

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application)	
of McDaniel Cellular Telephone)	
Company for the Modification of)	ORDER NO. 147-2007
Prior Approval of US Cellular)	
Corporation for a Conditional Use)	
Permit and Site Design Review for)	FINDINGS AND CONCLUSIONS
the Construction of a Wireless Cell)	
Tower Facility)	

WHEREAS, on February 7, 2000, David Monselle of Complete Wireless Services, LLC filed with the Columbia County Land Development Services Department an application for a Conditional Use Permit and Site Design Review, on behalf of US Cellular Corporation, for the construction of a wireless cell tower facility and equipment shelter on a 70'x70' portion of a 14.42 acre parcel (tax acct. no. 8330-010-00500) at 79944 Bodine Road near the City of Clatskanie; and

WHEREAS, on February 15, 2007, said Application was deemed complete; and

WHEREAS, on April 21, 2000, the Columbia County Planning Commission held a hearing on the application, where the hearing was continued to May 7, 2007; and

WHEREAS, on May 7, 2007 the hearing was continued to June 4, 2007 due to a lack of a quorum of the Planning Commission; and

WHEREAS, on June 4, 2007, the Planning Commission heard testimony from the applicant and interested parties and considered written materials including the staff report at the continued hearing; and

WHEREAS, after hearing testimony and deliberating, the Planning Commission conditionally approved the application and on April 12, 2007, Planning Commission Chair David Middle signed Final Order CU 07-21/DR 07-05 approving the Conditional Use Permit and Site Design review subject to conditions of approval; and

WHEREAS, David Monselle of Complete Wireless Services, LLC, on behalf of McDaniel Cellular Telephone Company, applied for a modification of the Planning Commission's Final Order solely to change the applicant name from US Cellular Corporation to McDaniel Cellular Telephone Company; and

WHEREAS, the Columbia County Board of County Commissioners took jurisdiction of the modification application, and on November 7, 2007 held a hearing on the proposed applicant name change from US Cellular Corporation to McDaniel Cellular Telephone Company; and

WHEREAS, the following Exhibits were introduced into the record:

Exhibit 1- County Counsel's hearing file containing:

1. Notice of Public Hearing (Publication)
2. Notice of Public Hearing (Property Owner Notice)
3. Affidavit of Mailing
4. Affidavit of Publication
5. Board Communication Dated November 7, 2007
6. Board Communication dated October 1, 2007
7. Notice of Decision dated June 12, 2007
8. Final Order CU 07-21/DR 07-05 dated June 12, 2007
9. Application CU 07-21/DR 07-05 including the following:
 - Letter from David Monselle dated February 7, 2007
 - Legal Surveys
 - Construction Drawings
 - List of Surrounding Property Owners
 - RF Coverage Plots
 - RF Explanations re: collocation
 - Area Maps
 - Narrative addressing applicable criteria
10. Power of Attorney from Etsel and Bernice Honeycutt
11. FAA Letter of Determination of No Hazard
12. Planning Commission Staff Report dated August 21, 2007
13. Letter and attachments from Dan and Laurie Holum dated June 4, 2007
14. Letter from David Monselle dated April 19, 2007
15. Planning Commission Meeting Minutes of April 2, 2007
16. Referral Contact list: Surveyor, Roadmaster, Sanitarian, Building Official, Clatskanie Fire Dist.
17. Certificate of Mailing, Notice of Completeness, dated February 21, 2007
18. Notice of Planning Commission Hearing dated February 16, 2007
19. Clatskanie-Quincy CPAC Meeting Notice

Exhibit 2- Written testimony of Dan and Laurie Holum; and

WHEREAS, after hearing the presentation of the Staff Report and testimony from the applicant and interested parties, the Columbia County Board of County Commissioners closed the public hearing and deliberated on the matter;

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners adopts the findings of fact and conclusions of law contained in the Land Development Services Staff Report to the Board of County Commissioners, dated November 1, 2007, which is attached hereto as Attachment "A," and is incorporated herein by this reference.
2. The proposed modification of Planning Commission Final Order CU 07-21/DR 07-05 is hereby APPROVED, subject to the same conditions of approval imposed by Final Order CU 07-21/DR 07-05 and included in the November 1, 2007 Land Development Services Staff Report.

DATED this 14th day of Nov, 2007.

Approved as to form

By: [Signature]
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

COLUMBIA COUNTY BOARD OF COMMISSIONERS

STAFF REPORT

November 1, 2007

Conditional Use Permit & Design Review:

Modification of Prior Approval

HEARING DATE: November 7, 2007

FILE NUMBER: CU 07-21 & DR 07-05

APPLICANT: McDaniel Cellular Telephone Company
11413 East 20th Street
Tulsa, OK 74116

PROPERTY OWNER: Etsel F & Bernice M Honeycutt
79944 Bodine Road
Clatskanie, OR 97016

PROPERTY LOCATION: 79944 Bodine Road, Clatskanie

TAX ACCT. NUMBER: 8330-010-00500

ZONING: Primary Forest (PF-76)

SIZE: 14.47 acres

REQUEST: To modify *only* the name change of the applicant from US Cellular Corporation to McDaniel Cellular Telephone Company of previously approved conditional use permit and site design review for the applicant to erect a 150' monopole transmission tower and site associated equipment consisting of an equipment shelter, generator and propane gas tank.

APPLICATION COMPLETE: 02/16/07

150 DAY DEADLINE: 07/17/07

APPLICABLE REVIEW CRITERIA:

Columbia County Zoning Ordinance

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BACKGROUND:

The applicant, McDaniel Cellular Telephone Company, is requesting the Board approve a proposed modification to previously approved conditional use permit (CU 07-21) and design review (DR 07-05) for siting a cell tower, equipment shelter and fence on Bodine Road near Clatskanie originally submitted by US Cellular Corporation. This modification consists only in the applicant's name change from US Cellular Corporation to McDaniel Cellular Telephone Company. All conditions of prior approval contained in Planning Commission June 12, 2007 Final Order CU 07-21/DR 07-05 otherwise would remain the same in all respects.

The approximate 14 acre property is owned by Etsel F & Bernice M Honeycutt. Specifically, the request involves leasing a 70'x70' portion of land, erecting a 150' monopole and siting a 12'x20' prefabricated concrete equipment shelter all to be encompassed by a 7' chain link fence. Transmission towers are conditionally allowed in the Primary Forest (PF-76) zone and must be accompanied by a design review to ensure compliance with siting standards. The subject property is located at the end of Bodine Road in Clatskanie. The location of the proposed tower is on the western side of the subject property just north of an existing barn. A dwelling, addressed 79944 Bodine Road, and associated improvements are located downhill to the east of the proposed site. Much of the site is forested with younger generation Douglas-fir with areas of clearing/pasture around the highest elevations of the subject property where the proposed tower is to be sited.

The subject property does not contain any special flood hazard areas or wetlands in accordance with FEMA and National Wetlands Inventory maps. The Clatskanie-Quincy CPAC BEAK maps indicate the property contains peripheral big game habitat areas but does not identify any other sensitive habitat, plants or soils. In accordance with the Columbia County Soil Survey, the subject property is composed of soil types 19E-Dowde silt loam and 23D-Goble silt loam. Both soil types are characterized as being located on active or convex side slopes of mountains that are well suited for Douglas-fir timber production and poorly suited for agricultural production. Emergency services are provided by the Clatskanie Fire Department and the Columbia County Sheriff.





REVIEW CRITERIA & FINDINGS:

COLUMBIA COUNTY ZONING ORDINANCE:

Section 500 PRIMARY FOREST - 76

501 Purpose: The purpose of this zone is to retain forest land for forest use and to encourage the management of forest land for the growing, harvesting, and processing of forest crops consistent with the Oregon Forest Practices Act. And to provide for other forest uses including watershed protection, soil protection, maintenance of clean air and water, wildlife and fisheries habitat, outdoor recreation activities, open space and scenic preservation, and agricultural activities free from the encroachment of conflicting non-forest uses and influences.

.3 Locationally dependent uses, such as communication towers, mineral and aggregate resources; etc.

503 Conditional Uses: In the PF Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 504 and 505. A conditional use shall be reviewed according to the procedures provided in Section 1503.

.7 Radio or television stations, transmitters or towers, except those installations used for the purpose of commercial forest management which are allowed outright.

Discussion: Within the purpose section of the PF-76 zone communication towers are recognized as locationally dependant uses due to the need for siting within rural areas of higher elevations in order to achieve the broadest range of coverage. While possible in the PF-76 zone, many factors must be considered in the siting of a communications tower with regards to factors such as suitability and impact. Therefore, 'transmitters or towers' are conditionally allowed in accordance with Section 503.7 of the Columbia County Zoning Ordinance (CCZO).

Finding 1: The proposed transmission tower is possible given approval of a conditional use permit and design review in accordance with all conditions of approval thereof.

504 All Conditional Uses Permitted in the PF-76 Zone Shall Meet the Following Requirements:

.1 The use is consistent with forest and farm uses and with the intent and purposes set forth in the Oregon Forest Practices Act.

OREGON FOREST PRACTICES ACT

527.630 Policy

- (1) Forests make a vital contribution to Oregon by providing jobs, products, tax base and other social and economic benefits, by helping to maintain forest tree species, soil, air and water resources by providing a habitat for wildlife and aquatic life. Therefore, it is declared to be the public policy of the State of Oregon to encourage economically efficient forest practices that assure the continuous growing and harvesting of forest tree species and the maintenance of forest land for such purposes as the leading use on privately owned land, consistent with sound management of soil, air, water fish and wildlife resources and scenic resources within visually sensitive corridors as provided in ORS 527.755 and to ensure the continuous benefits of those resources for future generations of Oregonians.
- .2 The use will not significantly increase the cost, nor interfere with accepted forest management practices or farm uses on adjacent or nearby lands devoted to forest or farm use.
- .3 The use will be limited to a site no larger than necessary to accommodate the activity, and as such will not materially alter the stability of the overall land use pattern of the area or substantially limit or impair the permitted uses of surrounding properties. If necessary, measures will be taken to minimize potential negative effects on adjacent forest lands.
- .4 The use does not constitute an unnecessary fire hazard, and provides for fire safety measures in planning, design, construction, and operation.
- .5 Public utilities are to develop or utilize rights-of-way that have the least adverse impact on forest resources. Existing rights-of-way are to be utilized wherever possible.
- .6 Development within major and peripheral big game ranges shall be sited to minimize the impact on big game habitat. To minimize the impact, structures shall: be located near existing roads; be as close as possible to existing structures on adjoining lots; and be clustered where several structures are proposed.

Discussion: The subject property for which the applicant is seeking to site the communication tower is approximately 14.47 acres in size and is in forest tax deferral. A majority of the parcel is forested with younger generation Douglas-fir but is not considered high value in terms of commercial production based on the size of the property. An area of approximately 4,900 square feet will be affected through the proposed development located on pastureland, therefore no trees will be removed as a result of development.

As evidenced through the table below of properties within the vicinity of the subject property there is a mixture of resource lands, comprised predominately of Primary Forest (PF-76), and rural residential lands with a significant amount of dwellings within both designations. The communications tower will impose minimal impacts to nearby properties with regards to accepted forest or farm management practices as it will disturb an insignificant portion of land. Negative impacts that typically arise from the siting of a communications tower are the aesthetics for neighboring dwellings. For this reason transmitters or towers are a conditionally permitted use in the Primary Forest zone and not found to be an acceptable use within rural residential designations.

Although, within the vicinity of the proposed site there are numerous dwellings in existence prior to zoning that may be visually impacted. Therefore, the applicant shall take all necessary measures to reduce any adverse visual impacts to surrounding neighbors.

As noted previously, the 150 foot monopole and associated equipment will be within an approximately 70' x 70' area to be enclosed by a 7' high chain link fence. Various elements within the enclosure include a prefabricated concrete equipment shelter, a generator, a 500 gallon propane tank and electrical meters. With the exception of the propane tank for the backup generator, the use does not constitute an unnecessary fire hazard as all construction materials are ignition resistant. An existing power pole is located on the adjacent property to the south approximately 100 feet from the proposed site. The applicant is proposing to run utilities to the power pole through a 10 foot wide easement that will pose no impacts to forest resources. The proposed site is located within the peripheral big game habitat as identified by the Clatskanie-Quincy CPAC BEAK maps. Conformance with siting standards of the Big Game Range overlay will be reviewed in the appropriate section of this staff report.

Finding 2: A 30-foot primary fuel free break area shall be created and maintained around all structures within the 70' x 70' lease area containing the communication tower.

Tax Account #	Name	Acres	Zone	Use	Tax Code
8319-030-00401	Walling ½ Porter 1986 Trust ½	0.35	PF-76	Vacant	6
8319-030-00403	Elliot Charles E & Diana R	25.01	PF-76	80041 Bodine Road	8
8319-030-01100	Larson Mary R	53.15	PF-76	Vacant	8
8319-040-00100	Bascom Pacific LLC	66.70	PF-76	Vacant	6
8319-040-00400	Lebrun James F & Linda C	1.91	PF-76	80111 Life Lane	N/A
8319-040-00401	Jones Terry & Bev	0.08	RR-5	Vacant	N/A
8319-040-00600	Mayger-Downing Com. Church	0.33	CS-I	80071 Life Lane	N/A
8319-040-00700	Mayger-Downing Com. Church	0.37	CS-I	80072 Life Lane	N/A
8319-040-00800	Rainier Cemetery District	3.30	CS-I	Vacant	N/A
8319-040-00900	Cook Ryan M & Kristina J	4.60	RR-5	Vacant	6
8329-020-00400	Giberson Lezlie	5.67	RR-5	79900 Blackford Road	N/A
8329-020-00401	Farmer John C	1.83	RR-5	Vacant	4
8329-020-00500	Kallunki John A & Leslie J	4.94	RR-5	79806 Blackford Road	4
8330-000-00100	Walling ½ Porter 1986 Trust ½	18.89	PF-76	79979 Bodine Road	6
8330-000-00102	Honeycutt Etsel F	2.33	PF-76	79943 Bodine Road	N/A
8330-000-00200	Gann Jerry D & Katherine M	0.06	PF-76	Vacant	N/A
8330-000-00300	Gann Jerry D & Katherine M	9.94	PF-76	80016 Bodine Road	6
8330-000-00301	Gann Jerry D & Katherine M	10.00	PF-76	Vacant	6
8330-010-00200	Johnson Willard Jr.	10.38	RR-5	Vacant	6, 7
8330-010-00300	Antilla Tim Richard & J	9.65	RR-5	Vacant	6
8330-010-00400	Cropley Chad E	5.75	RR-5	79935 Blackford Road	6
8330-010-00600	Holum Danial R & Laurie L	38.35	PF-76	79945 Blackford Road	4, 8

*4 = Disqualified farm-use, suspension; 6 = Designated Forest Land (includes reforestation); 7 = Farm-use (zoned & non-zoned) ; 8= Optional Timber Tax

Continuing with the Columbia County Zoning Ordinance:

Section 1190 BIG GAME RANGE OVERLAY

Modification of CU 07-21 & DR 07-05

- 1191 **Purpose:** To protect sensitive habitat areas for the Columbian white-tailed deer and other Big Game by limiting uses that conflict with maintenance of the areas. This section shall apply to all areas identified in the Comprehensive Plan, as major and peripheral big game range or Columbian white-tailed deer range. (See Comprehensive Plan Map 44 for general location of big game range. For detailed analysis see the 1995 Beak Consultants maps titled "Wildlife Game Habitat" found in Appendix XX)
- 1192 **Permitted Uses:** All uses permitted in the underlying zone either outright or conditionally shall be permitted if they are shown to be consistent with the maintenance of big game and Columbian white-tailed deer habitat values identified in the Comprehensive Plan.
- 1193 **Development Standards:**

All new development located in Major and Peripheral Big Game Habitat shall implement the following siting standards:

- .1 Dwellings and structures shall be located as near each other and existing developed areas as possible considering topography, water features, required setbacks and firebreaks.
- .2 Dwellings and structures shall be located to avoid habitat conflicts and utilize least valuable habitat areas.
- .3 Road development shall be minimized to that which is necessary to support the proposed use and the applicant shall utilize existing roads as much as possible.
- .4 The owner/occupant of the resource parcel shall assume responsibility for protection from damage by wildlife.
- .5 Riparian and Wetland areas shall be protected in accordance with Sections 1170 and 1180.
- .6 Columbia County shall notify the Oregon Department of Fish and Wildlife (ODFW) of all proposed uses or activities located within the Big Game Range Habitat. The County will consider the comments and recommendations of ODFW before making a decision concerning the requested use or activity.
- .7 Columbia County shall notify the Oregon Department of Fish and Wildlife (ODFW) and the U.S. Fish and Wildlife (USFW) of all proposed uses or activities located within the Columbian White-Tailed Deer habitat. The County will consider the comments and recommendations of ODFW and USFW before making a decision concerning the requested use or activity.

Discussion: The Clatskanie-Quincy CPAC BEAK maps indicate the property contains peripheral big game habitat areas. The proposed tower site is within close proximity to residential development including: three necessary structures within 100 feet of the proposed site and two dwellings within 200 feet on the adjacent property to the south. The dwelling of the property owner leasing the site is approximately 500 feet to the east. The subject property is accessible via Bodine Road, a private road that serves 4 other dwellings in the vicinity. From Bodine Road the site will be accessible via a 20 foot wide easement approximately 70 feet in length. The

easement will run adjacent to an existing barn on site and will be the most efficient and least intrusive means of access to the proposed communications tower. In summary, given the location of the proposed tower and existing surrounding developments (i.e. structures & roads) there is no evidence this proposal will compromise big game habitat.

Staff notes that the cell tower owners/operators shall assume responsibility for protection from damage by wildlife. The subject property does not contain any riparian or wetland areas. The County notified the Oregon Department of Fish and Wildlife (ODFW) of the proposed development and has not received any comments as of the date of this staff report.

Finding 3: The proposed communications tower complies with all applicable siting standards of the Big Game Range Overlay.

Finding 4: The owner/operator of the proposed communications tower and associated facilities shall assume responsibility for protection from wildlife damage.

Continuing with the Columbia County Zoning Ordinance:

Section 1503 CONDITIONAL USES

- .5 **Granting a Permit:** The Commission may grant a Conditional Use Permit after conducting a public hearing, provided the applicant provides evidence substantiating that all the requirements of this ordinance relative to the proposed use are satisfied and demonstrates the proposed use also satisfies the following criteria:
- A. The use is listed as a Conditional Use in the zone which is currently applied to the site;
 - B. The use meets the specific criteria established in the underlying zone;
 - C. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features;
 - D. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;
 - E. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district;
 - F. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use;
 - G. The proposal will not create any hazardous conditions.

Discussion: Communication towers are addressed as locationally dependent uses within the purpose section of the PF-76 zone. The Columbia County Zoning Ordinance identifies "Radio or television stations, transmitters or towers, except those installations used for the purpose of commercial forest management which are allowed

outright” as a conditional use in the Primary Forest (PF-76) zone. **The use is listed as a Conditional Use in the zone which is currently applied to the site.**

The criteria of the underlying zone, Primary Forest (PF-76), has been addressed, and determined compliant with the proposed use, within the discussion of finding 1 and 2. **The use meets the specific criteria established in the underlying zone.**

US Cellular Corporation states in application: “The site has the desired elevation and is undeveloped pasture. It is fairly flat and lends itself favorably to construction.” The proposed tower will be sited at an elevation of approximately 435 feet, which is probably the highest possible elevation in relation to reaching the desired coverage area into Washington State. **The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.**

The proposed site will be served by an easement extending approximately 70 feet east of Bodine Road and should provide adequate access to the communications tower. As noted previously, an existing power pole is located approximately 100 feet southeast of the proposed tower that will be used for running utilities from the site. **The site and proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.**

The surrounding area is predominately composed of forest lands with a number of dwellings along Bodine Road. The only real detriment to surrounding property owners is the visual impact of the tower. The applicant indicates that no home in the vicinity will be facing the facility and the monopole design will minimize possible visual impacts. However, should the tower include lights, they shall be shielded to prevent glare to nearby residents. **The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district, given conditions of approval.**

The Columbia County Comprehensive Plan, Public Facilities and Services, Policy 2 states, It shall be County policy to: “Require that the level of facilities and services provided be appropriate for, but limited to, the needs and requirements of the area(s) to be served. ...” The intention of this policy, as it relates to communication towers, is interpreted as requiring proof of co-location information in order to validate the need for a new tower as opposed to using existing facilities. As a part of application maps were submitted of surrounding communication towers and associated coverage areas. The intended coverage area for the proposed tower is along highway 4 in Washington from Longview to the coast and Coal Creek Road areas. Through the submitted maps the applicant is able to prove that existing sites in Rainier and Clatskanie will not cover the specific areas of concern that can be covered through the siting of the proposed tower in this location. **The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use.**

The only potential hazards associated with a communications tower are the risk of fire and hazards to air navigation. With the exception of the propane tank all facilities associated with the tower will consist of ignition resistant materials. The proposed monopole tower will be 150 feet in height and there is no indication of lighting or marking in site plans. The Oregon Department of Aviation shall be consulted to determine compliance with safety precautions. **The proposal will not create any hazardous conditions, given conditions of approval.**

finding 5: The applicant shall provide documentation from the Oregon Department of Aviation indicating compliance with applicable State rules and regulations.

Section 1550 SITE DESIGN REVIEW

The Site Design Review process shall apply to all new development, redevelopment, expansion, or improvement of all community, governmental, institutional, commercial, industrial and multi-family residential (4 or more units) uses in the County.

.1 Types of Site Design Review:

Type 1: Projects, developments and building expansions which meet any of the following criteria:

1. are less than 5,000 sq.ft., and are less than 10% of the square footage of an existing structure.
2. Increase the number of dwelling units in a multi-family project.
3. Increase the height of an existing building.

Type 2: Projects, developments and building expansions which meet any of the following criteria:

1. have an area of 5,000 sq.ft. or more, or are 10% or more of the square footage of an existing structure.
2. Change the category of use (e.g., commercial to industrial, etc.).
3. New off-site advertising signs or billboards.
4. Any project meeting any of the Type 2 criteria shall be deemed a Type 2 Design Review application.

.2 Design Review Process: The Planning Director shall review and decide all Type 1 Site Design Review applications. The Planning Commission shall review all Type 2 Design Review applications. Applications shall be processed in accordance with Sections 1600 and 1700 of this ordinance.

.11 Proposed Site Plan: A complete application for design review shall be submitted, including the following plans, which may be combined, as appropriate, onto one or more drawings, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:

A. **Site Plan:** The site plan shall be drawn at a suitable scale (i.e. 1"=100', 1"=50', or 1"=20') and shall include the following:

1. The applicant's entire property and the surrounding area to a distance sufficient to

determine the relationships between the applicant's property and proposed development and adjacent properties and developments.

2. Boundary lines and dimensions of the property and all proposed property lines. Future buildings in phased development shall be indicated.
3. Identification information, including names and addresses of project designers.
4. Natural features which will be utilized in the site plan.
5. Location, dimensions and names of all existing or platted roads or other public ways, easements, and railroad rights-of-way on or adjacent to the property, city limits, section lines and corners, and monuments.
6. Location and dimensions of all existing structures, improvements, or utilities to remain, and structures to be removed, all drawn to scale.
7. Historic structures, as designated in the Comprehensive Plan.
8. Approximate location and size of storm water retention or detention facilities and storm drains.
9. Location and exterior dimensions of all proposed structures and impervious surfaces.
10. Location and dimension of parking and loading areas. pedestrian and bicycle circulation, and related access ways. Individual parking spaces shall be shown.
11. Orientation of structures, showing entrances and exits.
12. All exterior lighting, showing type, height, wattage, and hours of use.
13. Drainage, including possible adverse effects on adjacent lands.
14. Service areas for waste disposal and recycling.
15. Noise sources, with estimated hours of operation and decibel levels at the property boundaries.
16. A landscaping plan which includes, if applicable:
 - a. Location and height of fences, buffers, and screening;
 - b. Location of terraces, decks, shelters, play areas, and common open spaces;
 - c. Location, type, size, and species of existing and proposed shrubs and trees; and
 - d. A narrative which addresses soil conditions and erosion control measures.

- B. Grading Plans: A preliminary grading plan indicating where and to what extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals, and natural resource protection proposals.
- C. Architectural Drawings:
 - 1. Building elevations and sections;
 - 2. Building materials (color and type);
 - 3. Floor plan.

Discussion: The scale of development proposed for the subject property requires a Type 2 site design review for approval and implementation. The applicant submitted site plans that address all provisions of Columbia County Zoning Ordinance Section 1550.11. The proposed site plan indicates the location of the communications tower in relation to the subject property, neighboring properties and its natural features. The adjacent property to the south is developed with 2 single family dwellings that are the closest in proximity to the proposed tower site. The area to be leased is approximately 70' x 70' and will contain the 150 foot monopole tower, a prefabricated concrete equipment shelter, a backup generator and a propane gas tank all to be enclosed by a 7 foot chain link fence. Site plans indicate locations of equipment enclosures for future carriers upon co-location. The tower site will be accessible via a 20' wide access easement from Bodine Road approximately 70' in length. There are not any significant natural features that will be disturbed as a result of this development. There is not a significant amount of impervious surface associated with the development, therefore a stormwater retention or detention facilities are not warranted. Exterior lighting is not indicated in site plans nor is it determined necessary for the monopole tower. Minimal grading will be required for siting of the tower.

Finding 6: All materials submitted in regards to the proposed site plan for processing of a type 2 site design review application are adequate.

.12 Landscaping: Buffering, Screening and Fencing:

A. General Provisions:

- 1. Existing plant materials on a site shall be protected to prevent erosion. Existing trees and shrubs may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the trees or shrubs.
- 2. All wooded areas, significant clumps or groves of trees, and specimen conifers, oaks or other large deciduous trees, shall be preserved or replaced by new plantings of similar size or character.

B. Buffering Requirements:

- 1. Buffering and/or screening are required to reduce the impacts on adjacent uses which are of a different type. When different uses are separated by a right of way, buffering, but not screening, may be required.
- 2. A buffer consists of an area within a required setback adjacent to a property line, having a width of up to 10 feet, except where the Planning Commission requires a

greater width, and a length equal to the length of the property line adjacent to the abutting use or uses.

3. Buffer areas shall be limited to utilities, screening, pedestrian and bicycle paths, and landscaping. No buildings, roads, or parking areas shall be allowed in a buffer area.
4. The minimum improvements within a buffer area shall include:
 - a. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than 10 feet high for deciduous trees and 5 feet high for evergreen trees, measured from the ground to the top of the tree after planting. Spacing of trees at maturity shall be sufficient to provide a year-round buffer.
 - b. In addition, at least one 5-gallon shrub shall be planted for each 100 square feet of required buffer area.
 - c. The remaining area shall be planted in grass or ground cover, or spread with bark mulch or other appropriate ground cover (e.g. round rock). Pedestrian and bicycle paths are permitted in buffer areas.

C. Screening Requirements:

1. Where screening is required, the following standards shall apply in addition to those required for buffering:
 - a. A hedge of evergreen shrubs shall be planted which will form a four-foot high continuous screen within two years of planting; or,
 - b. An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen six feet in height within two years. The unplanted portion of the berm shall be planted in lawn, ground cover or bark mulch; or,
 - c. A five foot or taller fence or wall shall be constructed to provide a continuous sight obscuring screen. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.
2. When the new use is downhill from the adjoining zone or use being protected, the prescribed heights of required fences, walls, or landscape screening along the common property line shall be measured from the actual grade of the adjoining property at the common property line. This requirement may be waived by the adjacent property owner.
3. If four or more off-street parking spaces are required, off-street parking adjacent

to a public road shall provide a minimum of four square feet of landscaping for each lineal foot of street frontage. Such landscaping shall consist of landscaped berms or shrubbery at least 4 feet in total height at maturity. Additionally, one tree shall be provided for each 50 lineal feet of street frontage or fraction thereof.

4. Landscaped parking areas may include special design features such as landscaped berms, decorative walls, and raised planters.
5. Loading areas, outside storage, and service facilities must be screened from adjoining properties.

D. Fences and Walls:

1. Fences, walls or combinations of earthen berms and fences or walls up to four feet in height may be constructed within a required front yard. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height.
2. The prescribed heights of required fences, walls, or landscaping shall be measured from the lowest of the adjoining levels of finished grade.
3. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.

- E. Re-vegetation: Where natural vegetation or topsoil has been removed in areas not occupied by structures or landscaping, such areas shall be replanted to prevent erosion.

Discussion: A landscape plan was not submitted with the design review application, nor is it warranted. A 7-foot chain link fence with 3 strands of barbed wire on top will enclose the tower and associated facilities. The chain link fence shall incorporate a method of site obscuring such as installing slats of a natural color such as green or brown that will blend with the surrounding environment. The applicants have indicated that a painted monopole will be utilized to reduce any visual impacts. Given the remote character of the tower buffering or a hedge with the chain link fence is not warranted.

Finding 7: The chain link fence surrounding the facility shall be installed with site obscuring slats of a brown or green color.

OREGON ADMINISTRATIVE RULES (OAR)

660-006-0025

Uses Authorized in Forest Zones

(4) The following uses may be allowed on forest lands subject to the review standards in section (5) of this rule:

(h) Television, microwave and radio communication facilities and transmission towers;

(5) A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:

(a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

(c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

Discussion: Subject to the review standards of 660-006-0025(5) communications facilities and transmission towers are permitted in forest zones. It has been determined, as addressed in the discussion associated with finding 2, that the proposed use will not significantly impact surrounding property owners and fire hazards shall be mitigated through maintenance of required firebreak areas. The uses authorized in the above listed subsections within (660-006-0025(5)(c) do not apply to the proposed request of this application and therefore a written statement with the deed is not required.

Finding 8: The applicant shall maintain the primary firebreak of 30 feet around all structures within the subject property.

Continuing with Oregon Administrative Rules (OAR):

660-006-0029

Siting Standards for Dwellings and Structures in Forest Zones

(1) Dwellings and structures shall be sited on the parcel so that:

(a) They have the least impact on nearby or adjoining forest or agricultural lands;

(b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

(d) The risks associated with wildfires are minimized.

(4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Fire Safety Design Standards for Roads

The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

Discussion: As previously documented in this staff report the communications tower will not adversely affect adjoining forest lands or inhibit accepted practices. Minimal land will be disturbed as a result of road creation to access the proposed tower site. The access easement from Bodine Road appears to be of adequate dimensions for accessibility of fire protection equipment. The County Road Department submitted comments indicating that damage to Bodine Road as a result of construction shall be repaired.

Finding 9: The applicant shall submit documentation from the Clatskanie Fire District stating the service road to the tower lease area has been constructed and is acceptable to the RFPD.

Finding 10: A road access permit shall be obtained from the County Road Department.

Finding 11: Any damage to Bodine Road by construction vehicles is to be repaired to the satisfaction of the County Road Department.

COMMENTS:

1. The Clatskanie Fire District has reviewed the application and has no objections to its approval as submitted.
2. The Roadmaster has reviewed the application and has no objections to its approval as submitted, with comments: "Any damage to Bodine Road by construction vehicles is to be repaired to the satisfaction of the County Road Department."
3. The Building Official has reviewed the application and has no objections to its approval as submitted .
4. The Sanitarian has reviewed the application and has no objections to its approval as submitted.
5. The County Surveyor has reviewed the application and has no objections to its approval as submitted.

No other comments have been received from notified nearby property owners or government agencies as of the date of this staff report (March 23, 2006).

STAFF CONCLUSIONS & RECOMMENDATION:

Based upon research about the property and findings of the above staff report (CU 07-21 & DR 07-05), staff recommends **Approval** of this request to site a wireless communication facility to include a 150' monopole and

associated equipment on a 14.47 acre parcel in the Primary Forest (PF-76) zone, subject to the following conditions:

CONDITIONS OF APPROVAL:

1. This Conditional Use Permit & Design Review shall remain valid for two (2) years from the date of the final decision. This permit shall become void, unless the proposal has commenced in conformance with all conditions and restrictions established herein within the two-year validity period. Extensions of time may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to develop.
2. The following shall be completed prior to issuance of any Building Permit:
 - a. A revised site plan shall be submitted demonstrating compliance with the primary fuel-free fire break requirement of condition "3" below. If necessary easements on adjacent property shall be obtained.
 - b. Applicant shall submit proof of a recorded long-term non-exclusive easement for ingress/egress using the proposed access road through the subject property to the communication facility lease site.
 - c. Applicant shall submit proof of a recorded long-term non-exclusive easement for utilities to the communication facility lease site.
 - d. The applicant shall submit documentation from the Clatskanie Rural Fire Protection District stating the service road to the communication facility area has been constructed and is acceptable to the District.
 - e. The applicant shall provide documentation from the Oregon Department of Aviation indicating compliance with applicable State rules and regulations.
 - f. Applicant shall sign and record in the deed records of Columbia County a WAIVER OF REMONSTRANCE regarding past, current or future accepted farm or forest operations of adjacent and nearby lands.
 - g. A Road Access Permit shall be obtained from the County Road Department.
 - h. Applicant shall enter into an Agreement with Columbia County, in which Applicant agrees to demolish or otherwise remove, or cause to be demolished or otherwise remove, the tower and associated facilities from the subject property when the tower and has no more useful life as a Wireless Personal Communications Services (PCS) communication tower. To assure the faithful compliance with the Agreement, the Agreement shall specify that Applicant shall place in escrow or secure a bond for the benefit of the County, in the amount of 125% of the estimated cost of demolishing or otherwise removing the tower at the time the Agreement is signed. The bond or escrow deposit shall be continued for the lease period. Upon sale, assignment, sublease, or any other transfer of interest in the tower, Applicant shall agree to require the new owner, assignee,

sublessee, or other interested party, to post such bond or deposit such an amount into an escrow account for the remaining lease period before Applicant's bond is release or escrow deposit is returned to Applicant. Upon expiration of the lease period, if the lease is renewed, the bond or escrow deposit shall continue for the additional lease period. The County shall determine when the tower has no more useful life as a PCS communication tower when evidence suggests that no electricity or other power source is being supplied to the tower, the lease has been terminated, or other like evidence suggests that the tower is no longer being used to provide PCS communication coverage.

3. A primary fuel-free fire break shall be required around the perimeter of the communications facility pursuant to OAR 660-006-0035 and Recommended Fire Siting Standards for Dwellings & Structures & Fire Safety Design Standards for Roads, dated March 1991 and published by the Oregon Department of Forestry.
4. All lighting associated with the communication facility shall be shielded to prevent glare onto neighboring properties and rights-of-way.
5. The responsibility for protection from wildlife damage on the property shall be assumed by the communication facility's owner/operator.
6. The 7' high chain link fence surrounding the communication facility shall include full-height sight-obstructing slats that are brown or green in color.
7. All activity, equipment and storage associated with the communication facility shall be kept entirely within the fence enclosed area of the facility.
8. Any damage to Bodine Road as a result of the construction of the communication facility, (e.g. by construction vehicles) shall be repaired to the satisfaction of the County Road Department.
9. During construction of the transmission tower measures shall be taken to reduce the effects of dust on neighboring dwellings.
10. The applicant shall provide proof of a road Maintenance agreement for Bodine Road to the satisfaction of Columbia County Land Development Services.