

**PLANNING COMMISSION**  
**NOTICE OF DECISION**

Date: October 25, 2012

File No.: USE2012 0006

Westower Communications  
19500 Cipole Rd.  
Tualatin, OR 97062

Application For: A Conditional Use Permit for a 155-foot telecommunications tower on Spuhn Island.

Legal Description: SPUHN ISLAND PARCEL B

Property Address: Spuhn Island Parcel B

Parcel Code No.: 4-B20-0-111-001-0

Hearing Date: October 23, 2012

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 19, 2012, and approved the Conditional Use Permit for a 155-foot telecommunications tower on Spuhn Island to be conducted as described in the project description and project drawings submitted with the application (and with the following conditions:)

1. Prior the issuance of a building permit, the applicant shall submit a letter to the Community Development Department signed by a radio frequency engineer certifying that the structures comply with electromagnetic radio emission levels set by the Federal Communications Commission (FCC).
2. Prior to receiving a Certificate of Occupancy, the applicant shall submit a letter to the Community Development Department signed by a radio frequency engineer certifying that the structures as constructed are at optimal emission levels and comply with electromagnetic radio emission levels set by the Federal Communications Commission (FCC).
3. Prior to the issuance of a building permit, the applicant shall submit a noise study for the facility to demonstrate that dBa levels will not exceed 65 dBa at the property line during the day or 55 dBa at night. If the noise study indicates that the generator is louder than 55 dBa at the nearest residential property line, the project shall be reviewed as a Utility through the Conditional Use permitting process.
4. Fritz Cove Road shall not be used as an arrival or departure location for tower construction or maintenance activity.
5. The tower shall be lighted by a Dual Lighting with Red/Medium Intensity Flashing White System as described in FAA AC 70/7460-1K, Chapter 8, sections 80 through 84. The option of omitting painting, as described in Chapter 8, section 85 will not be allowed. This tower will also be required to be painted in alternating sections of aviation orange and white in accordance with AC 70/7460-1K, Chapter 3, section 30 through 33, specifically in alternating bands as described in section 33 (d), and shall meet the

specifications as described in Chapter 12, section 121. If during the FCC/FAA registration and approval process, it is determined that this condition is not legally compatible with FCC and/or FAA regulatory standards, this Conditional Use Permit will be invalid and automatically revoked under CBJ Code 49.15.330(g)(8).

Advisory Condition:

6. During the FCC/FAA registration process, the applicant will work with the FAA and/or FCC to ensure that surrounding airports are notified about the tower location.

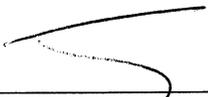
Attachments: October 19, 2012 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2012 0006.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

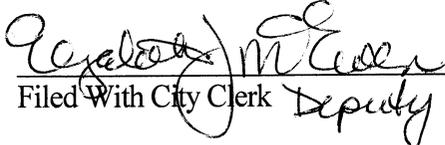
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission. October 23, 2012

Expiration Date: The permit will expire 18 months after the effective date, or April 23, 2014 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:   
Teri Camery, Senior Planner  
Community Development Department

  
Michael Satre, Chair  
Planning Commission

  
Filed With City Clerk Deputy Clerk  
10/26/2012  
Date

cc: Plan Review

**NOTE:** The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.