

ATTACHMENT D –STAFF REPORT

File Number: PLACUP-17-07-0007

Applicant: Oregon RSA #2, Inc., c/o Dan MacKinney, Wireless Site Technology, LLC

Owners: Pamila & Rick Rutherford

Request: Conditional Use Permit to allow a new 120' tall monopole communication tower within a new 73' x 73' x 7' tall chain link fenced enclosure topped by 3 strands of barbed wire, place a pre-fabricated metal radio equipment platform on a new concrete slab, new 12' wide gravel access road from Boyd Loop Road, new access gate to the existing fence, and extend underground electrical service to the facility from an existing utility pole on the property. The finished surface in fenced area will be 5/8" +/- gravel over a weed barrier.

Decision: **Approval**, with Conditions

Decision Date: October 5, 2017

Appeal Deadline: October 17, 2017

Location: The subject parcel is located in the City of Dufur Urban Growth Boundary, east of Highway 197, north of Boyd Loop Road, directly east of the City Limits of Dufur, Oregon, more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
1S 13E 25 500	9258/9876	57.55

Zoning: M-1, Industrial in the Urban Growth Boundary of the City of Dufur

Past Actions: None

Procedure Type: Administrative Action

Prepared By: Dawn Baird, Associate Planner

I. APPLICABLE STANDARDS

A. Urban Growth Area Joint Management Agreement Between Wasco County and City of Dufur

B. City of Dufur Zoning Ordinance No. 327

Article 1 – Introductory Provisions

Section 1.3 – Definitions, (20) Industrial

Article 3 – Land Use Zones

Section 3.5 – Industrial “M-1”

Section 3.5(2)(A), Conditional Uses – Heavy industrial uses

Section 3.5(5), Setback Requirements

Section 3.5(6)(A), Parking Regulations – Off-street Parking

Article 4 – Supplementary Provisions

Section 4.13(G) – Off-Street Parking and Loading, Industrial

Section 4.14 – Site Plan Approval

Section 4.15 – Landscaping and Development Standards

Article 5 - Conditional Uses

Section 5.1 – Authorization to Grant or Deny Conditional Uses

Article 8 – Administrative Provisions

Section 8.6 – Authorization of Similar Uses

C. Wasco County Land Use & Development Ordinance (LUDO)

Chapter 5 – Conditional Use Review

Section 5.040, Revocation of Conditional Use Permit

Chapter 10 – Fire Safety Standards

Section 10.110, Siting Standards – Locating Structures for Good Defensibility

Section 10.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break

Section 10.130, Construction Standards for Dwellings and Structures - Decreasing the Ignition Risks by Planning for a more Fire-Safe Structure

Section 10.140, Access Standards – Providing Safe Access to and Escape From Your Home

Section 10.150, Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response

II. BACKGROUND

- A. Legal Parcel:** The subject parcel was created by deed 71-0835, recorded with the Wasco County Clerk on May 25, 1971. The property is consistent with the definition of “(Legal)

Parcel” in LUDO Section 1.090 – Definitions, because it was created by deed prior to the existence of partition and subdivision regulations in Wasco County (adopted 9/4/1974).

- B. Site Description:** The development site is approximately 0.12 acre in size and is located on a parcel containing 57.55 acres. The majority of the parcel contains south-facing slopes ranging from 5-20%. The northern portion of the parcel contains west-facing slopes ranging from 6-30%. The subject parcel is actively farmed and contains dryland wheat and/or hay production, in addition to livestock grazing. (The development site is currently grazed.) According to Assessor records, the subject parcel contains a manufactured home, garage, utility building, hay cover, and four general purpose buildings/sheds. Fifteenmile Creek flows through the southeast corner of the property. This is the only portion of the property that contains trees, and there are dozens of trees along the creek. Portions of the property that are not actively planted contain natural grasses.
- C. Surrounding Land Use:** Properties to the north and east are zoned A-1(160), Exclusive Farm Use Zone, in Wasco County. Property located to the south is zoned A-1, Agricultural, in the Urban Growth Boundary of Dufur, and property to the west is zoned R2, Residential, in the City of Dufur. Properties west of Highway 197 inside the City Limits of Dufur contain gentle south-facing slopes averaging 5-7%. Property to the south contains south-facing 10-20%; property to the east contains east- and southeast-facing slopes ranging from 5-50%; and property to the north contains east-, south- and west-facing slopes averaging 4-17%. Properties to the north and east are actively farmed and contain wheat and/or hay production and livestock grazing. Property to the south is owned by Mid-Columbia Producers, Inc. and contains a large grain storage structure. Land located south of Boyd Loop Road is either vacant or contains residential use with a history of grazing activity. Property located west of Highway 197 is located in the City of Dufur and is primarily used for residential use, and also includes a school.
- D. Public Comment:** A pre-notice for the requested development was provided to the City of Dufur on July 21, 2017. The City’s comments are shown below and addressed throughout this report. A pre-notice for the request was provided on August 7, 2017, to all property owners within 300’ of the perimeter of the subject parcel as well as interested and affected public agencies. This notice provided a 12-day comment period which ended at 4 p.m., August 19, 2017. No property owner or agency comments were submitted prior to the expiration of the comment period.

(September 13, 2017) Nick Kraemer, Land Use Planner, Tenneson Engineering Inc., consultant for City of Dufur

The Dufur City Council met on September 12, 2017, and voted unanimously in favor of recommending approval of the proposed cell tower.

III. FINDINGS:

A. Urban Growth Area Joint Management Agreement Between Wasco County and City of Dufur

II. General Comprehensive Plan Provisions

- A. *Wasco County and the City of Dufur shall have joint input for land use decisions and actions affecting the Dufur urban growth area. Wasco County's responsibility over any land within this urban growth area shall be maintained until such land is annexed to the City.*

FINDING: The subject parcel is located within the Urban Growth Area of the City of Dufur, Oregon. Wasco County sent a notice to the City of Dufur on July 20, 2017 to seek their input prior to reviewing the request. Nick Kraemer, Contract Planner for the City of Dufur, presented the request to the Dufur Planning Commission at their meeting on July 27, 2017. In an e-mail dated August 4, 2017, he stated that “there were no negative comments – only positive.” The request was forwarded to the Dufur City Council on August 8, 2017. On September 12, 2017, Dufur City Council voted unanimously to recommend approval of the proposed cell phone tower.

The request complies with Criterion A.

- B. *The Dufur urban growth area has been identified as urbanizable and is considered to be available over time for urban expansion. In order to promote consistency between the city's planning effort and Wasco County land use decisions and actions affecting the urban growth area, Wasco County shall incorporate that portion of the City of Dufur Comprehensive Plan which addresses the urban growth area into the Wasco County Comprehensive Plan.*

FINDING: Research shows that the City of Dufur Comprehensive Plan which addresses the Urban Growth Area has not been incorporated into the Wasco County Comprehensive Plan. Wasco County is currently updating its Comprehensive Plan and will correct this oversight at this time therefore the request complies with Criterion B.

III. Zoning and Subdivision Ordinances

- A. *The substantive, as opposed to procedural, portions of the City of Dufur Zoning and Subdivision Ordinances (see Attachments A and B) shall be incorporated into and made a part of the Wasco County Zoning and Subdivision Ordinances.*

FINDING: All substantive portions of the City of Dufur Zoning Ordinance are addressed in this report. The request complies with Criterion A.

- B. *For the purposes of this Joint Management Agreement:*

1. *Substantive provisions of a zoning ordinance shall be those sections of the ordinance which establish outright uses, conditional uses, and zone requirements.*

2. *Substantive provisions of a subdivision ordinance shall be those sections of the ordinance which establish design standards for required improvements.*

FINDING: This review is being conducted using the substantive provisions of the Dufur Zoning Ordinance therefore the request complies with Criterion B.

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- D. *The above mentioned incorporated Ordinances shall only be applied to zone change, conditional use, variance, subdivision, and major partition, affecting the City of Dufur urban growth area.*

FINDING: The Dufur County Zoning Ordinance No. 327 is applied to the current request because it is for a conditional use permit in the Urban Growth Area. The request complies with Criterion D.

IV. Referred Application/Situations

- A. *The Wasco County Planning Department shall refer each request affecting the Dufur urban growth area including zone change, conditional use, variance, subdivision, and major partition, to the City of Dufur for its review and comment within ten (10) days of the date the request was filed with the Wasco County Planning Department.*

FINDING: The application was received by the Wasco County Planning Department on July 11, 2017. Notice of the conditional use request was sent to the City of Dufur on July 20, 2017, 9 days after the request was received by the Planning Department. The request complies with Criterion A.

- B. *The City of Dufur shall review the request and submit its recommendation to the Wasco County Planning Department within thirty (30) days after receipt of the request by the City. In addition to its written recommendation the City of Dufur may, if it so desires, be represented at the public hearing to express their views or rebut testimony. Recognizing that the City of Dufur is directly concerned with land use changes occurring within the, urban growth area, Wasco County shall fully weigh any and all City of Dufur recommendations prior to making its decision.*

The City's planning staff shall prepare reports and recommendations based upon city council consideration of the requests. In the event that no planning staff exists, such duties shall be delegated by the City Council. Staff reports and recommendations shall be signed by the Mayor.

FINDING: The City of Dufur reviewed the request on September 12, 2017, and submitted a positive recommendation for the project to the Wasco County Planning Department on

September 13, 2017. These comments have been weighed and considered by Wasco County in making its decision. The request complies with Criterion B.

C. Wasco County shall retain final decision-making responsibility for all land use actions as listed above affecting the City of Dufur urban growth area, but such decisions shall only be made after the receipt of timely recommendations from the City of Dufur.

FINDING: As stated in B. above, the Wasco County Planning Department is making a final decision in this matter. The decision has been made considering recommendations and comments received from the City of Dufur.

D. Should no recommendations be forthcoming within established response times, absent a request for an extension, the City of Dufur shall be presumed to have no comment regarding the application. Extension requests shall not be granted for more than sixty (60) days.

FINDING: Staff provided notice of the request to the City of Dufur on July 21, 2017. On August 10, 2017, the City of Dufur requested an extension of 30 days to comment on this request. The extension request was approved. The request complies with Criterion D.

B. City of Dufur Zoning Ordinance No. 327

1. Article 1 – Introductory Provisions

Section 1.3 – Definitions, (20) Industrial

(20) INDUSTRIAL. The making of commodities by manufacturing, assembling, fabrication, or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof;

(A) Light Industrial—is defined as those activities listed above which occur totally within an enclosed structure. There is no odor, vibration, dust, or noise discernable to the human sensory perception beyond the exterior walls of the structure.

(B) Heavy Industrial—is defined as those activities listed above which can occur outside an enclosed structure. The uses include outside storage, loading and unloading, stockpiling, etc. for which there is no odor, vibration, dust, or noise discernable to the human sensory perception beyond the property line of the site.

FINDING: In a letter dated August 4, 2017, from Nick Kraemer, Dufur Contract Planner, and Dufur City Council, Mr. Kraemer states:

“The M-1 Industrial Zone does not specifically list cell towers or private utilities as a permitted or conditional use in this zone. A broad definition of Industrial is provided in the definitions section below. Heavy industrial uses are required to gain Conditional Use Approval. Further, section 8.6 allows for authorization of similar uses subject to Conditional Use review - for uses not listed in the ordinance - provided the use is the same general type as allowed in the zone. Given this information - the application is being processed as a Conditional Use Permit.”

From City of Dufur Zoning Ordinance:

SECTION 8.6 – AUTHORIZATION OF SIMILAR USES. The Planning Commission may permit, by following the procedures outlined in Article 5, Section 5.1, in a particular zone, a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

Staff spoke Mr. Kraemer on the telephone and confirmed that the City’s interpretation is that a cell tower would be similar in nature to a heavy industrial use. Therefore the County find that the proposed cell phone tower complies with Section 1.3 – Definitions, (20) Industrial.

2. Article 3 – Land Use Zones

SECTION 3.5 – INDUSTRIAL “M-1”

(2) CONDITIONAL USES

(A) Heavy industrial uses, as defined, which take place outside an enclosed building.

FINDING: As determined in B.1. above the proposed cell phone tower is a heavy industrial use. It will be erected outside of an enclosed building therefore the request complies with Criterion (A).

4) HEIGHT. Buildings, structures, or portions thereto shall not be erected to exceed a height of 2-1/2 stories or 35 feet, whichever is less.

FINDING: The proposed cell tower is 120' tall and exceeds the 35' maximum height requirement allowed in the Industrial Zone. Section 6.3 of the City of Dufur Zoning Ordinance (cited below) allows for exceptions to the building height limitations for vertical projections and other objects not used for human occupancy.

SECTION 6.3 -GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS.

Vertical projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

A cell phone tower is a vertical projection and is not used for human occupancy therefore the height limit in the Industrial Zone is not applicable per Section 6.3.

(5) SETBACK REQUIREMENTS. In the Industrial zone, building setbacks are not required, providing fire codes are met.

FINDING: Fire safety standards are addressed in III.C.2. Conditions of approval are included in Section III.C.2. requiring compliance with fire safety standards. With the proposed conditions of approval the request complies with Criterion (5).

6) PARKING REGULATIONS

(A) Off-street Parking. See Supplemental Provisions Section 4.12.

FINDING: Section 4.12 is an incorrect citation. Off-street parking and loading are addressed below in the City of Dufur Zoning Ordinance No. 327, Section 4.13.

3. Article 4 – Supplementary Provisions

SECTION 4.13 – OFF-STREET PARKING AND LOADING

(1) OFF-STREET PARKING REQUIREMENTS. At the time of construction, reconstruction or enlargement of a structure, or at the time a use is changed in any zone, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet of the structure or use are specified as the basis for the requirements, the area measured shall be the gross floor area primary to the functioning of the particular use of the property. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

(G) Industrial

Storage warehouse, manufacturing establishment, rail or trucking freight terminal	1 space per employee
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FINDING: There is no daily presence by an employee at the site. The applicant indicated that a single vehicle may access the site every 3-4months. The applicant indicated that one parking space is available outside the fenced facility on the access driveway and parking is also available within the fenced enclosure. The parking proposed with this application is adequate to meet the needs of the facility. Parking areas of less than 2 spaces are not required to be paved or improved. The request complies with Criterion (G).

Section 4.14 – Site Plan Approval.

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(2) *A site plan shall be drawn to scale and indicate the following...*

FINDING: The applicant provided a site plan containing all of the required information. This includes a survey by Stratton Surveying and Mapping as well as plans prepared by Tower Engineering Professionals. The request complies with Criterion (2).

(3) *Site Plan Review Criteria. The following criteria shall be used in evaluation proposals.*

(A) *Natural Features. Where existing natural or topographic features are present, they shall be used to enhance the development; (i.e., the use of small streams in the landscaping design, rather than culvert and fill).*

FINDING: The proposed development site does not contain any natural or topographic features therefore the request complies with Criterion (A).

(B) *Trees. Existing trees shall be left standing except where necessary for building placement, sun exposure safety or other valid purpose. Vegetative buffers should be left along major streets or highways, or to separate adjacent uses.*

FINDING: There are no trees in the development area therefore the request complies with Criterion (B).

(C) *Grading. The grading and contouring of the site shall take place and on-site surface drainage and on-site storage of surface water facilities are constructed when necessary, so there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan may be required.*

FINDING: Minimal grading of the development site is required and only necessary to level the construction pad. The existing grades of the existing driveway and its extension will be largely preserved. Existing surfaces will be grubbed and receive crushed rock. The request complies with Criterion (C).

(D) Public Facilities. Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities may be required. On-site detention or treatment of stormwater may be required.

FINDING: The development site contains approximately 5,329 square feet. The majority of the site will be graveled – a permeable surface – and will not change existing water absorption of the site. The cell phone tower does not require water, sanitary sewer, fire protection or sidewalks. The existing driveway and its extension will be improved (graveled, widened, etc.) to meet fire safety standards. The request complies with Criterion D.

(E) Traffic. The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed usage (i.e., employees, customers, freight, service) and to the potential types of traffic (i.e., vehicles, pedestrians, bicycles).

FINDING: The cell tower will generate 3-4 trips per year for maintenance. No freight or other service will access the tower site. The tower is isolated at the top of a hill at the edge of the Dufur Urban Growth Boundary in an area currently being farmed. This use will not generate any pedestrian or bicycle traffic. A **condition** of approval is included in the Notice of Decision requiring an Approach Road Permit for the new driveway approach onto Boyd Loop Road. This **condition** of approval will ensure that the proposed access to the property has adequate sight distance to safely enter and exit the property. With the **condition** of approval the request complies with Criterion (E).

(F) Storage. All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.

FINDING: No garbage will be created by the proposed development and no outdoor storage is proposed. The request complies with Criterion (F).

(G) Equipment Storage. Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet at a minimum the requirements of the Municipal Code relative to noise, if any.

FINDING: No outdoor storage of equipment is proposed. The request complies with Criterion (G).

(H) The following criteria shall be applied to the maximum extent possible without causing significant adverse impacts on the operating efficiency of the proposed use:

- 1. Compatibility -- The height, bulk and scale of buildings shall be compatible with the site and the buildings in the vicinity. Use of materials shall promote harmony with surrounding structures and sites.*
- 2. Design -- Monotony design in single or multiple projects shall be avoided. Variety of detail, form, and siting shall be used to provide visual interest.*
- 3. Orientation -- Buildings shall have their orientation toward the street rather than the parking area. A main entrance shall be oriented to the street. For lots with more than two front yards, the building(s) shall be oriented to the two busiest streets.*
- 4. Parking -- Parking areas shall be located behind the buildings or on one or both sides.*

FINDING: The criteria in 1. – 4. have been discussed elsewhere within in this report and were found to be consistent. The request complies with Criterion (H).

(4) Compliance. After site plan approval or approval of a change to a site plan as provided in this Ordinance, it shall be unlawful for any person to cause or permit the proposed use in any manner except in complete and strict compliance with the approved site plan.

FINDING: Upon issuance of a decision in this matter a 12-day appeal period will be provided to the applicant/owner/agencies/property owners. Once the appeal period has expired a permit will be authorized by the Wasco County Planning Department in compliance with the approved site plan therefore the request complies with Criterion (4).

Section 4.15 – Landscaping and Development Standards.

FINDING: Due to the nature of the facility, its distance (1,200+/-') from other developed non-agricultural uses, and its location being surrounded by farm land, additional landscaping is not appropriate for the proposed utility facility. No new landscaping is required as part of this approval. The request complies with Section 4.15.

4. Article 5 – Conditional Uses

SECTION 5.1 – AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

(1) Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise altered upon authorization by the Planning Commission in accordance with the standards and conditions in this Article. In permitting a conditional use or the modification of a conditional use, the Planning Commission may impose, in

addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding property or as the City as a whole.

FINDING: Conditions are implemented throughout this report to protect the best interest of the surrounding area and the City of Dufur. The request complies with Criterion (1).

(2) STANDARDS FOR GRANTING CONDITIONAL USES

(A) The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the City.

FINDING: The goals and objectives of the Comprehensive Plan are implemented through the Dufur Zoning Ordinance No. 327, which are addressed throughout this report. The request complies with Criterion A.

(B) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value, and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.

FINDING: The location of the new tower is on a hill located east of Highway 197 and is separated from the City of Dufur. The tower will be at an elevation of approximately 1,560' Above Sea Level (ASL) while the City of Dufur is generally at an elevation of 1,360' ASL or lower. Its size and design will have no impact on surrounding areas and abutting properties because once it is placed it will require minimal maintenance and will generate little traffic. Properties to the east, north and south are zoned A-1(160), Exclusive Farm Use, in Wasco County. Permitted uses include farm and forest uses. The placement of the tower will not prevent or disrupt any existing wheat or hay operations in the area because it is a stationary object and will not create any traffic. Residential use exists approximately 1,200' west of the proposed tower on the west side of Highway 197. Due to the operational characteristics of the tower, it will not impact existing or proposed uses west of Highway 197.

US Cellular considered co-locating equipment on an existing tower at the City reservoir. While the location provides good signal coverage to the City of Dufur, it does not provide good signal coverage along Highway 197. Additionally terrain induced signal blockage is occurring out west-southwest from transmissions at this location. The new location is ideally suited to overcome these two shortcomings. Terrain impacts can be inferred from the ground elevations of the sites and topography around/between the sites and target areas, and when evaluated with the geometry of the sites with Highway 197, it clearly demonstrated the benefit of the Rutherford property. The Rutherford property was selected because it met the criteria for line-of-sight, proximity to Dufur, and topography, providing superior spectral efficiency and throughout capacity.

During the design and search phase properties around the City of Dufur were considered for placement of the facility. The prospective locations needed to be in relatively close proximity to Dufur, not have terrain blockage for coverage west-southwest of Dufur, and have good geometry (line-of-sight) to Highway 197 without intervening terrain interference. Intervening terrain causes signal shadowing or signal blockage. Shadowing results in dropped calls, weak or no service, and poor throughput speeds.

The AT&T tower on the Ashbrook property was considered and discussions were conducted with AT&T and the owner. This tower is well situated for town coverage but does not have the best geometry for Highway 197 coverage, and results in shadowing due to the narrowness and steepness of the canyon along Highway 197 to the south.

The proposed cell tower will increase the livability of Dufur by providing more reliable cellular telephone service. It is a valuable asset to the community because communication with emergency services will become more reliable. As proposed the request complies with Criterion (B).

(C) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.

FINDING: The location of the proposed cell tower will be high on a hill, above the town of Dufur. There are limited design standards that can be used for a cell tower and still maintain its usefulness. The tower is similar to other towers in Wasco County. It will be 120' in height, less than some of the 150+' tall towers in the County. In addition, BPA power lines exist in the area. Compared to other existing towers and power lines, and given the surrounding landscape and lack of development, staff finds the proposed 120' tall cell tower is as attractive as the nature of the use and its setting warrants. The request complies with Criterion (C).

(D) The proposal will preserve assets of particular interest to the community.

FINDING: The proposed development site does not contain any identified assets of particular interest to Wasco County or the City of Dufur therefore the request complies with Criterion (D).

(E) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

FINDING: U.S. Cellular (Oregon RSA #2, Inc.) has placed many cell phone towers in Wasco County and has shown the intent and capability of developing sites proposed for towers. The purpose of the request is to improve communication in this area of Wasco County, not to increase property values. The request complies with Criterion (E).

(3) Placing Conditions on a Permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and

to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following...

FINDING: Conditions have been included throughout this report to ensure the cell phone tower complies with all stated standards and avoid detrimental impacts to the City of Dufur and Wasco County. With the conditions discussed throughout this report, the request complies with Criterion (3).

C. Wasco County Land Use & Development Ordinance (LUDO)

1. Chapter 5 – Conditional Use Review

Section 5.040 - Revocation of Conditional Use Permit (added 2 89)

Noncompliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land use action and reviewed by the Planning Commission. The following procedures shall be completed at least twenty (20) days prior to the date of the revocation hearing: (Revised 1-92)

- A. A notice of violation pursuant to Section 15.090 shall be sent to the owner of the property on which the conditional use takes place.*
- B. Notice of public hearing pursuant to Section 2.080 shall be sent.*

The opportunity for review of the Planning Commission decision, pursuant to Section 2.170 shall be available.

FINDING: A **condition** of approval is included in the Notice of Decision advising the applicant and owner that noncompliance with any condition of approval shall be grounds for revocation of the permit. Any revocation procedure would be reviewed by the Planning Commission through a public hearing process. With the proposed condition of approval the request complies with Section 5.040.

2. Chapter 10 – Fire Safety Standards

Section 10.110, Siting Standards – Locating Structures for Good Defensibility

Section 10.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break

Section 10.130, Construction Standards for Dwellings and Structures - Decreasing the Ignition Risks by Planning for a more Fire-Safe Structure

Section 10.140, Access Standards – Providing Safe Access to and Escape From Your Home

Section 10.150, Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response

FINDING: The request is for a Conditional Use Permit to allow placement of a communication tower within a 73' x 73' x 7' chain link fenced enclosure topped by 3 strands of barbed wire, place a pre-fabricated metal radio equipment platform on a new concrete slab. Finished

surface in fenced area is 5/8" +/- gravel over a weed barrier, gravel 12' wide access road from Boyd Loop Road, add access gate to the existing fence, and extend underground electrical service to the facility from an existing utility pole on the property.

The proposed cell tower is located on a parcel that is not located within any structural or wild fire protection district however it is adjacent to the City of Dufur City Limits and fire department boundary.

The fire safety standards, adopted by the Wasco County Court and effective February 5, 2007, require property owners to be made aware of potential fire risks in areas outside of urban areas of Wasco County, and requires compliance with siting standards, fuel break requirements, construction standards, access standards, and on-site water storage requirements.

As part of a complete application, the property owners completed a Fire Safety Standard Self-Certification Form. By signing the self-certification form, the owners have acknowledged that they understand these standards and commit to achieve compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under File PLACUP-17-07-0007. A **condition** of approval stating this is included in the Notice of Decision.

The proposed tower will have access from Boyd Loop Road. Fire safety standards require a turnout at least every 400'. Turnouts are intended to allow vehicles to pass safely, especially during an emergency. A **condition** of approval is included requiring turnouts a minimum of every 400' along the driveway providing access to the proposed cell phone tower. The driveway shall be constructed to fire safety standards prior to issuance of zoning approval on a building permit application.

With the proposed conditions of approval the request complies with Chapter 10 – Fire Safety Standards.

ATTACHMENT E – LIGHTING STANDARDS

Good Neighbor OUTDOOR LIGHTING

PRESENTED BY THE NEW ENGLAND LIGHT POLLUTION ADVISORY GROUP (NELPAG) AND SKY PUBLISHING CORP.

What is good lighting?

Good outdoor lights improve visibility, safety, and a sense of security, while minimizing energy use, operating costs, and ugly, dazzling glare.

Why should we be concerned?

Many outdoor lights are poorly designed or improperly aimed. Such lights are costly, wasteful, and distractingly glary. They harm the nighttime environment and neighbors' property values.

Glare Here's the basic rule of thumb: If you can see the bright bulb from a distance, it's a bad light. With a good light, you see lit ground instead of the dazzling bulb. "Glare" is light that beams directly from a bulb into your eye. It hampers the vision of pedestrians, cyclists, and drivers.

Light Trespass Poor outdoor lighting shines onto neighbors' properties and into bedroom windows, reducing privacy, hindering sleep, and giving the area an unattractive, trashy look.

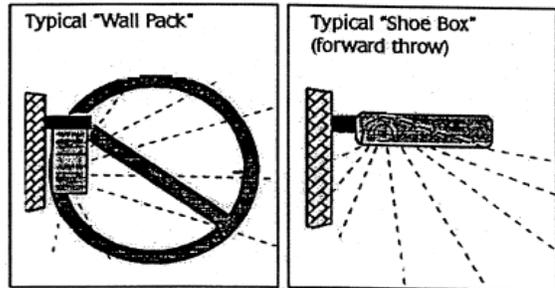
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

Sky Glow Rays that beam uselessly above the horizon create murky skyglow – the "light pollution" that washes out our view of the stars.

How do I switch to good lighting?

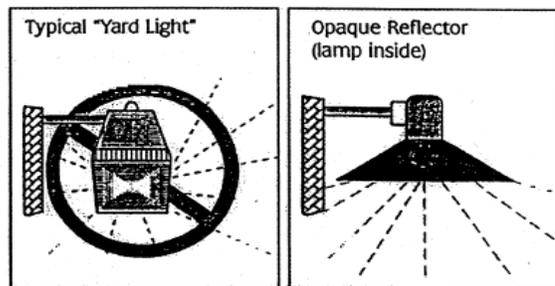
- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate areas 100 times more brightly than the

Some Good and Bad Light Fixtures



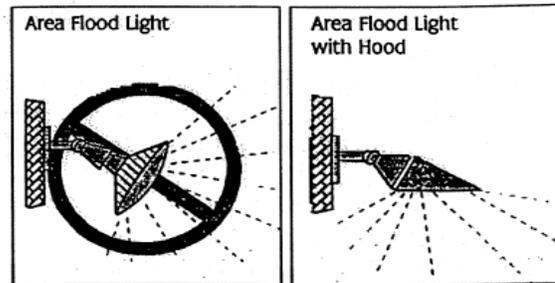
BAD

GOOD



BAD

GOOD



BAD

GOOD

full Moon! More importantly, by choosing properly shielded lights, you can meet your needs without bothering neighbors or polluting the sky.

- 2** Aim lights down. Choose "full-cutoff shielded" fixtures that keep light from going uselessly up or sideways. Such fixtures produce minimum glare. They create a pleasant-looking environment. They increase safety because you see illuminated people, cars, and terrain, not dazzling bulbs.
- 3** Install fixtures carefully to maximize their effectiveness on the targeted area and minimize their impact elsewhere. Proper aiming of fixtures is crucial. Most are aimed too high. Try to install them at night, when you can see where all the rays actually go.

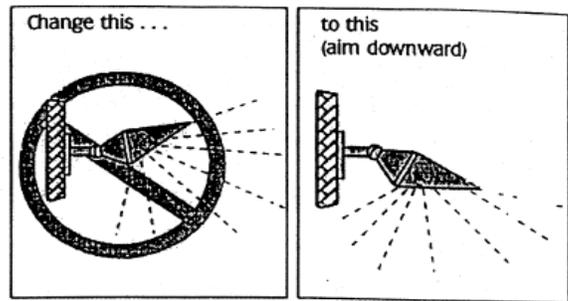
Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as brightly as a wasteful light does with a high-wattage bulb.

- 4** Choose energy-efficient low-pressure sodium (LPS) or high-pressure sodium (HPS) lamps wherever yellowish light will do the job. Use less efficient white lights only where ideal color rendition is important.
- 5** Where feasible, put lights on timers to turn them off each night after they are no longer needed. Put home security lights on a motion-detector switch, which turns them on only when someone enters the area; this provides a great deterrent effect!

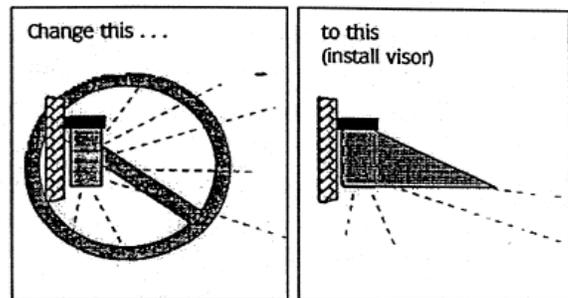
Replace bad lights with good lights.

You'll save energy and money. You'll be a good neighbor. And you'll help preserve our view of the stars.

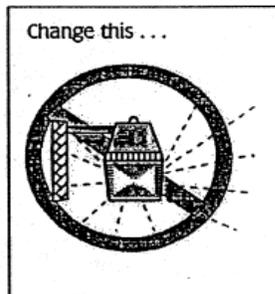
What You Can Do To Modify Existing Fixtures



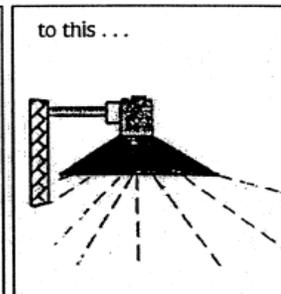
FLOOD LIGHT



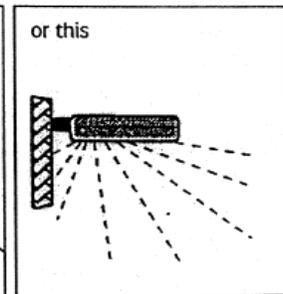
WALL PACK



YARD LIGHT



OPAQUE REFLECTOR



SHOE BOX

Presented by the

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We urge all individuals and groups interested in the problems of light pollution and obtrusive lighting to support the IDA and subscribe to its newsletter. IDA membership costs \$30 per year; send your check to IDA, 3225 N. First Avenue, Tucson, AZ 85719, U.S.A.



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