



PO Box 730 • #1 Town & Country Square • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2229
www.gorgecommission.org

MINOR CHANGE TO A DEVELOPMENT REVIEW

Director's Decision

APPLICANT: Verizon Wireless, representing Schreiner Farms

FILE NO.: C08-0003-K-G-21

ORIGINAL REQUEST:

To construct a 25-foot tall monopole communications tower with antennas and two microwave dishes and a 12' by 26' equipment shelter within a 45' by 80' foot fenced area. The project also includes the construction of retaining walls, a drainage swale, 4 overhead power poles along an existing road, and approximately 200 feet of underground power cable in an existing road. No road improvements are proposed.

REQUEST WITH MINOR CHANGE:

The same development that was approved in the original request with: 1) a change in the orientation of the development site resulting in the elimination of the southern retaining wall, 2) the addition of a pad mounted transformer, and 3) a reduction in the fenced area from approximately 45' by 80' to approximately 45' by 40'.

LOCATION: The subject parcel is located in the NW $\frac{1}{4}$ of Section 8, Township 2N, Range 13E, Willamette Meridian, Klickitat County, Washington.

LAND USE

DESIGNATION: The subject parcel is in the General Management Area and is designated Large-Scale Agriculture.

AUTHORITY TO APPROVE MINOR CHANGE:

This application was received and reviewed under Commission Rule 350-81. The proposed minor changes are therefore being reviewed pursuant to Commission Rule 350-81-046.

Commission Rule 350-81-046 states:

Any change to a development action approved by the Executive Director shall be processed as a new action, except that the Executive Director may approve minor changes to findings, conclusions, and conditions of approval deemed to be consistent

with the guidelines of Commission Rule 350-81 and the findings and conclusions for the original action. If the Executive Director approves a minor change, the Director shall notify all of the parties that would have standing to appeal the change, including the applicant, the Forest Service, the four Indian tribal governments, the county planning department, and anyone who submitted comments during the comment period on the original land use application. The change itself (not the original decision) would be subject to appeal under the same time frames applicable to the original decision.

In this report, the original findings of fact are amended to accurately reflect the proposed changes to the project. The findings are then analyzed for consistency with the original decision. Conclusions are also analyzed for consistency with the original decision. Only findings and applicable guidelines that are relevant to the proposed changes are amended and included in this report.

DECISION:

Based upon the findings of fact of the original decision in addition to those amended findings below, the land use application by Verizon Wireless to construct a communications facility is found to be consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act P.L. 99-663, and the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-81 and is hereby **APPROVED**.

CONDITIONS OF APPROVAL:

The following conditions of approval are given to ensure that the subject request is consistent with the standards of Section 6 and the purposes of P.L. 99-663, and the Management Plan and approvable under Commission Rule 350-81. These conditions must be recorded in county deeds and records to ensure notice of the conditions to successors in interest (Management Plan, Review Uses Guideline 1, pg. II-96). **Note: Condition 3 is changed and condition 6 is added from the original decision. Conditions 2 and 10 are added to reflect new site inspection procedures.**

1. The development shall be sited and constructed as shown on the approved site plan and elevation drawings.
2. Locations for the driveway, turn around area, fenced compound and other ground-disturbing development shall be staked for Commission inspection prior to grading or excavation. The applicant shall notify the Commission once staking is complete to arrange for an inspection. Grading and excavation may begin after Commission inspection and approval of staking.
23. The exterior of the equipment shelter (including the roof, trim, all venting and doors), transformer, and fence shall be painted a dark brown, such as Sherwin Williams "Umber" (SW 6146) or a darker brown. The monopole, antenna panels and microwave dishes shall be painted a dark grey color such as Behr Paint's "Sandwashed Driftwood" (770D-6) or "Dusty Mountain" (790D-6) or an equivalent color. The retaining walls shall use a dark earth tone colored concrete. The final color selections shall be submitted to and approved by the Planning Manager prior to painting.
34. The equipment shelter shall be constructed of concrete with an aggregate finish as proposed so it has low reflectivity.

- 45. Outdoor lights on the east side of the building for use by technicians when working at the site shall be directed downward and hooded and shielded so as to not be highly visible from key viewing areas to the south and east. Shielding and hooding materials shall be composed of non-reflective, opaque materials. Any changes to the approved lighting shall be submitted for review and approval by the Planning Manager prior to installation.
- 6. All fill slopes shall be reseeded to minimize their visibility from key viewing areas. The reseeded shall occur within 90 days of grading completion.
- 57. Prior to construction, the applicant shall submit a revised power line plan that clearly locates all proposed utility poles outside the intermittent stream and its 50-foot stream buffer. No ground disturbance shall occur within the stream and stream buffer zone.
- 68. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall cease and the applicants shall notify the Gorge Commission within 24 hours. The cultural resources shall remain as found; further disturbance is prohibited until permission is granted by the Planning Manager of the Gorge Commission.
- 79. If human remains are discovered during construction activities, all activities shall cease upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Planning Manager of the Gorge Commission.
- 10. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval. Project completion means completion of all work on exteriors of structures (including painting), and completion of grading and excavation.

DATED AND SIGNED THIS 21st day of July 2009 in White Salmon, Washington.



Brian Litt
Principal Planner

EXPIRATION OF APPROVAL:

This decision of the Planning Manager becomes void on the 15th day of January, 2010.

This decision does not modify the original decision regarding expiration, discontinuance or extension of the validity of the approval.

As per Commission Rule 350-81-044(6), an extension of the validity of a development approval may be requested. Such a request shall be submitted in writing prior to the expiration of the approval. The Planning Manager may grant an extension if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing the proposed development within the original time limitation. The Planning Manager shall not grant an extension if the site

characteristics and/or new information indicates that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

APPEAL PROCESS:

This decision of the Planning Manager shall be final unless the applicant or a person who commented on the applicant's original application (C08-0003-K-G-21) within the 21 day comment period files a Notice of Intent to Appeal and Petition with the Gorge Commission within thirty (30) days of the date of this decision. Information on the appeal process may be obtained at the Commission offices.

The appeal period ends the 20th day of August, 2009.

NOTES:

Any new land uses such as roads or structural development such as residences; garages, workshops, or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review.

COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the original request was mailed to property owners within 500 feet of the subject parcel and the following individuals/agencies/governments:

- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs Reservation of Oregon
- Nez Perce Tribe
- U.S. Forest Service National Scenic Area Office
- Washington Department of Archaeology and Historic Preservation
- Klickitat County Planning Department
- Klickitat County Building Department
- Klickitat County Health Department
- Klickitat County Assessor
- Washington Department of Fish and Wildlife
- Washington Department of Natural Resources Natural Heritage Program
- Friends of the Columbia Gorge

Written comments were received from Sandy Moody with Washington Department of Natural Resources Natural Heritage Program, Mo-chi Lindblad, Senior Planner for Klickitat County, and Richard Till with Friends of the Columbia Gorge.

AMENDED FINDINGS OF FACT AND CONCLUSIONS AND ANALYSIS OF CONSISTENCY OF PROPOSED CHANGES:

Amendments to Findings and Conclusions are shown with ~~strikeout text~~ indicating deletions to the original findings and underlined text indicating additions to the original findings.

A. Land Use

1. Verizon Wireless is seeking approval to construct a wireless communication tower with

antennas and two microwave dishes, an equipment shelter, a pad mounted transformer, a fenced area, retaining walls and to extend power via 4 overhead power poles and 200 feet of underground cable. The subject property is owned by Schreiner Farms. Currently, the property is used for cattle grazing.

The 25 foot steel monopole would support twelve antennas and two microwave dishes. The equipment shelter would be concrete and 12 feet by 26 feet in size and approximately 10 feet in height. It would be built into the slope with two retaining walls on the north ~~and south~~ sides of the site. The retaining walls ~~would~~ will be about ~~54~~ feet in height ~~and the southern retaining wall would be back filled with a berm to hide the wall from the south.~~ The compound ~~would~~ will be enclosed with a 6 foot tall ~~45' by 80'~~ foot chain link fence with barbed wire on top. The fenced area will be approximately 45' by 40'. Power ~~would~~ will be extended to the site with 4 overhead power poles and approximately 200 feet of underground power cable from an existing power pole located east of the site. The power would run along the existing road. The site is accessed by an existing gravel road. No road improvements are proposed except some possible maintenance grading.

Analysis of Consistency of Proposed Change:

The applicant has proposed changes to the configuration of the communications site and to add a pad mounted transformer. The other aspects of the project described in the original finding would remain unchanged. This finding is hereby amended to accurately describe the proposed addition of the transformer.

3. Commission Rule 350-81-200 lists review uses on lands designated Large-Scale Agriculture, allowed subject to compliance with scenic, cultural, natural and recreation resources guidelines and the additional approval criteria listed in Commission Rule 350-81-220. Commission Rule 350-81-200(1)(a) allows:

Utility facilities and railroads necessary for public service upon a showing that (1) there is no practicable alternative location with less adverse effect on agricultural or forest lands, and (2) the size is the minimum necessary to provide the service.

Commission Rule 350-81-020(166) defines a “utility facility” as “any structure that provides for the transmission of ...communications.”

The antennas, shelter, transformer, fenced enclosure, retaining walls, and extension of power constitute the proposed utility facility for transmission of communications. Radio frequency maps show that the site is necessary to provide signals along Interstate 84 west of The Dalles from the Discovery Center to Rowena, most of which currently lacks any Verizon signals. It also would cover parts of Highway 14 south of the site and parts of the Historic Columbia River Highway west of The Dalles to Rowena. The site is necessary to provide public voice and data services including emergency 911 services along this corridor.

Alternative locations on other properties were not practicable based on coverage maps and local topography that blocked the intended coverage areas. Collocation of the antennas on an existing tower approximately ½ mile from the proposed site would not provide the needed service due to a ridge located between the existing tower and the target coverage area. The location of the site near an existing road minimizes the effect on agricultural lands. The subject property is used for grazing and the property owner anticipates no change in his current agricultural practices. The 3,600 square foot fenced area would remove a small amount of grazing land from the 496-acre property. The presence of this compound would not deter or adversely affect grazing on the subject property or agricultural uses on adjacent lands – most of which are owned by Schreiner Farms. Alternate locations could require the construction of a new road in which case greater adverse effects to agricultural operations could occur. There are nearby oak trees, but no trees will be removed for this project and no other forest lands are located nearby. There are therefore no practicable alternative locations with less adverse effects on agricultural or forest lands.

Radio frequency maps of the area show existing gaps in communications and how the proposed facility would provide coverage for the desired target area (Interstate 84 between The Discovery Center and Rowena). The antennas and microwave dishes have been sited on a 25-foot monopole that is much shorter than the other tower in the area (the tower located approximately ½ mile northeast of the subject site is approximately 60 feet in height). The relatively low height of the proposed tower and antennas, combined with the coverage maps, demonstrates the size is the minimum necessary to provide the service. The proposal is an allowed review use pursuant to Commission Rule 350-81-200(1)(a), subject to compliance with scenic, cultural, natural and recreation resources guidelines and the additional approval criteria listed in Commission Rule 350-81-220.

Analysis of Consistency of Proposed Change:

This finding is hereby amended to accurately describe the proposed addition of a transformer.

B. Scenic Resources

6. Commission Rule 350-81-520(2)(c) states:

Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

The key viewing areas from which this development is visible are between .6 and 5 miles distant. The monopole is relatively short (25 feet tall) and the compound will be sited and graded to blend into the hillside. The proposed shelter is fairly small and will be constructed of non-reflective, dark earth-tone materials. The transformer is small and located behind a retaining wall. No new roads are proposed. The retaining walls are not tall and will mostly be screened by fill that is reseeded a dark brown chain link

fence, the equipment shelter and the monopole. The four utility poles, because of their thin width and distance from key viewing areas, will not be visible. Other developments at a distance from key viewing areas, similarly sited, designed and conditioned would not cause adverse scenic impacts. The proposed development would not generate adverse cumulative scenic impacts.

Analysis of Consistency of Proposed Change:

Instead of retaining walls on the north and south sides of the site, the southern retaining wall will be eliminated, the northern wall reconfigured, and a short second one on the north added to site the transformer. The transformer and second retaining wall will not be visible from key viewing areas given their location on the north side of the site. Eliminating the southern retaining wall and adding a transformer with short retaining wall on the north side of the site will not affect the cumulative scenic impacts of the proposed development. The finding supports the conclusion that the project will be consistent with Commission Rule 350-81-520(2)(c).

15. Commission Rule 350-81-520(2)(1) states:

Unless expressly exempted by other provisions in 350-81-520, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval.

The proposed structures include the equipment shelter, the monopole, microwave dishes, antenna panels, pad mounted transformer, fence, retaining walls, and power poles. The applicant submitted four color choices for the equipment shelter and monopole: Sherwin Williams Camelback (SW 6122), Harmonic Tan (SW 6136), Restrained Gold (SW 6129), and Basket Beige (SW 6143). These are light and medium earth tone colors that are not consistent with the requirement of *dark* earth tones. The immediate development site is a grassy hillside and there are oak trees upslope. Even on a grassy hillside, darker colors blend with the landscape from background views. The dark colors found in the trunks and leaves of the oak trees would be consistent with Commission Rules. Of the colors on the color strips submitted, Sherwin Williams “Umber” (SW 6146) is the best choice. A darker brown also would work well. A dark grey color for the monopole, microwave dishes, and antenna panels would blend with the nearby oak trees. A condition of approval will require the equipment shelter (including roof and other exterior elements such as vents and doors), transformer, and fence to be “Umber” or a darker brown, the retaining walls to be a dark earth tone colored concrete, and ~~will require~~ the monopole, antenna panels and microwave dishes to be a dark grey. ~~The proposed retaining wall will be covered by backfill and will not be visible from key viewing areas.~~ The power poles will be the traditional dark wood poles, consistent with Commission Rule 350-81-520(2)(1).

Analysis of Consistency of Proposed Change:

This finding is hereby amended to accurately describe the proposed addition of a transformer

and elimination of a backfilled retaining wall on the south side of the site. The proposed colors remain unchanged.

21. Commission Rule 350-81-520(2)(z) states:

Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from key viewing areas.

The proposed communications facility will be located on a steep hill. The communications facility is designed to allow for a maintenance vehicle to turn around because it is located on a primitive road with little room for maneuvering vehicles on the steep slope. Given the steep slope, the design of the compound includes a cut bank, retaining walls, and fill. ~~The retaining wall on the south side of the compound—the side most visible from key viewing areas—will be back filled and seeded with native grasses so the wall will not be visible from key viewing areas.~~ The cut bank with retaining wall on the north side of the compound will be obscured from key viewing areas by the equipment shelter and fence. The south side of the compound will be contoured to blend with the existing slope. A condition requiring the fill slopes to be reseeded will ensure they are visually subordinate from key viewing areas. The driveway into the compound is short and also will be obscured by the fence and seeded back fill. The development is thus consistent with Commission Rule 350-81-520(2)(z).

Analysis of Consistency of Proposed Change:

This finding is hereby amended to reflect the elimination of the southern retaining wall. With an added condition to require the fill slope on the south side of the development to be reseeded, the development remains consistent with Commission Rule 350-81-520(2)(z).

cc: Confederated Tribes and Bands of the Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation
Nez Perce Tribe
Klickitat County Planning
Klickitat County Building
Friends of the Columbia Gorge
Washington Department of Fish and Wildlife
Washington Natural Heritage Program
Schreiner Farms

JBK
FIND0003.08_2nd minor change findings.doc