



NOTICE OF DECISION

December 17, 2020

To Whom It May Concern:

The Beaverton **PLANNING COMMISSION** has issued a decision of **APPROVAL** of **WF2020-0020 (AT&T Small Cell at Nimbus Conditions of Approval Modification)** at the Commission's December 9, 2020, meeting. The Land Use Orders summarizing the Commission's decision can be viewed and downloaded at <https://apps2.beavertonoregon.gov/DevelopmentProjects/>. You may contact the staff planner identified below to have a copy of the land use order mailed to you.

The **PLANNING COMMISSION** decision is final, but may be appealed within ten (10) calendar days after the date the signed notice is dated and mailed. The appeal closing date is **4:30 p.m., December 28, 2020**. Pursuant to Section 50.70, an appeal application shall contain the following minimum information:

1. The case file number designated by the City.
2. The name and signature of each appellant.
3. Reference to the oral or written evidence provided to the decision-making authority by the appellant that is contrary to the decision.
4. If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision-making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
5. The specific approval criteria, condition, or both being appealed, the reasons why the finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
6. The appeal fee, as established by resolution of the City Council.

The appellate decision making authority on appeal of Type 3 decisions shall be the City Council. The appeal hearing shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Section 50.85 through 50.88 except as otherwise required by statute.

Please note that failure to comply with the requirements of Sections 50.70.1 and 50.70.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.

The current appeal fee due at time of filing is \$2,134.00. The fee amount depends upon the action being appealed and the number of appeals being filed. Furthermore, pursuant to Section 50.70.5.E if the appeal is requested to be on the record, a fee to cover the cost of preparing a transcript of the decision-making authority proceedings is required. The appellant shall remit a fee to cover the cost of the transcript of the decision-making authority's proceedings within five (5) days after the Director estimates the cost of the transcript. Within ten (10) days of the notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. If the estimate exceeds the cost, the balance shall be refunded.

The complete case file is available for review at the Planning Division, Community Development Department, 4th Floor, City Hall, 12725 SW Millikan Avenue, please contact **Sambo Kirkman, Senior Planner** at **503-526-2557**.

Sincerely,

Sambo Kirkman
Senior Planner

cc: Kristy Weaver , New Cingular Wireless, Applicant
Meredith Hewitt, J5 Infrastructure, Applicant's Representative
Meridee Pabst, Wireless Policy Group LLC,
Wendy Long
Greenway NAC
Project File

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF A REQUEST MODIFICATION) ORDER NO. 2792
OF A CONDITION OF APPROVAL ASSOCIATED) WF2020-0011 ORDER APPROVING
WITH A PREVIOUSLY APPROVED APPLICATION) AT&T SMALL CELL AT SW NIMBUS AVENUE
WF2020-0011 AT&T SMALL CELL FACILITY AT)
NIMBUS, J5 INFRASTRUCTURE PARTNERS FOR)
NEW CINGULAR WIRELESS PCS, LLC,
APPLICANT.

The matter came before the Planning Commission on December 9, 2020, on a request for modification of a previously approved application. The modification is to remove references to the undergrounding of the PGE transformer. The applicant in the approval of WF2020-0011 stated the PGE transformer was part of the small cell application in error and that the PGE equipment would be placed above ground. The site location is in the planter area of SW Nimbus adjacent to 9350 SW Nimbus Avenue.

Pursuant to Ordinance 2050 (Development Code) Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated December 2, 2020, and the findings contained therein, as applicable to the approval criteria contained in Section 40.96.15.3.C (Wireless Facility Type III) and 50.95 (Modification of a Decision) of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **WF2020-0020** is APPROVED, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report, dated December 2, 2020, and this land use order, subject to the conditions of approval as follows:

1. All conditions of approval for WF2020-0011 shall remain effective. (Planning / SK)

Motion **CARRIED**, by the following vote:

AYES: Lawler, Winter, Nye, Overhage, Saldanha,
NAYS: None.
ABSTAIN: None.
ABSENT: Brucker.

Dated this 17th day of December, 2020.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 27692 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on December 28, 2020.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

Sambo Kirkman

Digitally signed by Sambo Kirkman
DN: C=US,
E=skirkman@beavertonoregon.gov,
O=City of Beaverton, OU=CDD,
CN=Sambo Kirkman
Date: 2020.12.17 10:54:23-08'00'

SAMBO KIRKMAN
Senior Planner

Jana Fox

Digitally signed by Jana Fox
DN: C=US,
E=jfox@beavertonoregon.gov, O=City
of Beaverton, OU=Planning Division,
CN=Jana Fox
Reason: Approve Additional Items
Date: 2020.12.17 08:05:22-08'00'

JANA FOX
Current Planning Manager

APPROVED:



Digitally signed by
Jennifer Nye
Date: 2020.12.16
19:30:28-08'00'

JENNIFER NYE
Chair