

## COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

**CASE FILE:** C19-0017

**PROPOSAL:** The Columbia River Gorge Commission received an application for modifications to an existing cell tower including adding antennas and remote radio units (RRUs).

**APPLICANT:** Lauren Oteri, representing U.S. Cellular

**LANDOWNER:** William Eddins Estate

**LOCATION:** The subject parcel is located north of Dallesport, WA on Stacker Butte, on Dalles Mountain Road, in the southeast  $\frac{1}{4}$  of Section 25, Township 3 North, Range 13 East, W.M., Klickitat County Tax Lot Number 03-13-25-0000-21/00. The parcel is 30 acres in size.

### LAND USE

**DESIGNATION:** The subject parcel is in a Special Management Area (SMA) and designated Agriculture-Special.

### DECISION:

Based upon the following findings of fact, the land use application by Lauren Oteri, representing U.S. Cellular, for modifications to an existing cell tower is consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-81, and is hereby **APPROVED**.

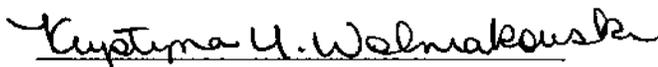
### CONDITIONS OF APPROVAL:

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. Compliance with them is required. **This decision must be recorded in county deeds and records to ensure notice of the conditions to all successors in interest** (Management Plan, Review Uses Guideline 1, pg. II-96).

1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C19-0017, and an approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor's Office. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.
2. This decision does not exempt the proposal from other non-Scenic Area rules and regulations. It is the applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws and to obtain necessary approvals, including utility easement approvals.
3. Any new land uses or structural development such as additions or alterations, or grading not included in the approved application or site plan will require a new application and review.

4. The development shall be constructed as 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.
5. The new equipment shall be painted or treated a medium to light gray to blend with the background of the sky as seen from Key Viewing Areas. Any changes to the final color selection and finish shall be submitted to and approved by the Gorge Commission staff prior to painting.
6. No outdoor lighting is approved in this Director's Decision. Any proposed outdoor lighting shall be submitted for review and approval by the Executive Director prior to installation.
7. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or [guy.tasa@dahp.wa.gov](mailto:guy.tasa@dahp.wa.gov). The cultural resources shall remain as found and further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
8. If human remains are discovered during construction activities, all activities shall cease immediately 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 Executive Director of the Gorge Commission.
9. 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 19 day of November 2019 at White Salmon, Washington.

  
Krystyna U. Wolniakowski  
Executive Director

**EXPIRATION OF APPROVAL:**

Commission Rule 350-81-044 governs the expiration of this Director's Decision.

***This decision of the Executive Director becomes void on the 19<sup>TH</sup> day of November 2021 unless construction has commenced in accordance with Commission Rule 350-81-044(4).***

Commission Rule 350-81-044(4) specifies that commencement of construction means actual construction of the foundation or frame of the approved structure.

Construction must be completed within two years of the date that the applicant commenced construction. The date of the Executive Director's preconstruction inspection to confirm the location of proposed structural development as required by this decision shall be considered the date the applicant commenced construction, unless the applicant demonstrates otherwise.

Once the applicant has commenced construction of one element in this decision, the applicant will need to complete all elements in this decision in accordance with Commission Rule 350-81-044. The Commission does not use different “commencement of construction” dates for different elements in this decision.

The applicant may request one 12-month extension of the time period to commence construction and one 12-month extension to complete construction in accordance with Commission Rule 350-81-044(6). The applicant must submit the request in writing prior to the expiration of the approval. If the applicant requests an extension of time to complete construction after commencing construction, the applicants shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicants were not responsible, would prevent the applicants from commencing or completing the proposed development within the applicable 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 19<sup>th</sup> day of December 2019.*

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.

cc:

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 Public Works Department  
Klickitat County Health Department  
Klickitat County Assessor  
Washington Natural Heritage Program  
Washington Department of Fish and Wildlife  
Steve McCoy, Friends of the Columbia Gorge

**Attachments:**

Staff Report for C19-0017  
Approved site plan



**JUMPER INFO**

FIBER/POWER JUMPER LENGTH FROM RAYCAP TO RRH	
	BAND 4
ALPHA SECTOR:	15-FT
BETA SECTOR:	15-FT
GAMMA SECTOR:	15-FT

1/2" COAX JUMPER FROM B4 RRH TO ANTENNA	
ALPHA SECTOR:	20-FT
BETA SECTOR:	20-FT
GAMMA SECTOR:	20-FT

**RET JUMPER INFO**

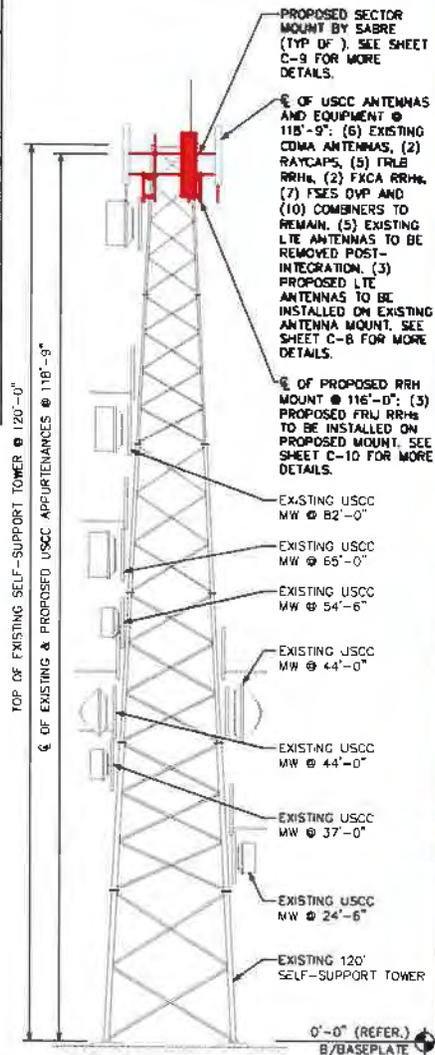
RRH TO ANTENNA	
ALPHA SECTOR:	10-M
BETA SECTOR:	10-M
GAMMA SECTOR:	10-M

**APPROVED**

**NOTES:**

1. LCAP EQUIPMENT TO BE INSTALLED PRIOR TO LTE DECOMMISSION.
2. USCC CENTERLINE OVER 200-FT REQUIRES MIDDLE GROUND BAR.

PROPOSED LTE PANEL TO BE INSTALLED: ■  
 EXISTING CDMA PANEL TO REMAIN: ■



TOP OF EXISTING SELF-SUPPORT TOWER @ 120'-0"  
 1/2" OF EXISTING & PROPOSED USCC APPURTENANCES @ 116'-9"



**EXISTING TOWER ELEV.**



**EXISTING USCC MOUNT**



**EXISTING USCC LTE TAG**



**EXISTING USCC CDMA TAG**

PLANS PREPARED FOR:  
**U.S. Cellular**  
 8410 W. BRYN MAWR SUITE 700  
 CHICAGO, IL 60631  
 (773) 399-8900

PROJECT INFORMATION:  
**385344**  
**STACKER BUTTE**  
 DALLES MOUNTAIN ROAD  
 LYLE, WA 98635  
 (KLUICKAT COUNTY)

PLANS PREPARED BY:  
**TOWER ENGINEERING PROFESSIONALS**  
 328 TRYON ROAD  
 RALEIGH, NC 27603-3530  
 OFFICE: (919) 661-6851  
 www.tepgroup.net

SEAL:  
  
 June 14, 2019

1	06-14-19	CONSTRUCTION
0	05-14-19	PRELIMINARY
REV	DATE	ISSUED FOR:
DRAWN BY: GSK		CHECKED BY: JFE

SHEET TITLE:  
**TOWER ELEVATION**

SHEET NUMBER: **C-4** REVISION: **1**  
 TEP#: 45957216131

**PROPOSED TOWER ELEVATION**

SCALE: 1/8" = 1'-0"



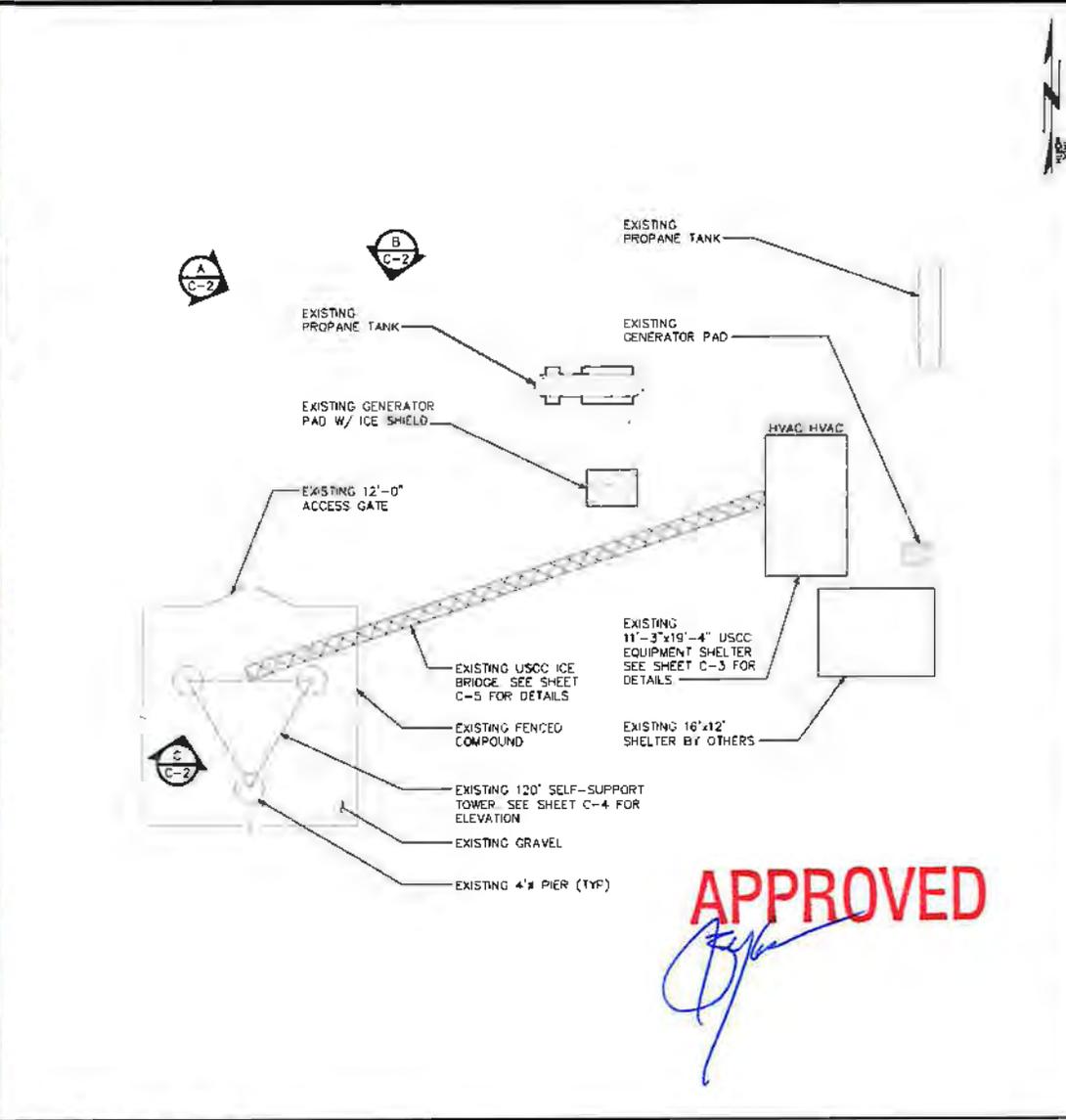
**COMPOUND VIEW "A"**



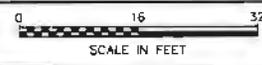
**COMPOUND VIEW "B"**



**COMPOUND VIEW "C"**



**APPROVED**  
*[Signature]*



**COMPOUND DETAIL**

SCALE: 1/8" = 1'-0"

PLANS PREPARED FOR:  
  
 8410 W. BRYN MAWR SUITE 700  
 CHICAGO, IL 60631  
 (773) 399-8900

PROJECT INFORMATION:  
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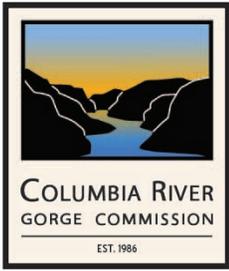
PLANS PREPARED BY:  
  
**TOWER ENGINEERING PROFESSIONALS**  
 326 TRYON ROAD  
 RALEIGH, NC 27603-3E30  
 OFFICE: 919-561-6351  
 www.tepgrp.com



REV	DATE	ISSUED FOR:
1	06-14-19	CONSTRUCTION
0	05-14-18	PRELIMINARY
DRAWN BY:	GSK	CHECKED BY: JPF

SHEET TITLE:  
**COMPOUND DETAIL**

SHEET NUMBER: <b>C-2</b>	REVISION: <b>1</b>
TEP#: 45957.216131	



## COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

**CASE FILE:** C19-0017

**PROPOSAL:** The Columbia River Gorge Commission received an application for modifications to an existing cell tower including adding antennas and remote radio units (RRUs).

**APPLICANT:** Lauren Oteri, representing U.S. Cellular

**LANDOWNER:** William Eddins Estate

**LOCATION:** The subject parcel is located north of Dallesport, WA on Stacker Butte, on Dalles Mountain Road, in the southeast  $\frac{1}{4}$  of Section 25, Township 3 North, Range 13 East, W.M., Klickitat County Tax Lot Number 03-13-25-0000-21/00. The parcel is 30 acres in size.

### LAND USE

**DESIGNATION:** The subject parcel is in a Special Management Area (SMA) and designated Agriculture-Special.

### COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the subject request was mailed to property owners within 200 feet of the subject parcel and the following organizations/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 Public Works Department
- Klickitat County Health Department
- Klickitat County Assessor
- Skamania County
- Washington Natural Heritage Program
- Washington Department of Fish and Wildlife
- Friends of the Columbia Gorge

Written comments were received from Steve McCoy, Attorney for Friends of the Columbia River Gorge.

## A. LAND USE

1. The subject site is located on Stacker Butte, north of Dallesport, Washington near the northern boundary of the National Scenic Area and within the Columbia Hills Natural Area Preserve. Stacker Butte is one of two significant locations for communication facilities in Klickitat County. (The other, known as Haystack Butte, is located northeast of Wishram, Washington.) With steep Gorge walls and a multitude of river valleys, the Gorge contains difficult terrain to effectively relay communication signals. Because of their topographic gain above the Columbia River Gorge, many facilities are located at one of these two sites. Stacker Butte contains five clusters of existing communications facilities established prior to the passage of the National Scenic Area Act in 1986.
2. Lauren Oteri, working on behalf of U.S. Cellular, has applied for modifications to an existing communications facility including adding four remote radio units (RRUs) and replacing five antennas with three new antennas.
3. Commission Rule 350-81-182 allows uses listed in the "Expedited Review Process" (Commission Rule 350-81-050) on lands designated Agriculture in an SMA. Commission Rule 350-81-050(1)(r)(C) allows:

*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.*

Modifications were made to the facility in Director's Decision's C95-0024, C14-0017 and C12-0012. Director's Decision C12-0012 approved the 120 ft. self-supporting lattice style tower. This proposal replaces five antennas with three antennas of approximately the same size. Two new antennas proposed for the tower measure 95.8" x 26.0" x 8.4.3" and the other antenna measures 95.9" x 31.5" x 6.3". The three antennas are comparable to the dimensions of the five antennas they replace. The RRUs proposed for the tower measure approximately 23.6" x 5" x 16.7" and will be located behind the new antennas. The applicant stated that the new equipment will improve existing service and increase capacity. The proposed development to modify an existing aboveground and overhead facility is eligible for expedited review, consistent with Commission Rule 350-81-050(1)(r)(C).

## CONCLUSION:

The proposed development is an allowed expedited review use, subject to compliance with the guidelines in Commission Rule 350-81-052 that protect scenic, cultural, natural and recreation resource 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 on Stacker Butte at an approximate elevation of 3,160 feet. The tower is topographically visible in the background (greater than 3 miles) from several Key Viewing Areas (KVAs) to the south: SR-14, the Columbia River, and I-84; all of which are located at much lower elevations.

The antennas will be mounted at 118 feet on the 120-foot tower, and because of its size and the distance from which it will be viewed, it is unlikely to be seen by the casual observer. Director's Decision C12-0012 determined that antennas should be painted or treated a medium to light gray to blend with the background of the sky as seen from Key Viewing Areas. If the antennas are painted a dark earth-tone color, they would stand out more from the sky background and hence be more visible from Key Viewing Areas. The proposed new antennas and RRUs are required to be a light gray, identical to the existing color, or the applicant will be required to submit a new color selection to the Gorge Commission staff for approval prior to painting. As proposed by the applicant and with this condition in place, the development request is consistent with Commission Rule 350-81-052(1)(a)(B).

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.*

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 lighting is proposed as part of the application. However, a condition of approval is included in the decision to notify the applicant that exterior lighting requires review and approval by the Gorge Commission.

4. Commission Rule 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/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).*

The development is not located within one-half mile of any Key Viewing Area. Commission Rule 350-81-052(1)(a)(F) is not applicable.

#### CONCLUSION:

The proposed development is consistent with the expedited review guidelines for scenic resources in Commission Rule 350-81-052.

#### B. 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 350-81-54(1)(c)(A) or historic survey, pursuant to 350-81-540(1)(c)(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 development review process.*

Chris Donnermeyer, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, provided a cultural resources survey determination for the proposed development on September 3, 2019. Mr. Donnermeyer 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) because the proposed use: (1) Proposed use would involve the modification, expansion, replacement, or reconstruction of existing buildings and structures; (2) would not disturb the ground; (3) the proposed use would occur on sites that have been disturbed by human activities; (4) would occur on a site that has been adequately surveyed in the past; (5) Does not occur within 500 feet of a known archaeological site; (6) would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older; and (7) would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older.

#### CONCLUSION:

The proposed development is consistent with the expedited review guidelines for cultural resources in Commission Rule 350-81-052.

#### C. 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 that new development is located outside 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 on the site. According to the Gorge Commission's resource inventories, the closest wetlands are located approximately .6 miles southeast of the project site. Pursuant to Commission Rule 350-81-600(2)(i), the maximum buffer for a wetland in a SMA is 200 feet. Intermittent streams originate 1,000 feet northwest from the communication site. Pursuant to Commission Rule 350-81-600(ii), intermittent streams in a SMA require a 50-foot buffer. The proposed development is located more than 200 feet from any wetland, and more than 50 feet from the ordinary high-water mark of any stream. The proposed development is located outside the buffer zones of wetlands, streams, rivers, ponds, or lakes. The proposed development is consistent with 350-81-052(1)(d)(A)(i).

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*

Stacker Butte is located within the Columbia Hills Natural Area Preserve, owned by the Washington Department of Natural Resources (DNR) and managed by the DNR Natural Areas Program. The Gorge Commission's sensitive wildlife inventories do not identify any wildlife sites within 1,000 feet of the proposed development.

The Gorge Commission's sensitive plant inventories identify two varieties of sensitive plants in the vicinity: obscure buttercup, *Ranunculus triternatus*, and hot-rock penstemon *Penstemon deustus* var. *variabilis*. Staff worked with Jasa Holt, Washington Natural Heritage Program, to assess the impact of the development, and in an email dated, November 4, 2019, Ms. Holt expressed no concerns with the development because it does not involve any ground disturbance. The proposed addition is consistent with the natural resource protection measures in Commission Rule 350-81-052(1)(d)(B).

#### CONCLUSION:

The proposed development is consistent with the expedited review guidelines for scenic resources in Commission Rule 350-81-052.

#### 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 the recreation resource guidelines for expedited review in Commission Rule 350-81-052.

#### 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 developments 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.*

No comments identifying treaty rights or concerns were received from Indian tribes during the comment period, which ended September 19, 2019 and staff is not aware of any treaty rights that would be affected by the proposed development, which is an alteration to an existing development on a previously disturbed site. Given this information, the development does not affect or modify any

treaty or other rights of any Indian tribe. The proposed modification 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.

BG  
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