut fills) such that concentrated runoff does not run over the crest and down the slope.
- Cover surface of parking and access roads with permanent crushed rock covering or asphaltic concrete.
- Protect silt ditches with crushed hard rock or crushed shale. Place periodic rock check dams across ditches to dissipate the energy where water velocities may become high.
- Protect all ditch discharge areas with a crushed rock or shale covering over a non-woven geotextile fabric. The rock surface should be rough to help dissipate the energy of the discharge flow.
- Hydroseed all exposed soil areas upon completion of construction with of a mixture of mulch, seed and fertilizer. Including a "Bonded Fiber Matrix" additive will greatly enhance the erosion protection properties of the hydroseeding on steeper slopes. The bonded fiber matrix works well in allowing the seed to germinate while shedding water.
- Use seed mixes that will germinate and thrive in the local conditions.

For best seed germination and plant growth to prevent erosion it is recommended that the areas be hydroseeded by September 30th. All erosion control and restoration measures must be maintained until the exposed soil has become fully vegetated. This should include maintaining the silt fencing and hay bale enclosures, cleaning out the settling pond if it becomes loaded with silt and sand and keeping roadside ditches clear of debris such that water is not deflected outside the rock-lined ditch areas.

If a formal erosion control plan is required by the City, we could provide this additional design at a later date.

8.0 ADDITIONAL SERVICES AND LIMITATIONS

8.1 ADDITIONAL SERVICES

Additional services by The Gaff Group are recommended to help verify that design recommendations are correctly interpreted in final project design and to help monitor compliance with project specifications during the construction process. For this project, we anticipate additional services could include the following:

- 1) Review of final construction plans and specifications for compliance with geotechnical recommendations.
- 2) Possible project team meetings and/or phone discussions to clarify issues and proceed smoothly into and through the construction process.
- 3) Review of proposed final design of cut and fill slopes prior to construction.
- 4) Observation of all cut and fill slope preparation, including key trenches, benching and slope drainage.
- 5) Periodic construction field reports, as requested by the client and/or required by the building department.
- 6) Other geotechnical related items requested by the client.

We would provide these additional services on a time-and-expense basis in accordance with our current Fee Schedule and terms and conditions already in place for this project. We also realize that Edge Wireless may have their own personnel carry out such inspections. If that is the case, we cannot be held responsible for decisions made by others.

8.2 LIMITATIONS

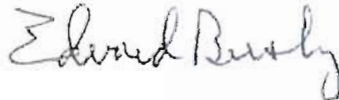
The analyses, conclusions and recommendations contained in this report are based on site conditions and development plans as they existed at the time of the study, and assume soils and groundwater conditions exposed and observed in the boring are representative of soils, and groundwater conditions throughout the site. If during construction, subsurface conditions or assumed design information is found to be different, we should be advised at once so that we can review this report and reconsider our recommendations in light of the changed conditions. If there is a significant lapse of time between

submission of this revised report (5+ years) and the start of work at the site, if the tower or improvement location is moved, or if conditions have changed due to acts of God or construction at or adjacent to the site, it is recommended that this report be reviewed in light of the changed conditions and/or time lapse.

This report was prepared for the use of the lease area lessee and the design and construction team in the design and construction of the subject current and future cell tower projects. It should be made available to others for information and factual data only. This report should not be used for contractual purposes as a warranty of site subsurface conditions. It should also not be used at other sites or for projects other than the one intended.

We have performed these services in accordance with generally accepted engineering geology and geotechnical engineering practices in southern Oregon, at the time the study was accomplished. No other warranties, either expressed or implied, are provided.

THE GALLI GROUP
GEOTECHNICAL CONSULTING



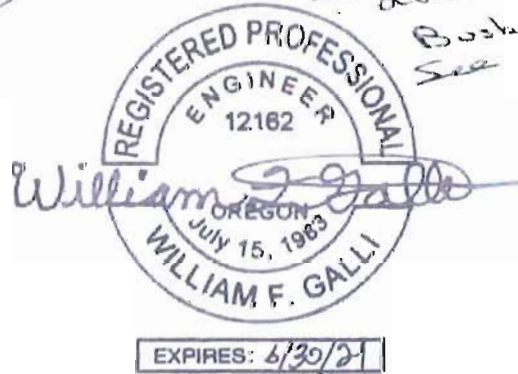
Ed Busby, P.G., C.E.G., HG
Senior Engineering Geologist



This page was replaced Dec. 16, 2019 to include the expiration date w/ Ed's stamp. See next page.



William Galli, P.E., G.E.
Senior Principal



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THE GALLI GROUP
GEOTECHNICAL CONSULTING



Ed Busby, P.G., C.E.G., HG
Senior Engineering Geologist



EXPIRES: 10/01/20

received
12-16-19
Replacement
page with
Expiration date
for Edward
Busby.



William Galli, P.E., G.E.
Senior Principal



EXPIRES: 6/30/21

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Department of Geology and Mineral Resources

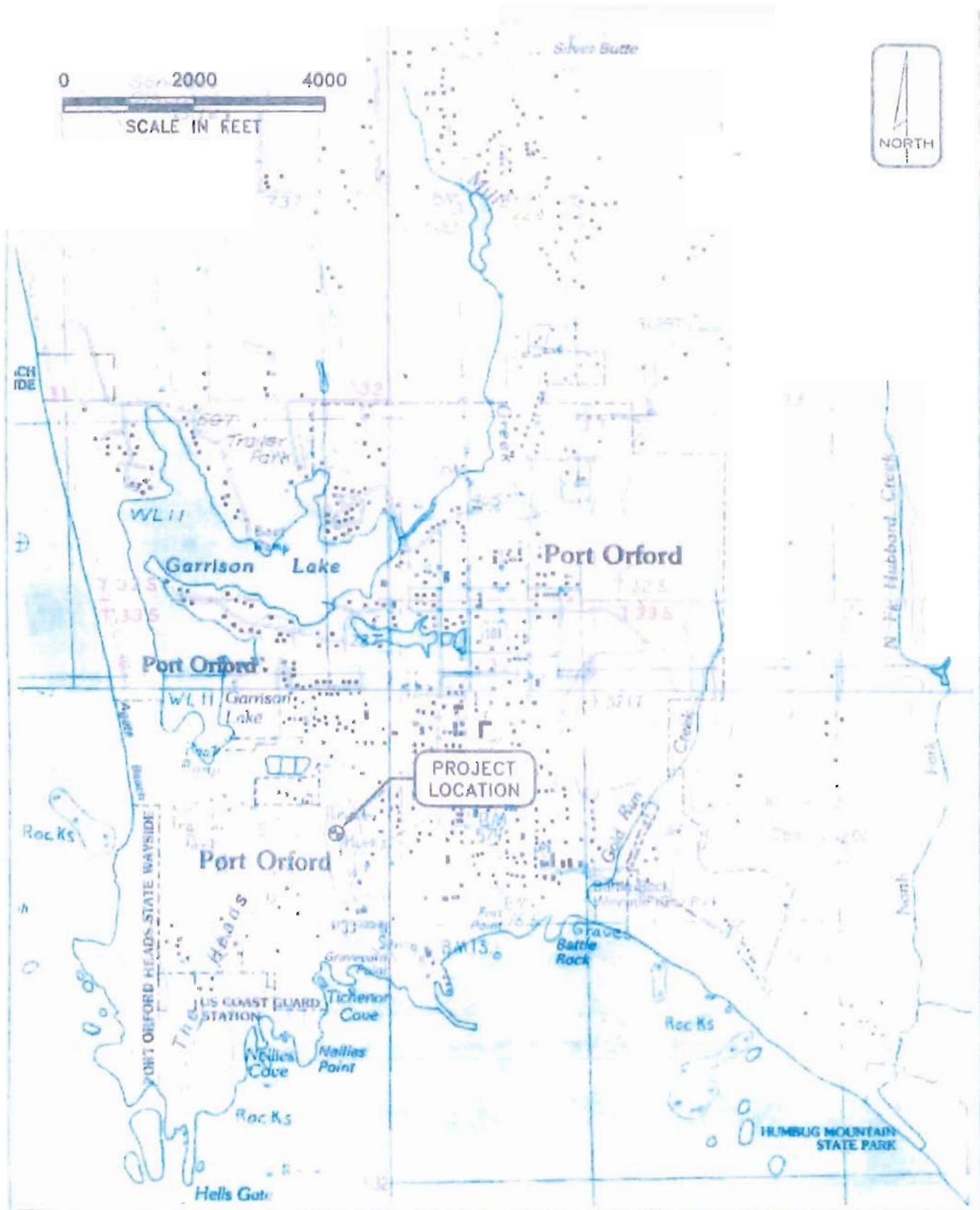
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THE GALLI GROUP
 GEOTECHNICAL CONSULTING
 612 NW 3rd Street
 Grants Pass, OR 97526

VICINITY MAP

EDGE WIRELESS - PORT ORFORD
 PORT ORFORD, OREGON

DATE: JUNE 2006
 JOB NO: 02-3845-01
 REV: MP01-063006A
 PREPARED BY: T.J.
 3845 Edge-Port Orford VICINITY.dwg

FIGURE:
1

NOT TO SCALE



TICHENOR
CEMETARY

PERIODIC
LANDSCAPE
TREES


EXISTING EDGE
WIRELESS TOWER
ENCLOSURE

EXISTING
CELL TOWER
SITE

B-1

ACCESS ROAD

ACCESS ROAD

 BORING NUMBER AND
APPROXIMATE LOCATION

	THE GALLI GROUP GEOTECHNICAL CONSULTING 612 NW 3rd Street Grants Pass, OR 97526	TITLE	SITE PLAN	DATE	JUNE 2006	FIG.	2
		JOB	EDGE WIRELESS - PORT ORFORD PORT ORFORD, OREGON	JOB NO.	02-3845-01		

Historic Cemeteries in Oregon

Historic Name	Nearest City	Other Names
Cape Blanco Pioneer	Port Orford	Cape Blanco Catholic; Hughes Family
Fort Hill	Port Orford	
Fort Orford	Port Orford	
Huckleberry Knoll	Port Orford	Huckleberry Knob
Port Orford	Port Orford	Masonic; Pioneer; Masonic-Knapp
Thrift Ranch	Port Orford	
Tichenor Pioneer Cemetery	Port Orford	Tichenor Family Cemetery
Crew Family	Sixes	
Sixes	Sixes	
Rumley Hill	Wedderburn	Bagnell Ferry

Deschutes County

Sacred to the Memory of JE-IE	Alfalfa	
Pilot Butte Cemetery	Bend	
Quinn, Billy	La Pine	Billy Quinn Grave
La Pine Community Cemetery	LaPine	LaPine; Improved Order of Redman; Redman - La Pine
Masten Cemetery	LaPine	Master
Redmond Memorial Cemetery	Redmond	Redmond
Camp Polk	Sisters	Hindman; Old Fort; Sisters
Allen Cemetery	Sunriver	Allen Ranch Cemetery; Harper
Terrebonne Pioneer Cemetery	Terrebonne	I.O.O.F. [Terrebonne]; Pioneer [Terrebonne]; IOOF Terrebonne; Terrabonne (sic)
Tumalo Pioneer Cemetery	Tumalo	Laidlaw Odd Fellows Cemetery; I.O.O.F. [Tumalo]

Douglas County

Levens Grave	Azalea	Levens Grave, Albert
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Oregon Commission on Historic Cemeteries

Position Paper

The Oregon Commission on Historic Cemeteries has created several position papers to convey their opinion of best practices on various topics related to historic cemeteries.

Recommendations Concerning Development Around Historic Cemeteries

November 2014

The Oregon Commission on Historic Cemeteries (OCHC) is mandated to support the preservation of Oregon's historic cemeteries. The cemeteries are under pressure from several issues including neglect, vandalism, and development. In many cases development has been good for historic cemeteries, in other cases burials have been covered, disturbed and destroyed without concern. If the cemetery is incorporated into the plans to begin with, the results are typically happy all around. To help protect historic cemeteries and make the development process smooth, the OCHC recommends the following practices.

1. Know and follow Federal, State and Local laws. In many cases historic cemeteries qualify as historic properties and archaeological sites, both of which have laws in place for their protection. If the cemetery has been abandoned for over 75 years it would be considered an archaeological site. Archaeological sites and Tribal burials have different laws, be sure you know and follow them. Burials of Native Americans in historic cemeteries fall under additional laws. Cemeteries on land in Trust and State and Federal land fall under specific laws. Applicable laws are below, but may not be comprehensive, but sure to complete your own research regarding state and federal laws.
2. Inform the Commission. Removal of historic cemeteries requires notification to the Oregon Commission on Historic Cemeteries. They have two weeks to respond to the plan. If the cemetery is dedicated, then additional public notification is required. The Commission is happy to help come up with solutions to preserve the cemeteries and they have a grant program to support preservation. If the cemetery is an archaeological site, then additional requirements apply. If the cemetery includes burials of Native Americans additional laws apply.
3. Have a plan. Know exactly what to do if there are human remains discovered. The first contact is to the State Police to ensure it is not a crime scene, the next step is to contact the State historic Preservation Office (SHPO). The SHPO archaeologists can assist you with a plan and are part of the required process when human remains are discovered.
4. Expect to find something. Historic cemetery records are notoriously patchy and it is common for unmarked burials to be outside the known cemetery boundary. Be prepared to discover remains if you are working close to the cemetery boundary. Again, if the cemetery is an archaeological site additional laws and recommendations apply.



5. Avoid the hazard. At least 200 feet should be the distance from the known cemetery boundary for any development. This will help avoid burial disturbance. More is preferred to protect the historic character of the cemetery in addition to the burials.

6. Consider the historic character of the cemetery. Most Oregon cemeteries did not have buildings up close, even in urban areas.

- a. Use trees, landscape and decorative fencing as a barrier.
- b. Keep neighboring buildings to one story.
- c. Avoid non-compatible materials (metal, reflective glass, etc.) on neighboring buildings.
- d. Build well away from the cemetery

7. Mitigate for the changes surrounding the cemetery. Be a partner in the preservation of the cemetery. In some cases, the cemetery can fulfill green space requirements or serve as a park like space. Some mitigation options include

- a. Fencing, lighting and other security measures
- b. Signs and interpretive panels
- c. Marker repair using appropriate preservation practices
- d. Repair and preservation of other historic features
- e. Tree trimming, removal of invasive plants, landscaping and plantings

State Historic Preservation Office – Archaeology www.oregonheritage.org

Oregon Commission on Indian Services (Tribal Contact information)

Karen Quigley at Karen.Quigley@state.or.us or 503-986-1071

State Laws

ORS 97

ORS 358.920

OAR 736-051-0080-0090

ORS 166.076

ORS 376.197

ORS 358.905-358.961

ORS 390.235-390.240





ENVIRONMENTAL • ARCHITECTURE • ENGINEERING

2121 West Chandler Boulevard, Suite 108, Chandler, Arizona 85224 - 480.850.0575 • www.trileaf.com

May 30, 2019

City of Port Orford
Ms. Terri Richards, City Administrator
555 West 20th Street
PO Box 310
Port Orford, OR 97465
Phone: (541) 332-3681
Email: trichards@portorford.org

RE: **Crown Castle – PORT ORFORD / BU #857572 – Trileaf Project #647275**
698 Boot Hill, Port Orford, Oregon 97465
Curry County, Port Orford OE W Quadrangle (USGS)
Latitude: 42° 44' 40.32" N, Longitude: 124° 30' 12.45" W

Dear Ms. Richards:

Trileaf Corporation is in the process of completing a Section 106 Review at the referenced property. Our client proposes to install a 20-foot extension with antennas on an existing 99.75-foot monopole for a new height of 119.75 feet, a total height of 123.75 feet with attachments. Ground-based equipment will be installed within a 10-foot by 15-foot lease area northwest adjacent to the existing compound. The site is an existing telecommunications facility. The antenna will be licensed by the Federal Communications Commission (FCC).

Our investigation includes determining if the site is contained in, on or within the viewshed of a building, site, district, structure or object, significant in American history, architecture, archaeology, engineering or culture, that is listed, or eligible for listing on the State or National Registers of Historic Places, or located in or on an Indian Religious Site.

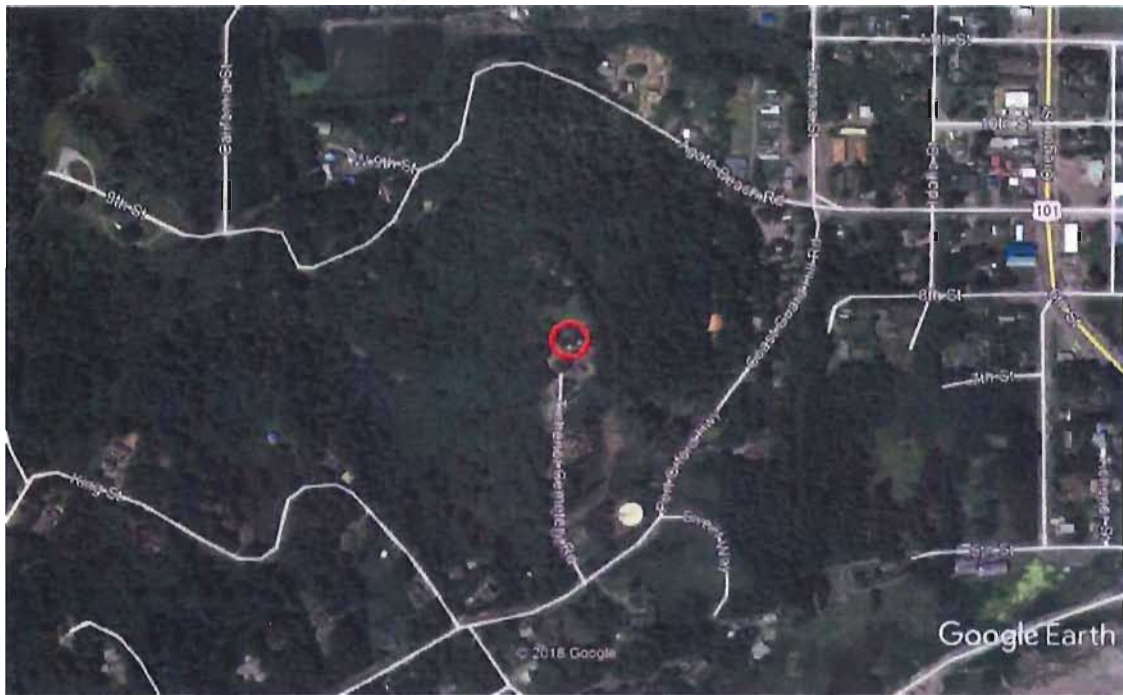
Trileaf is requesting information regarding this tower's potential effect on Historic Properties. All information received will be forwarded to the State Historic Preservation Office (SHPO) as part of the Section 106 review process. *Additionally, this invitation to comment is separate from any local planning/zoning process that may apply to this project.*

If you wish to comment or be considered a consulting party, please respond within thirty (30) days of the date of this letter. If a response is not received within thirty (30) days, it will be assumed that you have no objections to this undertaking. A site topography map and aerial photograph are enclosed for your reference.

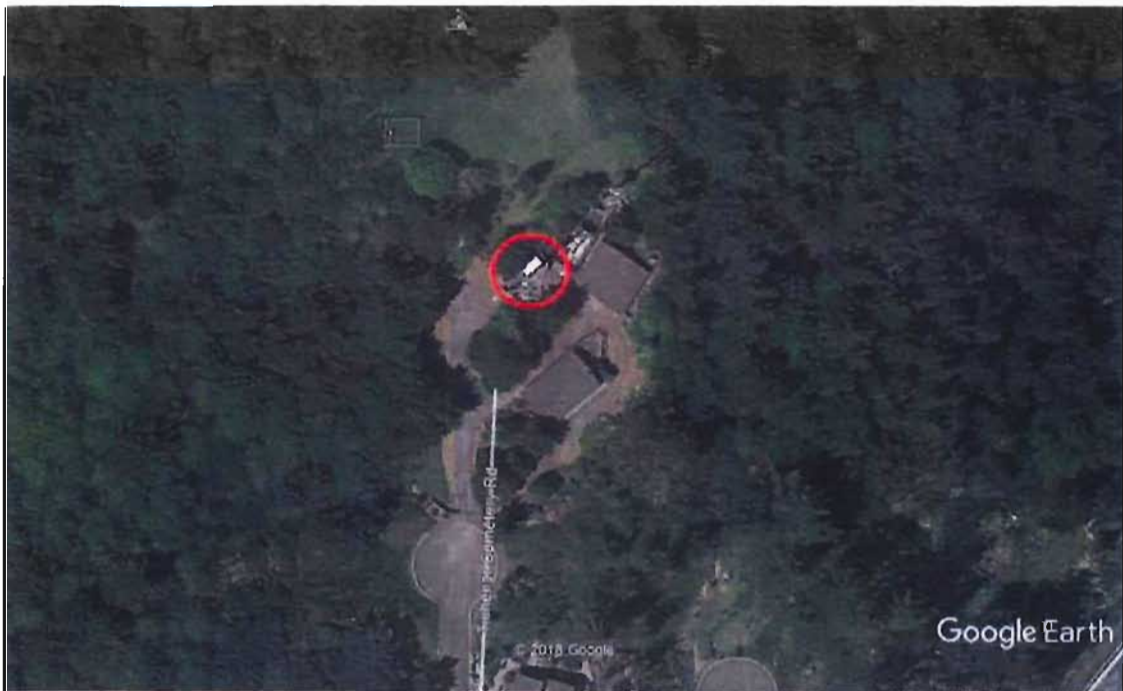
Please call me at (480) 850-0575 or email c.sundol@trileaf.com if you need additional information or have any questions. Thank you for your assistance in this regard.

Sincerely,

Chad Sundol
Senior Project Biologist



Site Location & Surrounding Properties



Site Location

Aerial Photographs (2015)

Crown Castle – PORT ORFORD
698 Boot Hill
Port Orford, Oregon 97465



Port Orford OE W Quadrangle, Oregon (2017)

Contour Interval = 40 Feet

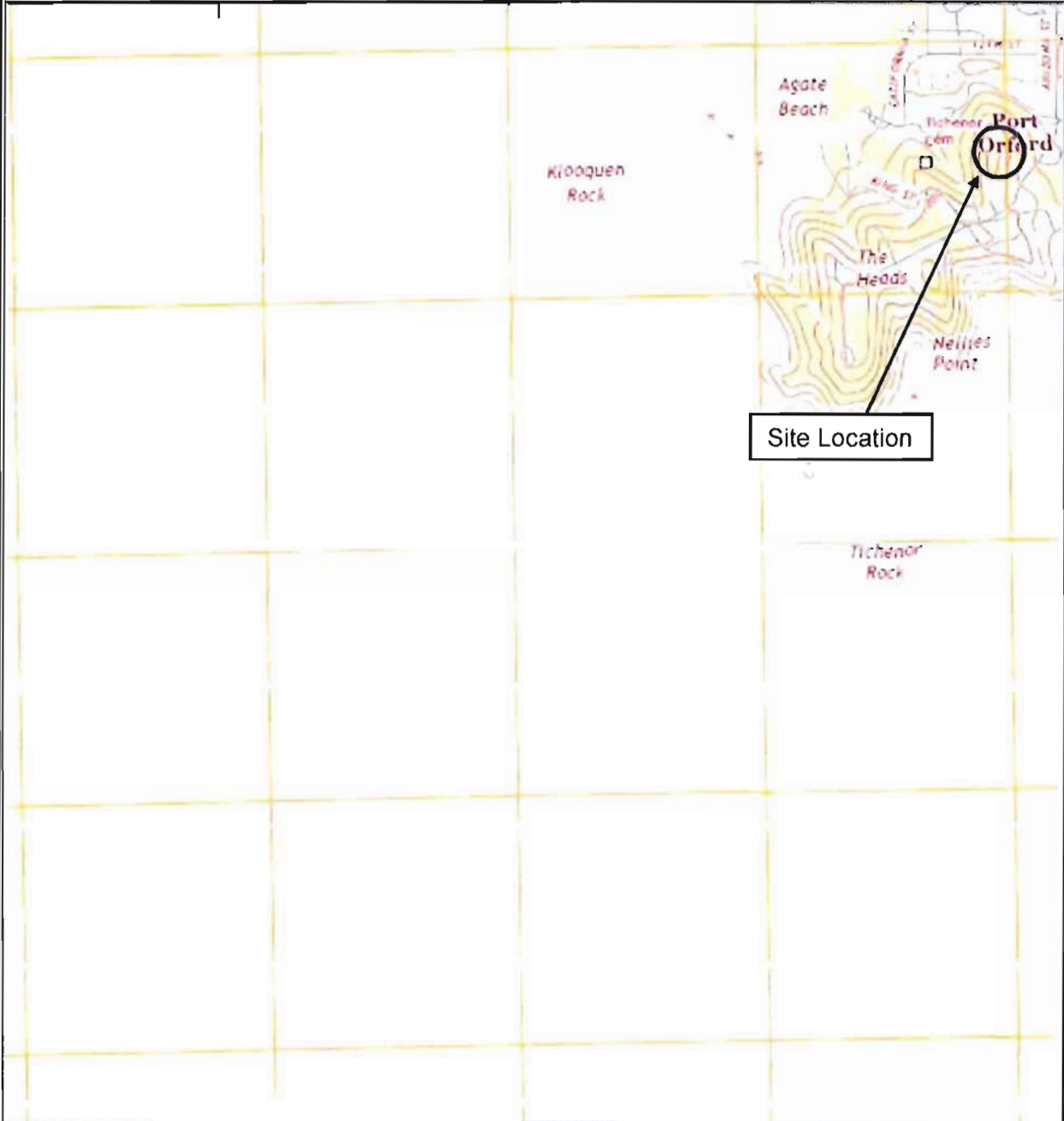
Scale 1 Inch = ~2,000 Feet

Latitude: 42° 44' 40.32" N Longitude: 124° 30' 12.45" W

Township: 33S Range: 15W Section: 5



North



Site Vicinity Map

Crown Castle – PORT ORFORD

698 Boot Hill

Port Orford, Oregon 97465



NOTICE OF CITY OF PORT ORFORD PLANNING LAND USE HEARING

Planning Commission Public Hearing Scheduled: No. CUP-1901



Date: January 14, 2020

Time: 3:30 PM

Place: City Council Chambers, Port Orford City Hall
555 W. 20th Street (PO Box 310)
Port Orford, OR 97465

Type of Land Use Action: A request to collocate T-Mobile onto an existing tower facility. Add a 20' extension to the existing tower, meeting the limitations and requirements outlined in the Spectrum Act. Expand the ground compound by 10' x 15' to accommodate T-Mobile's support equipment.

Criteria from City Code: City of Port Orford Municipal Code – Title 17 Zoning: Chapter 17.12 Use Zones, Section 12.12.010 Residential Zone (1R), Subsection C. Conditional Uses Permitted (6) Utility Facility. Chapter 17.32. Conditional Uses. Section 17.32.050 Additional Standards Governing Conditional Uses. Subsection A. Conditional Uses. Generally, Subsection D. Communications transmitter, Utility Station. Chapter 17.16.080 Natural Hazard Overlay Zone (NH). Chapter 17.16.060 Archaeological provisions. Chapter 17.15 Historic Preservation. Chapter 17.17 Erosion and Sediment Control. Chapter 17.18 Storm and Surface Water Management. City of Port Orford Comprehensive Plan Goals and Policies

Applicants: Ronald & Ann Baracker, Agent Zach Phillips w/ Crown Castle

Subject Property: Subject property is located at northerly end of Tichenor Cemetery Road about 600 feet north of the intersection of Tichenor Cemetery road and Coast Guard Hill Road in the City of Port Orford. The address is 698 Tichenor Cemetery Road / Boot Hill Road.

Assessor's Map Number T33, R15, Sec. 5CA, Tax Lots 100 and 400; combined lease area of 836 square feet.

Oregon Revised Statute 197.763(3)(6): States that failure to raise an issue in the hearing either in person or by letter or failure to provide statements or evidence sufficient to allow the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council based on that issue.

Documents and Staff Report: A copy of the file containing the proposal, and documents with the criteria to be relied upon are available for review at no charge at the City of Port Orford City Office. A copy of the staff report to be used at the hearing will be available for review at no charge at the City of Port Orford City Office and the City of Port Orford Library seven (7) days prior to the public hearing. Copies of the above documents can be obtained at the City of Port Orford City Office at reasonable cost.

Submission of Evidence and Testimony: You may submit evidence to the record of the hearing on this matter until the record is declared closed by the Planning Commission. All written evidence or documents submitted by mail or Fax must be received by the staff by noon on the day of the hearing

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