

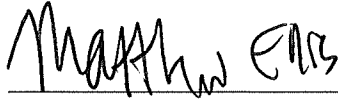
Verification on Oath or Affirmation for Mailed Land-Use Decision Notices

(WMC 16.208.040.E.2)

State of OREGON

County of CLATSOP

Signed and affirmed before me on August 2nd, 2024 by Matthew Ellis that on July 31, 2024, a notice of decision was mailed to the persons who must receive notice as required by the Warrenton Municipal Code.



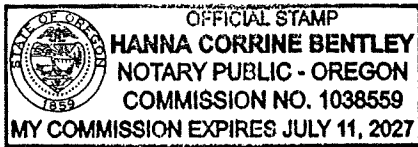
Matthew Ellis, AICP, Planning ~~Technician~~ ^{HB} Director ^{ME}



Hanna Bentley, Deputy City Recorder

Notary Public – State of Oregon

Official Stamp



Document Description

This certificate is attached to a Notice of Decision, dated July 31, 2024.



City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

NOTICE OF DECISION AND ORDER

Modification of Approved Plans MC-24-5

APPLICANT: Phillip Kitzes, Centerline Communications, LLC

PROPERTY OWNERS: Oregon Parks & Recreation Department

SUBJECT OF REVIEW: Add three panel antennas and replace existing hardware

DATE: July 31, 2024

APPEAL PERIOD ENDS: August 15, 2024

BACKGROUND

The Planning Department received a modification of approved plans application on July 3, 2024, and was deemed complete on July 9, 2024. The application is to add three panel antennas and replace the existing hardware on a previously approved wireless communication facility at Fort Stevens State Park. The wireless communication facility was previously approved by Conditional Use Permit CUP-23-2. Letters of permission have been submitted from the Oregon Parks & Recreation Department.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

Applicable Warrenton Municipal Code (WMC) chapters for this modification include:

- WMC 16.52 OPEN SPACE AND INSTITUTIONAL (OSI) DISTRICT
- WMC 16.148 WIRELESS COMMUNICATION FACILITIES
- WMC 16.208 TYPES OF APPLICATIONS AND REVIEW PROCEDURES
- WMC 16.220 CONDITIONAL USE PERMITS
- WMC 16.228 MODIFICATIONS TO APPROVED PLANS AND CONDITIONS OF APPROVAL

Public notice letters were sent to property owners within 100 feet on July 9, 2024, and published in The Astorian on July 18, 2024. No public comments were received.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Only the applicable standards are addressed below. Portions that do not apply have been omitted.

Chapter 16.52 OPEN SPACE AND INSTITUTIONAL (OSI) DISTRICT

16.52.030 Conditional Uses.

APPLICANT RESPONSE: None.

STAFF FINDING: Communication facilities subject to the standards of WMC 16.148 are a conditional use. The use was approved by Conditional Use Permit CUP-23-2. The proposed changes do not modify nor violate the conditions of approval of CUP-23-2. **This criterion is met.**

Chapter 16.208 TYPES OF APPLICATIONS AND REVIEW PROCEDURES

16.208.040 Type II Procedure (Administrative).

APPLICANT RESPONSE: None.

STAFF FINDING: The application was submitted with the required materials. **This criterion is met.**

Chapter 16.228 MODIFICATIONS TO APPROVED PLANS AND CONDITIONS OF APPROVAL

16.228.040 Minor Modifications.

A. *Minor Modification Defined. Any modification to a land use decision or approved development plan which is not within the description of a major modification as provided in Section 16.228.030 shall be considered a minor modification.*

APPLICANT RESPONSE: Per email dated 4.22.24 (Attachment - 3), staff has determined that the alteration being sought will require a Minor Modification to the approved CUP CUP-23-02.

STAFF FINDING: The proposed modification does not change the land use, increase the number of dwelling units, change access or parking that would alter traffic patterns, increase the floor area of a non-residential use, reduce common or open space, reduce setbacks, or create similar adverse impacts. This modification is considered a minor modification. **This criterion is met.**

B. *Minor Modification Request. An application for a minor modification is reviewed using the Type II procedure in Chapter 16.260. A minor modification shall be approved, approved with conditions, or denied by the Community Development Director based on written findings on the following criteria:*

1. *The proposed development is in compliance with all applicable requirements of the Development Code; and*

APPLICANT RESPONSE: The original application went through rigorous review by staff, and it was determined that the project was compliant with all applicable requirements of the Development Code, including:

- Chapter 16.148 Wireless Communications Facilities
- Chapter 16.52 Open Space & Institutional Zoned Property (OSI)
- Chapter 16.208.050 Type III Procedure (Quasi-Judicial)
- Chapter 16.220 Conditional Use Permits

The upgrade of equipment does not change the use of the project. The pole height will remain at 150 feet and is designed to allow for collocation by other carriers. The location of the facility is exactly the same as approved along with the allotted area of 2,500 SF (50'x50') for ground equipment. The proposed equipment on the monopole will be set with a tip height of 150'—as was the original design.

What has changed is the number of antennas from six (6) to nine (9). This adds one (1) antenna per sector, and the unit itself is very small in size. The other revisions are primarily upgrades of equipment and the size differences are negligible. (Please see Attachment 4 – CD Plan Set Revised.)

STAFF FINDING: The modification is in compliance with the Warrenton Municipal Code. **This criterion is met.**

2. *The modification is not a major modification as defined in Section 16.228.030.*

APPLICANT RESPONSE: See above.

STAFF FINDING: See above. **This criterion is met.**

DECISION: () Approved () Approved with Conditions (attached) () Denied

Matthew Ellis
Matthew Ellis, AICP, Planning Director

7/31/24
Date

CONDITIONS OF APPROVAL

1. The conditions of approval from CUP-23-2 are continued and included in this approval. No previous condition of approval is overturned by this decision.

Copies of all submittals, related documents, and this notice of decision are available for review on the City of Warrenton website or by contacting the City of Warrenton:
<https://www.warrentonoregon.us/ced/page/applications-pending-approval>

EFFECTIVE DATE

Unless appealed, Type II decisions are final and effective one day after the appeal period expires. The appeal period is August 1, 2024 – August 15, 2024. **This decision is final and effective on August 16, 2024.** If an appeal is filed, the decision is effective on the day after the appeal is decided. All persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision in accordance with Warrenton Municipal Code Section 16.208.040(G).

RIGHT TO APPEAL

A Type II administrative decision may be appealed to the Planning Commission by the applicant, any person who was mailed a written notice of the Type II administrative decision, or any other person who submitted written comments.

A notice of appeal shall be filed with the Planning Director within fourteen (14) days of the date the notice of decision was mailed. The notice of appeal shall contain:

- (A) An identification of the decision being appealed, including the date of the decision.
- (B) A statement demonstrating the person filing the notice of appeal has standing to appeal.
- (C) A statement explaining the specific issues raised on appeal.
- (D) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
- (E) Filing fee.

The appeal of a Type II administrative decision by a person with standing shall be limited to the specific issues raised during the written comment period. Unless the appellant is the applicant, the hearing on the appeal shall be limited to the specific issues identified in the written comments submitted during the comment period.

For further information or questions, please contact the Warrenton Planning Department at (503) 861-0920 or planning@warrentonoregon.us.