

ATTACHMENT D – AMENDED STAFF REPORT

File Number: PLACUP-17-08-0009

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

Owners: Randy and Dawna Seibel

Request: Conditional Use Permit to erect a 150’ tall monopole communication tower within a 48’ x 48’ x 7’T chain link fenced enclosure. This includes placement of a pre-fabricated metal radio equipment platform on a new concrete slab.

Decision: **Approval**, with Conditions

Decision Date: November 9, 2017

Appeal Deadline: November 21, 2017

Location: North of Sandlin Road of Tygh Valley Road, approximately 0.3 mile north of its intersection with Hawley Steele Road, approximately 1.2 mile southwest of the City of The Dalles, Oregon, more specifically described as:

<u>Map/Tax Lot #</u>	<u>Acct. #</u>	<u>Acres</u>
2N 13E 31B 500	1399	4.7

Zoning: R-R(5), Rural Residential Zone

The subject parcel is also located within the EPD-2, Geologic Hazard Overlay Zone and the EPD-8, Sensitive Wildlife Habitat Areas Overlay Zone (Impacted Low Elevation Winter Range).

Past Actions: LOC-83-BP, mobile home placement permit, LOC-83-LUCS septic evaluation, Minor Partition 82-125 (parcel 1; recorded with the County Clerk on 11/2/1982).

Procedure Type: Administrative Action

Prepared By: Dawn Baird, Associate Planner

I. APPLICABLE STANDARDS

A. Chapter 15 – Administration & Enforcement

Section 15.020 - Zoning Approval

B. Chapter 3 – Basic Provisions

Section 3.240, Rural Residential Zone

Section 3.240.F., Uses Permitted Subject to Conditional Use Permit 1 Review, Utility Facility (Major)

Section 3.246, Property Development Standards

Section 3.750, EPD-2, Geologic Hazard Overlay Zone

Section 3.910, EPD-8, Sensitive Wildlife Area Overlay Zone

Section 3.923, Exempt Areas

C. Chapter 4 – Supplemental Provisions

Section 4.070, General Exceptions to Building Height Requirements

D. Chapter 5 – Conditional Use Review

Section 5.020, Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used

Section 5.030, Conditions

Section 5.040, Revocation of Conditional Use Permit

E. 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 legally created as Parcel 2 of Minor Partition 82-125, recorded with the Wasco County Clerk on November 2, 1982. The property is consistent with the definition of “(Legal) Parcel” in LUDO Section 1.090 – Definitions, because it was created by a duly recorded partition.

- B. Site Description:** The subject parcel is 4.7 acres in size and is located north of Sandlin Road. It is located at an elevation of 800-840' Above Sea Level (ASL) and contains north-facing slopes of approximately 12%. According to Wasco County Assessor records the subject parcel contains a manufactured home, a pump house, garden shed, carport and dog run. Vehicle storage is located east of the existing home. A driveway accesses the northern portion of the parcel where staff noted piles of debris/trash and vehicle tires, as well as three vehicles. Trees consisting of Oregon white oak and Ponderosa pine surround the existing house. Grass cover is natural grass.
- C. Surrounding Land Use:** All surrounding properties are zoned R-R(5), Rural Residential. All surrounding slopes are north-facing. Slopes on properties average 10-25% to the north, 5-7% to the south, and 10-15% to the east and west. Most properties to the south and west are heavily wooded with Oregon white oak and Ponderosa pine trees. Properties to the north and east contain scattered trees but are generally not considered to be wooded. Ground cover is generally natural grasses with some irrigated lawns around existing homes.
- D. Public Comment:** Pre-notice of the proposed administrative action was sent on September 21, 2017, to all property owners within 300' of the subject parcel and affected agencies. As of the expiration of the comment period (4 p.m., October 3, 2017) no comments were submitted. Staff discovered that for an unknown reason none of the property owners within 300' of the Seibel property received notice. Based on advice from the Department of Land Conservation & Development, staff sent a new notice to property owners on October 19, 2017, to give affected property owners a chance to submit comments. As of the expiration of the comment period, 4 p.m., Tuesday, October 31, 2017, the following comments were received:

(October 20, 2017) David and Mary Jacobs, adjacent property owner

Appreciate condition of approval requiring junk/debris to be cleaned up. Neighbors will monitor this to ensure it does not return. Believe that the request is inconsistent with Chapter 5 – Conditional Use Review, Section H., which requires that the use will not significantly detract from the visual character of the area.
Staff Response: Chapter 5 is addressed in D.

III. FINDINGS:

A. Chapter 15 – Administration & Enforcement

Section 15.020 - Zoning Approval

- A. *The Director, the Director's designee or other Approving Authority shall not give zoning approval on any development or use of land, including land divisions and property line adjustments on a property that is not in full compliance with all applicable provisions of this Ordinance, regardless of whether the applicant(s) or current owner(s) created the violation.*

FINDING: Google maps show a junk pile on the northern part of the property. This includes tires, metal and other debris. In addition there are three vehicles that do not appear to be in licensed or in running condition. Chapter 1, Section 1.090 of the County LUDO defines "junk yard" as:

Junk Yard - Any property where persons are engaged in breaking up, dismantling, sorting, distributing, buying or selling of any scrap, waste materials or junk.

Staff conducted a site visit to the property on September 21, 2017, and confirmed that there was a large amount of debris on the northern end of the property near the proposed development area. Based on the definition in LUDO Section 1.090 the property is considered to be a junk yard and is in violation of the LUDO.

Section B. below allows zoning approval to be authorized in certain circumstances when a violation of the Code exists. Based on review of Section B. an exception can be authorized therefore the request complies with Criterion A.

B. Zoning approval may be authorized if:

- 1. It results in the property coming into full compliance with all applicable provisions of the Wasco County Land Use and Development Ordinance. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or*
- 2. It is necessary to protect public safety; or*
- 3. It is for work related to and within a valid easement over, on or under an affected property.*

FINDING: The proposed cell phone tower is located in an area near the junk/debris.

On September 21, 2017, staff conducted a site visit and photographed the debris/junk on the property. Staff concludes that a decision can be issued on the property but no development may occur until the junk/debris is removed from the property. A **condition** of approval is included in the Notice of Decision requiring the junk/debris to be removed from the subject parcel prior to issuance of zoning approval on a building permit for the cell phone tower. This condition also requires the removal of the three vehicles unless the owner can show that they are currently licensed and operable.

The **condition** of approval will not permit issuance of zoning authorization on a building permit application until the property is brought into compliance.

With the proposed **condition** of approval the request complies with Criterion B.

B. Chapter 3 – Basic Provisions

1. Section 3.240 – R-R(5), Rural Residential Zone

Section 3.245 - Uses Permitted Subject to Conditional Use Review

The following uses may be permitted on a legal parcel on lands designated (R-R (5)) Rural Residential zone subject to Section 3.246 - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

F. Utility Facilities (Major). (Added 4/12)

FINDING: Chapter 1, Introductory Provisions, Section 1.090 – Definitions, states:

“Utility Facility (Major) (Non-Resource Zones Only) - Any major facility owned or operated by a public, private or cooperative company for the generation, transmission, regional distribution or processing of its productions or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, sanitary landfills, structures over 75’ in height, cell towers and similar facilities, and any utility facility that requires a Goal 11 Exception, but excluding electrical transmission facilities, & natural gas or petroleum product pipelines. (Added 4/12)”

The request is for a Conditional Use Permit to erect a 150’ tall cell phone tower. Cell phone towers are listed as specific uses in the definition of a Major Utility Facility. The applicant submitted the appropriate paperwork to request approval of a Conditional Use Permit. The request complies with Criterion F.

Section 3.246 - Property Development Standards

B. Setbacks

1. *Front Yard: No structure other than a fence or sign shall be located closer than twenty five (25) feet from the right of way of a public road.*

FINDING: The proposed fenced compound, including the monopole, is located 170+’ from Sandlin Road, the front yard property line. The proposed front yard setback exceeds 25’ therefore the request complies with Criterion 1.

2. *Side Yard: No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines of corner building sites.*

FINDING: The proposed fenced compound, including the monopole, will be located 150+’ from the eastern (exterior) and western (interior) side yard property lines. The request complies with Criterion 2.

3. *Rear Yard: No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.*

FINDING: The proposed fenced compound, including the monopole will be located 37' from the northern rear yard property line. The proposed rear yard setback exceeds 20' therefore the request complies with Criterion 3.

- C. *Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.*

FINDING: The subject parcel is not located on a corner lot therefore Criterion C. is not applicable to this request.

- D. *Height: Maximum height for structures shall be thirty five (35) feet. Height is measured from average grade.*

FINDING: An exception to the maximum height requirement is provided for cell phone towers in Chapter 4, Section 4.070, General Exceptions to Building Height Requirements. Chapter 4 is addressed below in C. where the request is found to be consistent.

- E. *Stream Setbacks: All structures or similar permanent fixtures (except hydroelectric facilities) shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.*

FINDING: There are no streams on the subject parcel or surrounding properties. All development associated with the cell phone tower will be located more than 50' from any existing stream therefore the request complies with Criterion E.

- F. *Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).*

FINDING: The subject parcel is not in a FEMA designated flood zone in an area that is safe from flooding therefore the request complies with Criterion F.

- G. *Signs: Signs shall not extend over a public right of way or project beyond the property line.*

1. *Signs shall not be illuminated or capable of movement.*
2. *Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.*

3. *Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right of way of public road.*

FINDING: There are no existing signs on the property and no signs are proposed therefore the request complies with Criterion E.

- H. *Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.*

FINDING: Once the cell phone tower is established it will require occasional maintenance from one or two persons in one truck. One parking space is required for this use. The subject parcel is 4.70 acres in size. On August 30, 2017, site visit staff confirmed that there is adequate parking around the cell phone tower site for the temporary parking of one vehicle. As proposed the request complies with Criterion H.

- I. *Lighting: Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective, opaque materials.*

FINDING: The requested cell phone tower does not include new outdoor lighting. A **condition** of approval is included in the Notice of Decision advising the owner that outdoor lighting must be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials. With the proposed **condition**, the request complies with Criterion I.

- J. *New Driveways: All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.*

FINDING: There is no Approach Road Permit for the existing driveway on file with the Wasco County Public Works Department. A **condition** of approval is included in the Notice of Decision requiring the owner to obtain a Road Approach Permit from the Public Works Departments prior to issuance of zoning approval on a building permit for the new monopole. With the proposed **condition** of approval the request complies with Criterion J.

2. Section 3.750 - Geologic Hazards Overlay (EPD-2)

The purpose of the Geologic Hazards Overlay District is to protect the public health, safety and welfare by assuring that development in hazardous or potential hazardous areas is appropriately planned to mitigate the threat to man's life and property.

- A. *Basis for Establishing the Geologic Hazards Overlay District The Geologic Hazards Overlay District is intended to be applied to areas identified by the State of Oregon Department of Geology and Mineral Industries, Geologic Hazards of Parts*

of Northern Hood River, Wasco and Sherman Counties, Oregon, 1977. A complete explanation and maps showing the natural hazards and geologic units can be found in this document; however, this document may be superseded by a more site specific study conducted by a licensed engineer or geologist registered in the State of Oregon.

B. Approval Standards

Prior to development, the following measures shall be utilized:

- 1. Any proposed developments on slopes greater than twenty five percent (25%) shall be reviewed to ensure site suitability. Such review shall be conducted in the process for building permit approval and, unless the site has been identified as a geologic hazard area, shall rely on provisions of the Uniform Building Code for the protection of the public health, safety and welfare.*
- 2. Any proposed development in an identified geologic hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for suitability. For purposes of this section, development shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.*
- 3. In approval of a development permit, whether ministerial or through the Administrative Action procedures of Chapter 2 of this Ordinance, the following conditions may be imposed at the time of approval to ensure site and area stability:*
 - a. Maintain vegetation and eliminate widespread destruction of vegetation.*
 - b. Carefully design new roads and buildings with respect to:*
 - (1) placement of roads and structures on the surface topography.*
 - (2) surface drainage on and around the site.*
 - (3) drainage from buildings and road surfaces.*
 - (4) placement of septic tank disposal fields.*
 - c. Careful construction of roads and buildings.*
 - (1) avoid cutting toeslopes of slump blocks.*
 - (2) careful grading around the site, especially avoiding over steepened cut banks.*
 - (3) Re-vegetating disturbed areas as soon as possible.*

- d. *Other conditions may be imposed to reasonably assure that the development is protected from damage by mass movement.*

FINDING: A geologic hazard report for the project dated August 25, 2017, was submitted with the application. It was prepared by Redmond Geotechnical Services, specifically, Daniel M. Redmond, P.E., G.E., President/Principal Engineer. The report addresses landslides, rockfall, soil movement, earthquake potential and erosion. Based on the information in the report, Mr. Redmond finds that there are no geologic hazards that require special design considerations with regard to the proposed tower construction but the tower and improvements must be constructed in accordance with current local building codes and/or the IBC.

A **condition** of approval is included in the Notice of Decision requiring that the proposed cell phone tower and improvements be constructed in accordance with current local building codes and/or the International Building Code (IBC). With the proposed **condition** of approval the request complies with Section 3.750.

3. Section 3.920, EPD-8, Sensitive Wildlife Habitat Overlay Zone

The purpose of this overlay district is to conserve important wildlife areas by providing supplementary development standards; to promote an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

Section 3.923 - Exempt Areas

The following areas are exempt from these provisions:

- A. *Rural Service Centers.*
- B. *Areas designated as Impacted Areas in the Transition Lands Study Area.*

FINDING: The subject parcel is located within the boundaries of the Transition Lands Study Area and is identified as an Impacted Area, therefore the request is exempt from the requirements of Section 3.920.

C. Chapter 4 – Supplemental Provisions

Section 4.070, General Exceptions to Building Height Requirements

Necessary roof structures, housing elevators, stairways, tanks, fans and ventilators and towers, steeples, flagpoles, smokestacks, silos, grain elevators, uses specified in Chapter 19 - Energy Facilities (meteorological towers, transmission towers and lines, and commercial, net-metering, and non-commercial/stand-alone power generating facilities), communication towers, water tanks and skylights and fire or parapet walls may be erected above the height limits of the zone in which they are located provided no usable floor space is provided in such structures above the required height limits. All structures over 200 feet in height require a Conditional Use Permit for aviation safety.

FINDING: The request is for a cell phone tower, identified as “communication tower” in Section 4.070. The proposed tower will be 150’ in height and is exempt from the height requirement in the Rural Residential Zone. The request complies with Section 4.070.

D. Chapter 5 – Conditional Use Review

Section 5.020 - Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used

Conditional uses listed in this Ordinance shall be permitted, enlarged or otherwise altered or denied upon authorization by Administrative Action in accordance with the procedures set forth in Chapter 2 of this Ordinance. In judging whether or not a conditional use proposal shall be approved or denied, the Administrative Authority shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

- A. The proposal is consistent with the goals and objectives of the Comprehensive Plan and implementing Ordinances of the County.*

FINDING: The goals and objectives of the Comprehensive Plan are implemented through the Wasco County Land Use & Development Ordinance, which are addressed throughout this report. The request complies with Criterion A.

- B. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.*

FINDING: (Location) The subject parcel has access onto Sandlin Road. The property and all surrounding properties are zoned R-R(5), Rural Residential and the subject parcel is currently in residential use and contains one single family dwelling. Excluding one property, all surrounding properties contain a single family dwelling and are used for residential use.

(Size and Design) In considering this criterion, staff interprets the ordinance to place emphasis on the nature of the use, more than on the particular architectural characteristics of a proposed structure. The proposed 150’ monopole communication tower includes construction of a 48’L x 48’W x 7’T chain link enclosure and placement of a pre-fabricated metal radio equipment platform on a new concrete slab. The 12’ wide driveway from Sandlin Road will be graveled to meet fire safety standards and underground electrical service will be provided to the facility from an existing utility pole on the subject parcel.

(Operational Characteristics) The proposed cell phone will not adversely affect surrounding residential use because (1) it will be located at least 200’ from any home on adjacent lands, (2) the cell phone tower does not create any noise, (3) once placed it will require little maintenance (quarterly or triannual maintenance and emergency repairs), and (4) the use of the subject

property will not change from its current residential use. Placement of the cell phone tower will neither destabilize the land use pattern of the area which is residential in nature, nor have a cumulative impact that will result in substantial changes in the land use pattern.

Staff finds that the proposed cell phone tower and associated facilities is compatible with the surrounding area and will not adversely affect surrounding properties therefore the request complies with Criterion B.

C. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.

FINDING: The subject parcel contains direct access from Sandlin Road, a 2-lane gravel public access road. The proposed use is installation of a 150' tall monopole and associated facilities. The proposed use may add 2-3 trips per year to the property but will not significantly burden Sandlin Road. Roads are further addressed in D.

The subject parcel receives structural fire protection from Mid-Columbia Fire & Rescue. This agency was given a 12-day pre-notice of the request. No comments were received from Mid-Columbia Fire & Rescue.

This area of the County is already patrolled by the Wasco County Sheriff's Office. Staff concludes that placement of a cell phone tower and associated facilities will not significantly burden the Wasco County Sheriff's Office.

No public water or sewer services will be used or are necessary for the cell phone tower and associated facilities.

Electricity is provided to the subject parcel by Wasco Electric Cooperative. Telephone service is currently available via land lines and cellular telephone service to the subject parcel.

Garbage pick-up is currently available from The Dalles Disposal.

As proposed the request complies with Criterion C.

D. The proposed use will not unduly impair traffic flow or safety in the area.

FINDING: Staff visited the subject parcel on September 21, 2017. The property has direct access onto Sandlin Road with good sight distance in both directions. The proposed cell phone tower may require occasional maintenance which will consist of one vehicle visiting the site 2-3 times per year. This will not create any problem with current traffic flow or safety in the area. The driveway to the development site will be improved to meet fire safety standards. Sandlin Road north of Hawley Steele Road provides access to less than 20 properties and has a low volume of traffic. The existing road in this location is gravel and is adequate to handle existing traffic generated by the

residential use in the area. Since little increase in usage is proposed the proposed use will not unduly impair traffic flow or safety in the area, and the request complies with Criterion D.

E. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties.

FINDING: (Noise and Odor) Construction of this scale and nature is short in duration and will not create undue noise or odor. Once the tower and associated facilities are placed on the site, no noise or dust will be created.

(Dust) During construction vegetation will be disturbed that exposes soil and creates a high probability for airborne dust that can create a nuisance for surrounding property owners. A **condition** is included requiring the owners to maintain existing vegetation to the greatest extent possible and to reseed and/or revegetate disturbed areas within the first planting season (October – April).

With this **condition** of approval the request complies with Criterion E.

F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.

FINDING: The subject parcel is not located in the Sensitive Wildlife Habitat Overlay zone therefore the request will not significantly reduce or impair sensitive wildlife habitat. There are no streambanks near the new development therefore riparian vegetation will not be disturbed. A previously stated **condition** in E. requires all disturbed areas to be revegetated within the first planting season which will prevent excessive soil erosion from occurring. With this **condition** of approval the request complies with Criterion F.

G. The proposed use will not adversely affect the air, water, or land resource quality of the area.

FINDING: (Air) The proposed cell phone tower will not adversely affect air quality because the tower and associated buildings will not create any air pollution.

(Water) The proposed tower will not have any water or sanitary sewer connections, nor will it release any pollutants into nearby water sources.

(Land) A previous **condition** requiring maintenance of vegetation and reseeding or revegetation of all disturbed areas upon completion of the dwelling will ensure that excessive soil erosion does not occur.

With the previously stated **condition**, the request complies with Criterion G.

H. The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area.

FINDING: Comments from an adjacent property owners states: *“We strongly object to the finding that the use will not “significantly detract from the visual character of the area.” Your findings further point out that there are BPA lines located approximately 600’ to the north of the proposal. This may in fact be true however as you drive out Sandlin Road and approach the subject parcel from the west and south you have a clear and unobstructed view of the Chenoweth Canyon across to Seven mile Hill, as well as the Klickitats across the river in Washington. The BPA power lines you speak to are nowhere in this particular view and the construction of a 150’ tower regardless of the color will provide a significant impact to the visual character of this area. There are BPA lines that can be seen across the Chenoweth canyon however they are over 2 miles distant and are subordinate to the overall view and certainly not a dominant obstruction such as the cell tower would create.*

Sandlin Road for better or worse dead ends at a gate approximately 0.4 miles from the subject property. The ownership behind the gate is USFS and because of such has become a popular destination location for citizens of the area to recreate by walking, bike riding, horseback riding, and various other activities. The main access to this USFS public property is out Sandlin Road, and more importantly past the subject parcel. Every person who travels out Sandlin Road and upon approaching the subject parcel will be significantly impacted by the visual impairment of a 150’ cell tower. This will be the only “significant” obstruction of the visual character of the area as you pass the parcel. There may be other BPA towers in the general area however none of them create a visual impact that can be seen from Sandlin Road as you approach and pass the subject parcel.

Your finding that the color of the tower will be visible from the north and west, and will blend in with the vegetation from the east and south. We would offer that the tower will be visible from the north, west, and south. The proposed color of brown will not blend in with any unobstructed view of the tower looking from the east and south as you approach the subject property and once again the color will have no impact on the tower creating a significant impact on the visual character of the area.

There is no way the applicant can modify or make reasonable accommodations or changes to the application that would not create a significant impact to the visual character of the area.”

The standard does not require that there be no visual impact from the building, but that any impact not be significant.

Staff advised the owner that a cell phone tower may impact an individual owner’s view, but this does not mean that the cell phone tower will change or significantly detract from the visual character of the residential area. (Area is defined as: *“A space allocated for a specific purpose.”*) The area will continue to retain a residential character. There are cell phone towers and other microwave towers on high points surrounding The Dalles. These towers provide service to thousands of people and their existence does not significantly change the residential appearance of residential neighborhoods and areas.

Staff also notes that Bonneville Power Administration (BPA) lines are located throughout the area. These lines are visible but do not change the character of the area in which they are located.

The proposed cell phone tower will be brown in color and 150' in height. Though the tower will be visible to surrounding areas, from the north and west it will have a background of wooded hillside, and from the south and east it will be screened by existing on- and off-site trees. The brown color of the pole will help it blend into the trees.

The request complies with Criterion H.

- I. *The proposal will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.*

FINDING: According to the Wasco County Comprehensive Plan, there are no historic, natural, cultural, or archaeological sites on the subject parcel, nor are there any assets of particular interest to the community. The request complies with Criterion I.

- J. *The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use. (Revised 1-92)*
- K. *The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use. (Revised 1-92)*

FINDING: None of the surrounding properties are in forest or farm production. There is no identified farm use within ½ mile of the subject parcel.

The proposed use is a cell phone tower. Once placed the proposed cell phone tower will not have any impact on farm or forest uses because it is located in a residential area. All surrounding properties except for one, are developed with a single family dwelling. Due to distance from resource uses the proposed use will not increase the cost of, or force a significant change in accepted farm practices on surrounding lands devoted to or available for farm or forest use. The request complies with Criteria J. and K.

Section 5.030 - Conditions

Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding permitted uses as are necessary to fulfill the general and specific purposes of this Ordinance may be imposed in approving an application, pursuant to Section 2.110(D). Such conditions may include, but are not limited to, the following...

FINDING: Conditions of approval are implemented throughout this report to ensure the use is compatible with surrounding permitted uses. With previously stated **conditions** of approval the request complies with Section 5.030.

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: The request is for a Conditional Use Permit to erect a 150' tall monopole communication tower within a 48' x 48' x 7'T chain link fenced enclosure. This includes placement of a pre-fabricated metal radio equipment platform on a new concrete slab.

Compliance with all Conditional Use criteria is required throughout the life of this permit. A **condition** of approval is included in the Notice of Decision advising the owner that noncompliance with any condition of approval shall be grounds for revocation of the permit. Revocation of the Conditional Use Permit shall be considered to be a land use action and shall be reviewed by the Planning Commission according to the requirements in Section 5.040.

With this **condition** of approval, the request complies with Section 5.040.

E. 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 erect a 150' tall monopole communication tower within a 48' x 48' x 7'T chain link fenced enclosure. This includes placement of a pre-fabricated metal radio equipment platform on a new concrete slab.

The subject parcel is located within Mid-Columbia Fire & Rescue, a fire district that provides structural fire protection district.

The fire safety standards, adopted by Wasco County in 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-17-08-0009. A **condition** of approval stating this is included in the Notice of Decision.

The entire fenced area will be graveled and serve as a fire break. This space will be maintained for the life of the cell phone tower.

With the proposed **condition** of approval in the Notice of Decision 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.

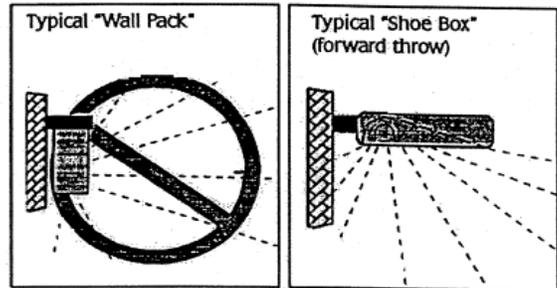
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

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?

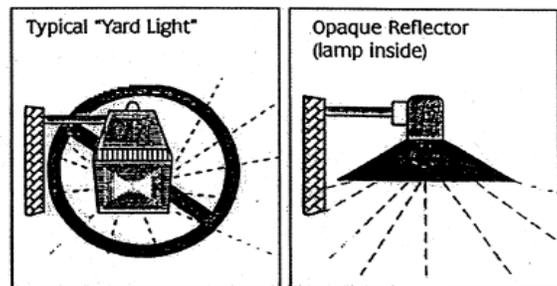
- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate areas 100 times more brightly than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

Some Good and Bad Light Fixtures



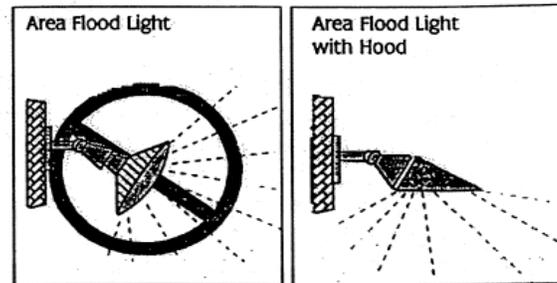
BAD

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.

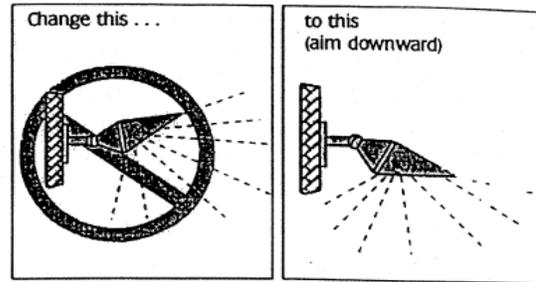
Presented by the

New England Light Pollution Advisory Group (NELPAG) (<http://cfa-www.harvard.edu/cfa/ps/nelpag.html>) and **Sky Publishing Corp.** (<http://www.skypub.com/>).

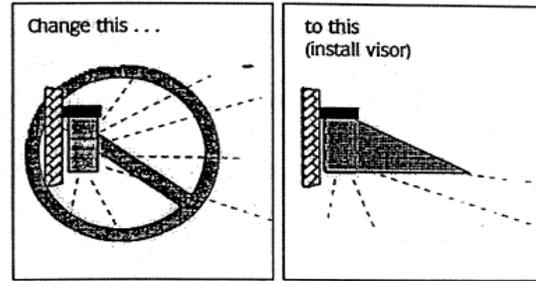
NELPAG and Sky Publishing Corp. support the **International Dark-Sky Association (IDA)** (<http://www.darksky.org/>).

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.

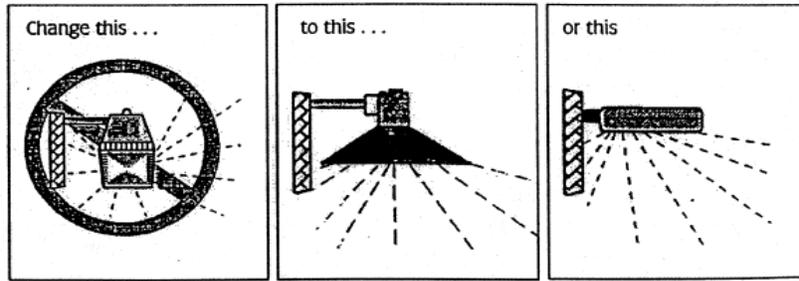
What You Can Do To Modify Existing Fixtures



FLOOD LIGHT



WALL PACK



YARD LIGHT OPAQUE REFLECTOR SHOE BOX



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