

DIRECTOR'S DECISION

- APPLICANT:** T-Mobile West LLC
- APPLICANT AGENT:** Bjorn Morfin of Odelia Pacific
- LANDOWNER:** Lee Strom
- FILE NO.:** C16-0001
- REQUEST:** To remove an existing 25-inch microwave dish and replace it with a 15.3-inch microwave dish on an existing wireless communication tower, to add a remote radio unit (10.4 x 10.4 x 4.9 inches in size) behind the replacement microwave dish, and to add an IDU unit inside an existing ground level cabinet.
- LOCATION:** The subject parcel is located on Burdoin Mountain in the NW 1/4 of Section 28, Township 3 North, Range 11 East, W.M., Klickitat County, Washington (Klickitat County Parcel Number 03112853000200).
- LAND USE DESIGNATION:** The 5.14-acre property is located in the General Management Area and is designated Small-Scale Agriculture.

DECISION:

Based upon the following findings of fact, the land use application by Bjorn Morfin of Odelia Pacific for T-Mobile West LLC to replace a microwave, install a new remote radio unit and IDU unit as described above is 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, 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 the Columbia River Gorge National Scenic Area Act, and the Management Plan and approvable under Commission Rule 350-81.

- 1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C16-0001, and approved site plan shall be recorded in county deeds and records at the Klickitat County Assessor's Office. Once recorded, the applicant shall submit a copy of the recorded document to the Executive Director at the Commission.**
2. The development shall be constructed as described and shown on the approved project description, site plan and elevation drawings. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.
3. All access to the telecommunication tower site shall use only the existing service road. The applicant shall inform its contractors that they shall not pull off the road (the existing gravel surface) until they

reach the fenced telecommunication site. The applicant shall use the road "as-is" and shall not grade, blade, fill, or modify the existing road.

4. The replacement antenna(s) shall be painted a low or non-reflective dark earth tone color. The applicant has submitted "Baker's Chocolate", a Sherman Williams Bond-plex paint (B71T204). If the applicant wants to use a different color, the applicant shall submit a sample of the color to the Executive Director for approval. Commission Rule 350-81-052(1)(a)(c) is the applicable guideline for review.
5. No outdoor lighting is approved in this Director's Decision. Any future proposed outdoor shall be submitted for review and approval by the Executive Director prior to installation.
6. 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 Executive Director of the Gorge Commission.
7. If human remains are discovered during construction activities, all activities shall cease upon their discovery. Local law enforcement, the Executive Director, Indian Tribal governments and the Washington State Department of Archaeology and Historic Preservation and the Washington State Anthropologist shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
8. 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).

DATED AND SIGNED THIS 29 day of June 2016 at White Salmon, Washington.



Krystyna U. Wolniakowski
Executive Director

EXPIRATION OF APPROVAL:

This decision of the Executive Director becomes void on the 29 day of June, 2018.

Commission Rule 350-81-044(6) allows the Executive Director discretion to grant an extension of the validity of a development approval. A request shall be submitted in writing prior to the expiration of the approval. The Executive Director may grant an extension if she determines that conditions for which the applicant was not responsible prevent the applicant from commencing the proposed development within the original time limitation. The Executive Director shall not grant an extension if the site characteristics and/or new information indicate that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

APPEAL PROCESS:

The appeal period ends on the 28 day of July, 2016.

The decision of the Executive Director is final unless the applicant or any other person who submitted comment files a Notice of Intent to Appeal and Petition with the Commission within thirty (30) days of the

date of this decision. Information on the appeal process is available at the Commission office.

NOTES:

Any new land uses or structural development such as driveways, parking areas, garages, workshops, fences or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review. New cultivation also requires a new application and review.

This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.

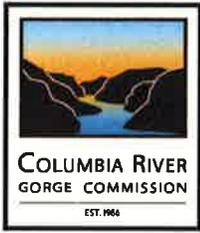
COPIES OF THIS DECISION SENT TO:

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 Auditor
Klickitat County Public Works
Washington Department of Fish and Wildlife
Friends of the Columbia Gorge

Attachments:

Staff Report C16-0001
Approved Site Plan

RM
DEC0001.16



FACTS AND FINDINGS COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

APPLICANT: T-Mobile West LLC

APPLICANT AGENT: Bjorn Morfin of Odelia Pacific

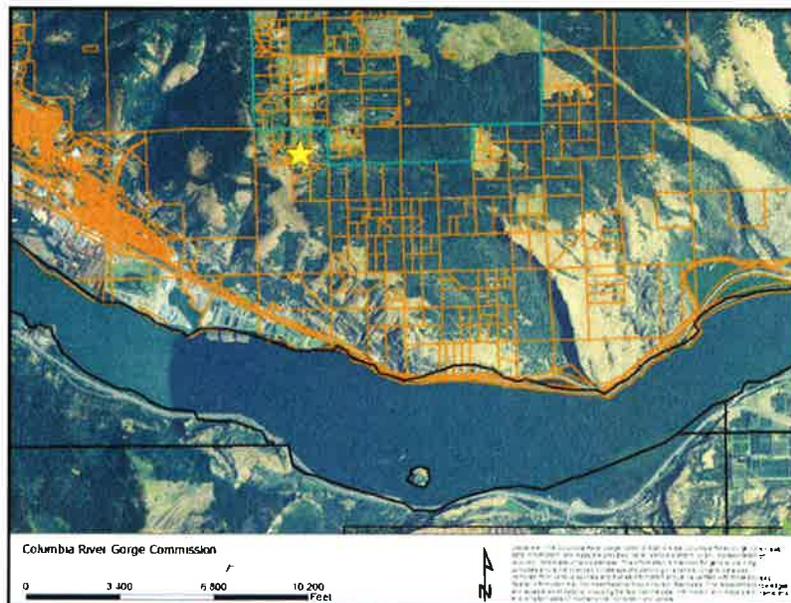
LANDOWNER: Lee Strom

FILE NO.: C16-0001

REQUEST: To remove an existing 25" microwave dish and replace it with a 15.3" microwave dish on an existing wireless communication tower, to add a remote radio unit (10.4" x 10.4" x 4.9") behind the replacement microwave dish, and to add an IDU unit inside an existing ground level cabinet.

LOCATION: The subject parcel is located on Burdoin Mountain in the NW 1/4 of Section 28, Township 3 North, Range 11 East, W.M., Klickitat County, Washington (Klickitat County Parcel Number 03112853000200).

LAND USE DESIGNATION: The 5.14-acre property is located in the General Management Area and is designated Small-Scale Agriculture.



Aerial View of parcel 03112853000200

COMMENTS FROM OTHER INDIVIDUALS/ AGENCIES/ GOVERNMENTS:

Notice of the subject request was mailed to property owners within 200 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 Auditor
Washington Department of Fish and Wildlife
Friends of the Columbia Gorge

Written comments were received from Marge Dryden, the Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, and Steve McCoy of Friends of the Columbia Gorge.

FINDINGS OF FACT:

A. LAND USE

1. Bjorn Morfin of Odelia Pacific for T-Mobile West LLC has applied to remove an existing 25-inch microwave dish and replace it with a 15.3-inch microwave dish on an existing wireless communication tower. The current dish is located at approximately 57 feet on the existing 65-foot tower. The replacement dish will be located at the same spot. T-Mobile also proposes to add a remote radio unit (10.4 x 10.4 x 4.9 inches in size) behind the replacement microwave dish, and a new IDU unit inside an existing ground level cabinet.
2. The project will add to an existing telecommunications facility on Burdoin Mountain, off of Courtney Road, to the northeast of Bingen, WA. The existing facility is located on a 5.14 acre parcel designated Large-Scale Agriculture in the General Management Area (GMA).
3. Commission Rule 350-81-182 allows uses listed in "Expedited Review Process" (contained in Commission Rule 350-81-050) on lands designated as Large-Scale Agriculture in the GMA. Commission Rule 350-81-050(1)(r)(C) allows new antennas and associated support structures for existing telecommunication towers through the expedited review process. It states:

New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.

Neither the Gorge Commission nor the Forest Service, nor Klickitat County have any record of a permit for the construction of the tower. However, in 1992, the U.S. Forest issued a National Scenic Area consistency determination that allowed a modification of the associated electronic site and the removal and replacement of the subject pole (See Forest Service Consistency Review File No. F92-0014-K-G-C24). The Commission cannot verify the date of construction of the tower or that the tower is an existing use having received all necessary approvals at the time of

construction. Typically, in this situation, the Commission would have to review the entire tower for consistency with the National Scenic Area Land Use Ordinance; however, because the Forest Service issued a National Scenic Area consistency determination, the Commission will treat the tower as an existing use.

4. The expedited review process, Commission Rule 350-81-052(1) and (2) requires proposed developments comply with scenic, cultural, recreation, and natural resource and treaty rights protection guidelines. These findings are discussed below in Sections B through F.

CONCLUSION:

The proposed antennas and associated structures are an allowed expedited review use, subject to compliance with the guidelines in Commission Rule 350-81-052 that protect scenic, cultural, natural, and recreation resources and treaty rights.

B. SCENIC RESOURCES

1. Commission Rule 350-81-052(1)(a)(B) states:

Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.

The development site is located off of Burdoin Mountain at an approximate elevation of 2,244 feet. The tower is topographically visible in the middle ground (1 to 3 miles) and background (greater than 3 miles) from several Key Viewing Areas (KVAs) to the south, including: SR-14, the Columbia River, I-84, the Historic Columbia River Highway, Rowena and State Route 142; all of which are located at much lower elevations. The site is set back from the bluff, and as viewed from the KVAs, the crest of the bluff provides some topographic screening for the bottom of the tower and existing communications shelters.

As described in Finding A.1 above, the antenna will be mounted at 57 feet on the 65-foot tower; it will be relatively small (15.3' inches in diameter), and because of its size and the distance from which it will be viewed, it is unlikely to be seen by the casual observer. A dark earth tone will be required for the new microwave antenna.

The applicant has submitted a dark brown color sample, titled "Baker's Chocolate," by Sherman Williams, which is a Bond-plex paint. The site and the surrounding landscape have basalt rock ground cover and rock outcroppings. Basalt is a mottled dark brown and gray color. "Baker's Chocolate" is similar to these colors found at the site and in the surrounding landscape and is approved. A condition of approval will require the applicant to use this color or seek approval of a different color.

2. Commission Rule 350-81-052(1)(a)(C) states:

Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

The applicant does not specifically state that the paint color will be low or non-reflective; a flat sheen would be low-reflective. A condition of approval is included in the Director's Decision to require a flat, low-reflective finish consistent with Commission Rule 350-81-052(1)(a)(C).

3. Commission Rule 350-81-052(1)(a)(D) states:

Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

No new outdoor lights are proposed. A condition of approval will be included in the Director's Decision to ensure any future outdoor lighting complies with this guideline.

4. Commission Rule 350-81-052(1)(a)(F) states:

Structures within one-half mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

The proposed development is located northeast of Bingen, Washington, more than a mile north of State Route 14. It is not located within one-half mile of any key viewing area. Commission Rule 350-81-052(1)(a)(F) is not applicable.

CONCLUSION:

With conditions of approval addressing color, reflectivity, and outdoor lighting, the proposed development is consistent with the applicable guidelines for the protection of scenic resources in Commission Rule 350-81-052.

C. CULTURAL RESOURCES

1. Commission Rule 350-81-052(1)(b) includes cultural resource protection provisions for uses eligible for the expedited review process. It states:

(A) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey, pursuant to 350-81-540(1)(c)(A) or historic survey, pursuant to 350-81-540(1)(c)(B).

Marge Dryden, the Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, provided a cultural resources survey determination for the proposed development on April 27, 2016. Ms. Dryden determined that the proposed development does not require a reconnaissance survey or historic survey pursuant to Commission Rules 350-81-540(1)(c)(A) and (B).

(B) The GMA guidelines that protect cultural resources and human remains discovered during construction [350-81-540(6) and (7)] shall be applied as conditions of approval for all development approved under the expedited review process.

The decision will include conditions of approval addressing this guideline.

CONCLUSION:

With conditions requiring the cessation of work and Commission notification if cultural resources or human remains are discovered during construction, the proposed development is consistent with the cultural resources guidelines in Commission Rule 350-81-052(1)(b).

D. NATURAL RESOURCES

1. Commission Rule 350-81-052(1)(d) lists natural resource protection guidelines for expedited review uses. To qualify for the expedited review process, Commission Rule 350-81-052(1)(d)(A)(i) requires new development to be located outside of buffer zones for wetlands, streams, rivers, ponds, and lakes, except for lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

There are no wetlands, streams, rivers, lakes, or ponds located on the subject parcel.

All new development will be located outside of all buffer zones for wetlands, streams ponds and lakes. The proposed development it consistent with Commission Rule 350-81-052(1)(d).

2. Commission Rule 350-81-052(1)(d)(B) contains expedited review guidelines to protect sensitive wildlife and sensitive plants. It requires eligible development to meet one of the following circumstances:

(I) *The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or*

(II) *The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or*

(III) *For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines (1) the sensitive wildlife area or site is not active or (2) the proposed development would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.*

For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon or Washington Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the sensitive plants.

There is one known sensitive plant identified within 1,000 feet of the subject property. The applicant did not conduct a site-specific study to determine whether the sensitive plant is located on the site because the proposed development will occur within a fenced area that has been previously disturbed and used and regularly maintained as a telecommunications site.

Emelie McKain, Habitat Biologist, from the Washington Department of Fish and Wildlife also stated that the “proposed tower dish replacement poses minimal threat to the sensitive species in proximity of the tower” and requested that the applicant use the “best management practices to utilize only existing roadways and paths, as well as the replacement taking place on existing infrastructure.”

A condition of approval will be included in the Director’s Decision to ensure that the applicant and contractors use the road as-is and refrain from pulling off the road until they reach the telecommunication site. The proposed addition is consistent with the natural resource protection measures in Commission Rule 350-81-052(1)(d)(B).

CONCLUSION:

With a condition of approval for the existing road to be used as-is, the proposed development is consistent with the natural resource protection guidelines in Commission Rules 350-81-052(1)(d) for uses eligible for expedited review.

E. RECREATION RESOURCES

1. Commission Rule 350-81-052(1)(c)(A) requires new development approved under the expedited review process to not detract from the use and enjoyment of recreation sites on adjacent parcels. No established recreation sites exist on adjacent properties; therefore, this rule is not applicable.

CONCLUSION:

The proposed development is consistent with applicable recreation resource protection guidelines for expedited review uses in Commission Rule 350-81-052(1)(c).

F. TREATY RIGHTS PROTECTION

1. Commission Rule 350-81-052(2) requires developments reviewed using the expedited review process to comply with the following treaty rights protection guidelines:
 - (a) *Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.*
 - (b) *The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.*

The proposed development will swap out an existing microwave dish for a new one and add an additional remote radio unit behind the new microwave dish on an existing tower within an area previously disturbed and developed. The proposed additions will not affect or modify any treaty or other right of any Indian tribe. No substantive comments

identifying treaty rights or concerns were received from Indian tribes during the comment period. Given this information, the proposed addition is consistent with Commission Rule 350-81-052(2).

CONCLUSION:

The proposed development is consistent with the treaty rights protection guidelines for expedited review uses in Commission Rule 350-81-052(2).

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