

Skamania County, WA
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Request of: SMARTLINK FOR T-MOBILE



Return Address: Michael Birndorf, Smartlink, for T-Mobile
2675 SW Vista Ave
Portland, OR
97201

Skamania County
Community Development Department
Building/Fire Marshal • Environmental Health • Planning

Skamania County Courthouse Annex
Post Office Box 1009
Stevenson, Washington 98648
Phone: 509-427-3900 Inspection Line: 509-427-3922

ADMINISTRATIVE DECISION

APPLICANT: Michael Birndorf, Smartlink, for T-Mobile
FILE NO.: NSA-22-31
DESCRIPTION: Telecommunications tower equipment upgrade. Remove six panel antennas, one microwave dish, and ancillary equipment from tower. Install six panel antennas and ancillary equipment. Remove and replace two ground mounted cabinets. Install diesel generator. Entrench 50 feet of new conduit within fenced equipment compound.
LOCATION: Biddle Butte, Mount Zion Road, and identified as Skamania County parcel no. #01-05-09-0-0-1400-00.
LEGAL: Southwest Quarter of the Southwest Quarter of Section 9, Township 1 North, Range 5 East, Willamette Meridian, Skamania County, Washington.
ZONING: SMA - Forest (F)
DECISION: Based upon the record and the Staff Report, the applicant's proposal, described above, is found to be consistent with SCC Title 22 and is hereby **APPROVED** subject to the conditions set forth below.

Approval of this request does not exempt the applicant or successors in interest from compliance with all other applicable local, state, and federal laws.

CONDITIONS OF APPROVAL:

The following conditions are required to ensure that the subject request is consistent with Skamania County Code Title 22. **THIS DOCUMENT, OUTLINING THE CONDITIONS OF APPROVAL, MUST BE RECORDED BY THE APPLICANT IN THE DEED RECORDS OF THE SKAMANIA COUNTY AUDITOR** in order to ensure notice of the conditions of approval to successors in interest. SCC §22.06.120(C)(2).

1. As per SCC §22.06.120(C)(2), this Administrative Decision **SHALL BE RECORDED** by the applicant in the County deed records prior to commencement of the approved project.
2. All tower-mounted equipment approved in this decision shall be dark earth-tones found on site or the surrounding landscape. The use of Benjamin Moore "Kendall Charcoal" (HC-156) is consistent with this requirement. All tower mounted equipment shall be constructed with low or non-reflective building materials.
3. All new tower mounted equipment and associated support structures shall be sized no larger than required to provide the service. Excavation for underground conduit shall not exceed 36 inches in width.
4. All exterior lighting shall be sited, limited in intensity, hooded, and shielded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for lighting necessary for safety purposes. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
5. The following procedures shall be effected when cultural resources are discovered during construction activities:
 - a. Halt Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - b. Notification. The project applicant shall notify the Administrator and the Gorge Commission within twenty-four (24) hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within twenty-four (24) hours.
 - c. Survey and Evaluations. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the DAHP (See Revised Code of Washington 27.53). It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the provisions in Section 22.30.030 of this Chapter. Based upon the survey and evaluation report and any written comments, the Administrator shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.
 - d. Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation and report provisions contained in Section 22.30.050 of this Chapter.

Construction activities may recommence when conditions in the mitigation plan have been executed.

6. The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones or teeth, with or without attendant burial artifacts.
 - a. Halt of Activities. All survey, excavation and construction activities shall cease.
 - b. Notification. Local law enforcement officials, the Administrator, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
 - c. Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/ historic or modern. Representatives of the Indian tribal governments shall be contacted immediately and have an opportunity to monitor the inspection.
 - d. Jurisdiction. If the remains are modern, the appropriate law enforcement official shall assume jurisdiction and the cultural resource protection process may conclude.
 - e. Treatment. The procedures set out in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/ historic. If human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements set out in Section 22.30.050 of this Chapter. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when conditions set forth in Section 22.30.030(D) of this Chapter are met and the mitigation plan is executed.

Dated and signed this 8th day of December, 2022, at Stevenson, Washington.

Mike Beck

Mike Beck, AICP
Community Development Director

NOTE:

Any new development not included in the approved site plan on file with the Skamania County Community Development department will require a new application and review.

EXPIRATION:

As per SCC §22.06.150(A), this Administrative Decision approving a proposed development action shall become void in two years if the development is not commenced within that period, or once development has commenced the development action is discontinued for any reason for one continuous year or more.

If the development does not include a structure the permit shall expire two years after the date the land use approval was granted unless the use or development was established according to all specifications and conditions of approval in the approval. For land divisions, "established" means the final deed or plat has been recorded with the county auditor.

If the development includes a **structure** the permit shall expire when construction has not commenced within two (2) years of the date the land use approval was granted; or once the structure has been started and if the structure has not been completed within two (2) years of the date of commencement of

construction the permit shall expire. Completion of the structure for this purpose means the completion of the exterior surface(s) of the structure; and compliance with all conditions of approval in the land use approval, including, but not limited to, painting of the exterior of the structure.

APPEALS:

The Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

This Administrative Decision shall be final unless reversed or modified on appeal. A written Notice of Appeal form must be filed by an interested person within 20 days from the date hereof. Appeals are to be made to the Skamania County Hearing Examiner, P.O. Box 1009, Stevenson, WA 98648. Notice of Appeal forms and mailing lists are available at the Community Development Department and must be accompanied by a \$2,450.00 nonrefundable-filing fee and a Certificate of Mailing.

The final determination of the Environmental Threshold Determination related to this underlying government action can be appealed to a court of competent jurisdiction, along with the underlying government action, only by the parties with standing to the Environmental Threshold Determination. If the underlying government action was exempt from SEPA review, this section does not apply.

A copy of this Decision, including the Staff Report, was sent to the following:

Persons submitting written comments in a timely manner
Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation
Nez Perce Tribe
Cowlitz Tribe
Department of Archaeology and Historic Preservation
Columbia River Gorge Commission
U.S. Forest Service –NSA Office
Board of County Commissioners
State of Washington Department of Commerce – Paul Johnson
Department of Fish and Wildlife

A Notice of Decision was sent to property owners within 500 feet.



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STAFF REPORT NATIONAL SCENIC AREA EXPEDITED REVIEW

FILE NO: NSA 22-31	DESCRIPTION: Telecommunications tower equipment upgrade:
APPLICANT: Michael Birndorf, Smartlink, for T-Mobile	Remove six panel antennas, one microwave dish, and ancillary equipment from tower. Install six panel antennas and ancillary equipment.
LOCATION: Biddle Butte, Mount Zion Road PID #01-05-09-0-0-1400-00	Remove and replace two ground mounted cabinets. Install diesel generator and frame on existing concrete pad. Entrench 50 feet of new conduit within fenced equipment compound.
ZONING: SMA – Forest (F)	
DECISION: APPROVED WITH CONDITIONS	DECISION DATE: December 8, 2022

This Staff Report will review the applicant's proposal for consistency with Skamania County Code (SCC) Title 22, Columbia River Gorge National Scenic Area Code.

RELEVANT STATUTORY AND REGULATORY PROVISIONS

CHAPTER 22.06 – ADMINISTRATION

- 22.06.010 REVIEW AND APPROVAL REQUIRED**
No building, structure or parcel of land shall be used, and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by local, state or federal agencies, in that portion of the County lying within the Columbia River Gorge National Scenic Area in any manner that is inconsistent with the provisions of this Title.
- 22.06.020 ADMINISTRATOR**
The Director of the Skamania County Community Development Department or that person's designee shall be the "Administrator" of this Title. The Administrator is vested with the overall responsibility for administering this Title and making administrative decisions and interpretations of the regulations herein. The Administrator may consult with the Gorge Commission, Forest Service, and other counties in applying the provisions of this Title. The Administrator shall prepare and require the use of such forms as determined to be essential to the administrations of this Title.
- Finding:** This staff report reviews a proposal to install new and replacement ground and tower mounted equipment at a telecommunications tower compound atop Biddle Butte in Washougal. The proposed development shall be reviewed by the Administrator to ensure compliance with the provisions and regulations of this Title.
- Conclusion:** **This application shall be reviewed under Title 22.**

22.06.060 GENERAL MANAGEMENT AREAS AND SPECIAL MANAGEMENT AREAS – APPLICATION AND SITE PLAN INFORMATION REQUIRED

- A complete application is required prior to review by department.
Prior to initiating any use or development which requires review and approval by the County, a development review application shall be completed pursuant to this Section.

Finding: A completed application packet was accepted for review on September 8, 2022. The application qualifies for expedited review under SCC Section 22.10.050(L).

Conclusion: This provision has been met.

22.06.080 SPECIAL MANAGEMENT AREAS - ADDITIONAL APPLICATION AND SITE PLAN INFORMATION REQUIRED

- A. The information required in Section 22.06.060 shall be required for all development review applications for uses and developments within the Special Management Areas.
- B. In addition, development review applications for uses and developments within Special Management Areas shall include site plans containing the following information:
 1. Location of the following sites and areas:
 - a. Sites of sensitive wildlife and rare plant species. The County will provide this information to the applicant;
 - b. Location of water resource and wetland areas.
 2. A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.
- C. Basic Site Plan Review.
 1. Site plans shall be submitted by the Administrator to the Forest Service and appropriate State agencies. The site plan shall be reviewed by the Forest Service, in consultation with the appropriate state or federal agencies.
 2. Site plans will be reviewed and approved by the Administrator.
 3. Review of the site plan shall consider the following:
 - a. Biology and habitat requirements of the flora or fauna of concern;
 - b. Historic, current and proposed uses in the vicinity of sensitive species, including cumulative effects;
 - c. Existing condition of the site and the surrounding habitat and the useful life of the site;
 - d. Physical characteristics of the subject parcel and vicinity, including topography, vegetation and soil and hydrological characteristics;
 - e. Minimum natural resource protection standards, including buffer zones;
 - f. Closure of forest practice roads necessary to protect natural resources;
 - g. Comments from state and federal agencies.

Finding: A completed application packet was accepted for review on September 8, 2022. A copy of the application materials were transmitted to the United States Forest Service the same day. No comments were received in response. Project activities will occur within a previously disturbed area at a regularly maintained telecommunications tower compound that did not require additional review for sensitive wildlife or rare plant protection.

Conclusion: This provision has been met.

22.06.110 ACCEPTANCE OF APPLICATION; NOTICE OF DEVELOPMENT REVIEW; COMMENT PERIOD

- A. COMPLETE APPLICATION REQUIRED PRIOR TO REVIEW BY DEPARTMENT.
 1. Prior to initiating any use or development which requires review and approval by the County, a development review application shall be completed pursuant to this Section.
 2. Within twenty (20) days of receipt of an application, the Administrator shall review the application for completeness and adequacy and shall advise the applicant, in writing, either that:
 - a. The application is complete as submitted; or

- b. The application is incomplete as submitted and what specific additional information is required before the application can be accepted as complete.*
- 3. Within twenty (20) days of receipt of supplemental information, the Administrator shall review the information to determine if the application is complete.*
- 4. No application shall be accepted as complete until all documented omissions and deficiencies have been corrected by the applicant.*

Finding: An application submitted August 8, 2022 was deemed complete September 8, 2022 and a memo of completeness was sent to the applicant the same day.

Conclusion: **This provision has been met.**

22.06.140 *EXPEDITED REVIEW PROCESS*

A. RESOURCE PROTECTION COMPLIANCE PROVISIONS

- 1. Proposed developments reviewed using the expedited review process shall comply with the following resource protection provisions:*

Finding: This application is consistent with the Expedited Development Review Uses listed in Section 22.10.050(L) and shall be reviewed under this Section.

Conclusion: **This development proposal qualifies as an expedited review use and shall be reviewed under Section 22.06.140.**

a. SCENIC.

- i. In the general management area, the scenic resource protection provisions shall not apply to woven-wire fences for agricultural use that would enclose eighty acres or less.*
- ii. 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 approved colors shall be included as a condition of approval. This provision shall not apply to additions that are smaller in total square footage as the existing building, which may be the same color of existing buildings.*
- iii. Except signs, structures topographically visible from key viewing areas shall use low or nonreflective building materials, including roofing, gutters, vents, and chimneys*
- iv. Any exterior lighting shall be sited, limited in intensity, hooded, and shielded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes. Shielding and hooding materials shall be composed of non-reflective, opaque materials.*
- v. Signs shall comply with the applicable sign provisions in Section 22.12.080 for GMA and Section 22.12.090 for SMA.*
- vi. Structures within a half (1/2) 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).*

Finding: This application proposes changes to ground and tower mounted telecommunications equipment at an existing tower compound. There will be no increase in tower height. The tower is visible from several key viewing areas, but the tower's ground compound and enclosure are fully screened by surrounding vegetation. In addition, the location is over 1/2 mile distant from the Columbia River, the nearest key viewing area from which it is visible. The terrain of Biddle Butte, Mount Zion and Cape Horn screen the tower from views along SR-14.

Six panel antennas and one microwave dish will be removed from the tower, replaced with six panel antennas along with associated new antenna mounts, cabling and ancillary equipment. Tower mounted antennas will be painted with Benjamin Moore – Kendall Charcoal (HC-156) or an equivalent dark grey. Prior Administrative Decisions for file nos. NSA-05-32, NSA-12-12, NSA-15-18, NSA 20-01 and NSA-20-28 have permitted gray-toned communications equipment on towers in the scenic area in Skamania County.

Tower mounted equipment is required to be constructed with low or non-reflective building materials.

All ground-mounted equipment contemplated in this review will be fully topographically screened from all KVAs by the surrounding terrain and existing telecommunications equipment, sheds and the compound fence. While no lighting fixtures were indicated in the application, a condition of approval will compel any lighting be consistent with the requirements of this section. As conditioned, the proposed improvements are consistent with the provisions of this section.

Conclusion: **The ground mounted equipment contemplated in this review will be fully screened from all KVAs by surrounding topography. As conditioned, the proposed improvements are consistent with the provisions of this section. A CONDITION OF APPROVAL shall state that all tower-mounted equipment approved in this decision shall be dark earth-tones found on site or the surrounding landscape. The use of Benjamin Moore "Kendall Charcoal" (HC-156) is consistent with this requirement. All tower mounted equipment is required to be constructed with low or non-reflective building materials. A CONDITION OF APPROVAL shall state that any exterior lighting shall be sited, limited in intensity, hooded, and shielded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes. Shielding and hooding materials shall be composed of non-reflective, opaque materials.**

b. CULTURAL.

- i. The expedited development review process shall only be used to review proposed development that does not require an archaeological survey or historic survey. The cultural resources policies in Section 22.22.020 shall be used to determine if an archaeological and/or historic survey is required for a proposed development.*

Finding: A notice of application with the application materials were transmitted to the Gorge Commission and Forest Service on September 8, 2022. In a Cultural Resource Survey Determination dated November 2, 2022, Chris Donnermeyer, Heritage Resources Program Manager for the USFS CRGNSA, stated that neither a Cultural Resource Reconnaissance Survey nor a Historic Survey is required. A Notice of Expedited Development Review was sent to tribal governments on November 14, 2022. No substantial comments were received, and none of the tribal governments requested a survey be conducted for this project.

Conclusion: **The proposed development did not require either an archaeological or historic survey. The proposal meets the criteria of 22.06.140(A)(1)(b)(i).**

- ii. The provisions in Section 22.22.060 and 22.22.070 that protect cultural resources and human remains discovered during construction shall be applied as conditions of approval for all development approved under the expedited development review process.*

Finding: The provisions of Section 22.22.060 and Section 22.22.070 will be included as conditions of approval.

Conclusion: **A CONDITION OF APPROVAL shall require the procedures set forth in Section 22.22.060 and 22.22.070 be followed when cultural resources are discovered during construction activities, and/or human remains are discovered.**

- c. RECREATION. The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.*

Finding: There are no established recreation sites on any adjacent parcel.

Conclusion: **This project would not affect the use and enjoyment of any established**

recreation site. The proposal meets the criteria of Section 22.06.140(A)(1)(c).

d. NATURAL.

- i. Water Resource (Wetlands, Streams, Ponds, Lakes and Riparian Areas).** *The development is outside water resources and their buffer zones. for wetlands, streams, rivers, ponds, and lakes. This provision shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.*

Finding: The project site at the top of Biddle Butte is not located within any water resource zone or water resource buffer. The nearest water resource is approximately 700 feet distant.

Conclusion: **This project meets the criteria of Section 22.06.140(A)(1)(d)(i).**

ii. Sensitive Wildlife and Rare Plants.

- 1. The development meets one of the following:**

- a. The development is at least 1,000 feet from known priority habitats or sensitive wildlife sites (excluding sensitive aquatic species and deer and elk winter range) and known rare plants; or**
- b. 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**
- c. For sensitive wildlife, the development is within 1,000 feet of priority habitats or known sensitive wildlife sites (excluding sensitive aquatic species and deer and elk winter range), but an appropriate federal or state wildlife agency determines:**
- i. The priority habitat or sensitive wildlife site is not active; or**
- ii. The proposed development would not compromise the integrity of the priority habitat or site or occur during the time of the year when wildlife species are sensitive to disturbance.**
- d. For rare plants, the development is within 1,000 feet of known rare plants, but the 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.**
- e. Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife or sensitive plants.**

Finding: The proposed improvements are proposed within a previously developed and disturbed telecommunications tower compound and do not require further review for sensitive wildlife and sensitive plant protection under provision (1)(b) of this section.

Conclusion: **The proposal meets the criteria of 22.06.140(A)(1)(d)(ii)(1)(b).**

- 2. Proposed developments reviewed using the expedited review process shall comply with the following treaty rights 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 a tribal government 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.**
- c. Except as provided in subsection (A)(2)(b) of this section, the GMA and SMA treaty rights provisions in Sections 22.06.180 and 22.06.190 shall not apply to proposed developments reviewed under the expedited review process**

Finding: Community Development Department staff sent a copy of the Notice of Expedited Development Review to the five Native American tribal governments and DAHP on August 1, 2022. No substantiated comments or concerns regarding treaty rights were

received during the comment period from the Native American tribal governments or DAHP.

Conclusion: **The proposal does not affect or modify any treaty or other rights of any Native American Tribe. The provisions of Section 22.140(A)(2) have been met.**

B. REVIEW PROCESS.

1. APPLICATIONS.

Applications for uses eligible for expedited review shall include the information required for review uses listed in Section 22.06.060 for GMA and Section 22.06.080 for SMA. An application shall be reviewed to determine if it is complete and if the proposed use qualifies for expedited review in accordance with the provisions of Section 22.10.050. Depending on whether or not the proposed use qualifies for expedited review, the application shall be reviewed according to one of the following procedures:

- a. If the proposed use qualifies for expedited review, the application shall be reviewed in accordance with the provisions of this section, Section 22.06.140.*
- b. If the proposed use does not qualify for expedited review, the application shall be reviewed in accordance with the provisions of Section 22.06.120.*

Finding: The application qualified for expedited review under SCC Section 22.10.050(L)(3). All required information under SCC Section 22.06.060 was submitted and deemed complete July 19, 2022 and has been reviewed in accordance with the provisions of this section.

Conclusion: **The application was deemed complete on July 19, 2022. The application shall be reviewed for compliance with Section 22.06.140.**

2. COMMENT PERIOD

- a. The Administrator shall send a copy of all applications for developments to be reviewed under the expedited review process to the Columbia River treaty tribes, the Gorge Commission, and the Forest Service as a notice of Expedited Development Review.*
- b. The Administrator shall allow the tribal governments, the Gorge Commission, and the Forest Service ten (10) days from the date the notice is sent to submit written comments on the proposed development.*
- c. Comments received from a tribal government at any time during the expedited review process shall be considered, to ensure that the proposed development or use does not affect or modify the treaty or other rights of that tribe.*

Finding: The Community Development Department staff sent a copy of the Notice of Expedited Development Review to the five Native American tribal governments, the Gorge Commission, the Forest Services and the Department of Archaeology and Historic Preservation on November 14, 2022. They were given ten days to provide written comment. No comments were received. The provisions of Section 22.30.060 and Section 22.30.070 will be included as conditions of approval pursuant to (A)(1)(b)(ii) of this section.

Conclusion: **This provision has been met.**

3. NOTICE OF DECISION AND OPPORTUNITY TO APPEAL

- a. The Administrator shall prepare a written decision for all development reviewed under the expedited review process, including findings of fact and conclusions, and may impose such conditions as determined necessary to ensure consistency with the provisions of this Title.*
- b. The Administrator shall send a notice of decision for all decisions issued under the expedited review process to the tribal governments, the Gorge Commission, the Forest Service, landowners within 500 feet of the perimeter of the subject parcel, and any person that has requested a notice of decision.*
- c. Any person shall be allowed to appeal a decision issued under the expedited review process, within the timelines set forth in Section 22.06.130.*

Finding: This application has been through the complete expedited review process and includes findings of fact, conclusions of law and conditions of approval. A Notice of Decision shall be sent to the tribal governments, the Gorge Commission, the Forest Service, landowners within 500 feet of the perimeter of the subject parcel, and any other person that has requested a notice of decision. Any person shall be allowed to appeal an Administrative Decision issued under the expedited review process, within 20 days upon which the decision is rendered.

Conclusion: **These provisions will be met upon issuance of this decision.**

CHAPTER 22.10 – ZONING GENERAL REGULATIONS (GMA AND SMA)

22.10.050 EXPEDITED DEVELOPMENT REVIEW USES

The following developments may be reviewed using the expedited review process, provided they comply with the process provisions pursuant to Section 22.06.140.

...
K. New underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

- 1. No ditch for linear facilities would be more than thirty-six (36) inches wide; and*
- 2. No excavation for non-linear facilities would exceed twenty (20) cubic yards.*

...
L. The following aboveground and overhead utility facilities:

- 1. Modify existing aboveground and overhead utility facilities or develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to twelve (12) feet in height.*
- 3. 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.*

Finding: Approval is requested to modify the antenna array and install supporting ground mounted equipment at the Biddle Butte telecommunications tower compound. Six panel antennas and one microwave will be removed and replaced with six new panel antennas, associated new antenna mounts, cabling and ancillary equipment. The antennae will be finished in a dark gray color similar in use on other towers in the scenic area. Tower height will not be increased. Three of the replacement antennae are approximately one sq. ft. in size by less than one foot in height; the other three replacement antennae are approximately two sq. ft. in size each and approximately five feet in height. The antenna and support structures will be conditioned to be the minimum size necessary to provide the service.

Within the tower compound, two existing equipment cabinets will be replaced with two new cabinets of the same dimensions and a new 50Kw diesel backup emergency generator with integrated fuel tank and associated supporting equipment. The generator may be encased within an approximately 25 sq. ft. powder coated weather enclosure that stands eight feet tall. Each cabinet is approximately 12 sq. ft. and 5 feet tall. Required safety signage, fire extinguisher, relay switches and associated electrical equipment is permitted in support of the emergency generator. Approximately 50 feet of new conduit will be entrenched within the fenced equipment compound in an area previously disturbed and containing existing underground conduit. A condition of approval will compel entrenchment consistent with the limits of this section.

As conditioned, all installed equipment modifications remain under the size and height thresholds for expedited review under this section.

Conclusion: The proposed telecommunications project, as conditioned, qualifies for expedited review under SCC 22.10.050(K) and 22.10.050(L)(1)&(3). A **CONDITION OF APPROVAL** shall state all new tower mounted equipment and associated support structures shall be sized no larger than necessary to provide the service. Excavation for underground conduit shall not exceed 36 inches in width.

22.10.060 MINIMUM LOT SIZE

- A. In General Management Areas, minimum lot sizes shall be as set forth on the maps referred to in Section 22.10.010(A), unless a larger minimum lot size is required by the local health department authority. The following Zoning Classifications are established on the maps with the following minimum lot sizes:
 - 1. Residential 1 (R-1) Zoning Classification has a minimum lot size of one (1) acre.
 - 2. Residential 2 (R-2) Zoning Classification has a minimum lot size of two (2) acres.
 - 3. Residential 5 (R-5) Zoning Classification has a minimum lot size of five (5) acres.
 - 4. Residential 10 (R-10) Zoning Classification has a minimum lot size of ten (10) acres.
- B. In General Management Areas, minimum lot sizes in the Rural Center (RC) Zoning Classification shall be one (1) acre, unless a larger minimum lot size is required by the local health department authority.
- C. In General Management Areas, minimum lot sizes in the Commercial (C) Zoning Classification shall be one (1) acre, unless a larger minimum lot size is required by the local health department authority.
- D. In General Management Areas, minimum lot sizes in the Small Woodland (F-3) Zoning Classification shall be as set forth on the maps referred to in Section 22.10.010(A), unless a larger minimum lot size is required by the local health department authority. The following minimum lot sizes are established on the maps for the Small Woodland (F-3) Zoning Classification:
 - 1. Small Woodland (F-3) 20 has a minimum lot size of twenty (20) acres.
 - 2. Small Woodland (F-3) 40 has a minimum lot size of forty (40) acres.
 - 3. Small Woodland (F-3) 80 has a minimum lot size of eighty (80) acres.
- E. In Special Management Areas, new residential development is prohibited on parcels of less than forty (40) acres.
- F. In the National Scenic Area, the fact that a parcel is of sufficient size to meet the minimum lot size does not mean that residential use of the property is otherwise allowed. All residential development is subject to compliance with other standards set out in this Title.

Finding: This project would occur on an approximately 1-acre communications tower compound atop Biddle Butte owned by the Bonneville Power Administration. The subject parcel has been separately described by statutory warranty deed, recorded December 13, 1947. The parcel is a legal parcel created prior to the establishment of the National Scenic Area.

Conclusion: The subject parcel is a legal lot of record.

22.10.070 MINIMUM LOT LINE SETBACKS

The following are the minimum lot line setbacks for all structures except fences. The lot line setbacks shall not reduce or otherwise affect the buffers in this ordinance that protect agricultural and forest lands as well as scenic, natural, cultural, and recreation resources (resource buffers). If a conflict arises between the property line setbacks and the resource buffers, the resource buffers shall prevail. Variances to the minimum lot line setbacks may be granted through Section 22.06.040.

- A. Parcels of land less than two (2.0) acres:
 - 1. **FRONT YARD:** forty-five (45) feet from the centerline of the street or road or fifteen (15) feet from the front property line, whichever is greater.
 - 2. **SIDE YARD:** five (5) feet.

3. *REAR YARD: fifteen (15) feet.*
- B. *Parcels of land two (2.0) acres or greater:*
 1. *FRONT YARD: fifty (50) feet from the centerline of the street or road or twenty (20) feet from the front property line, whichever is greater.*
 2. *SIDE YARD: twenty (20) feet.*
 3. *REAR YARD: twenty (20) feet.*

Finding: The setbacks under Section A above apply. The access road to the compound enters the parcel along the south property line. The compound fence is setback at least 45 feet from the nearest property line. While the proposed development meets the established lot line setbacks, the required setbacks shall be listed as a condition of approval. A condition of approval will compel development as depicted on the approved site plan, unless modified by conditions of approval.

Conclusion: The development satisfies all required lot line setbacks. A **CONDITION OF APPROVAL** shall state that all development shall be consistent with the approved site plan, unless modified by the conditions of approval. If modified, the site plan shall be consistent with the conditions of approval. While the development satisfies the required lot line setbacks, a **CONDITION OF APPROVAL** shall state the following are the minimum required setbacks for all structures except fences: **FRONT YARD: fifteen (15) feet from the front (south) property line, SIDE YARD: five (5) feet, and REAR YARD: fifteen (15) feet.**

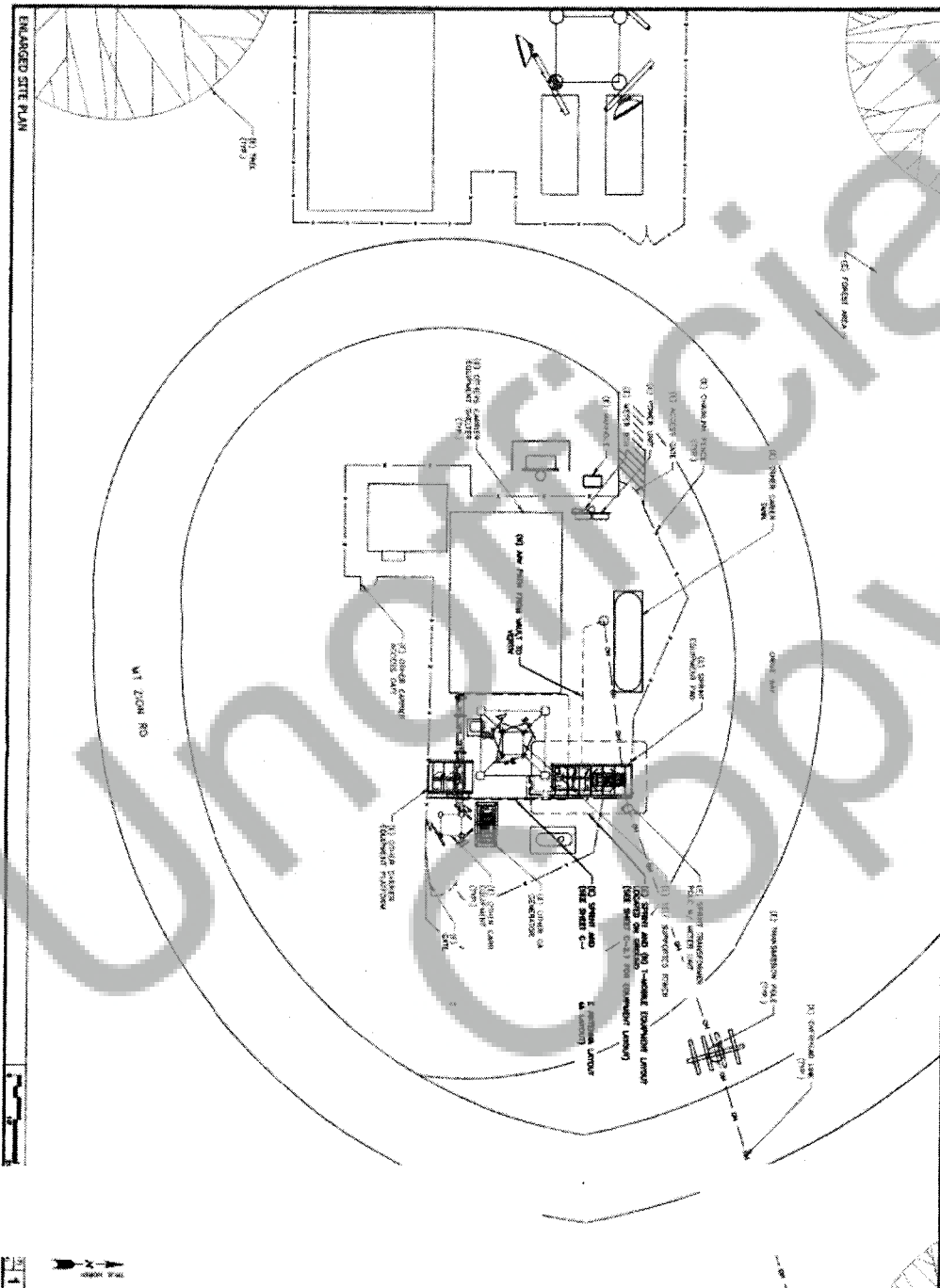
Review under Title 22 is complete.

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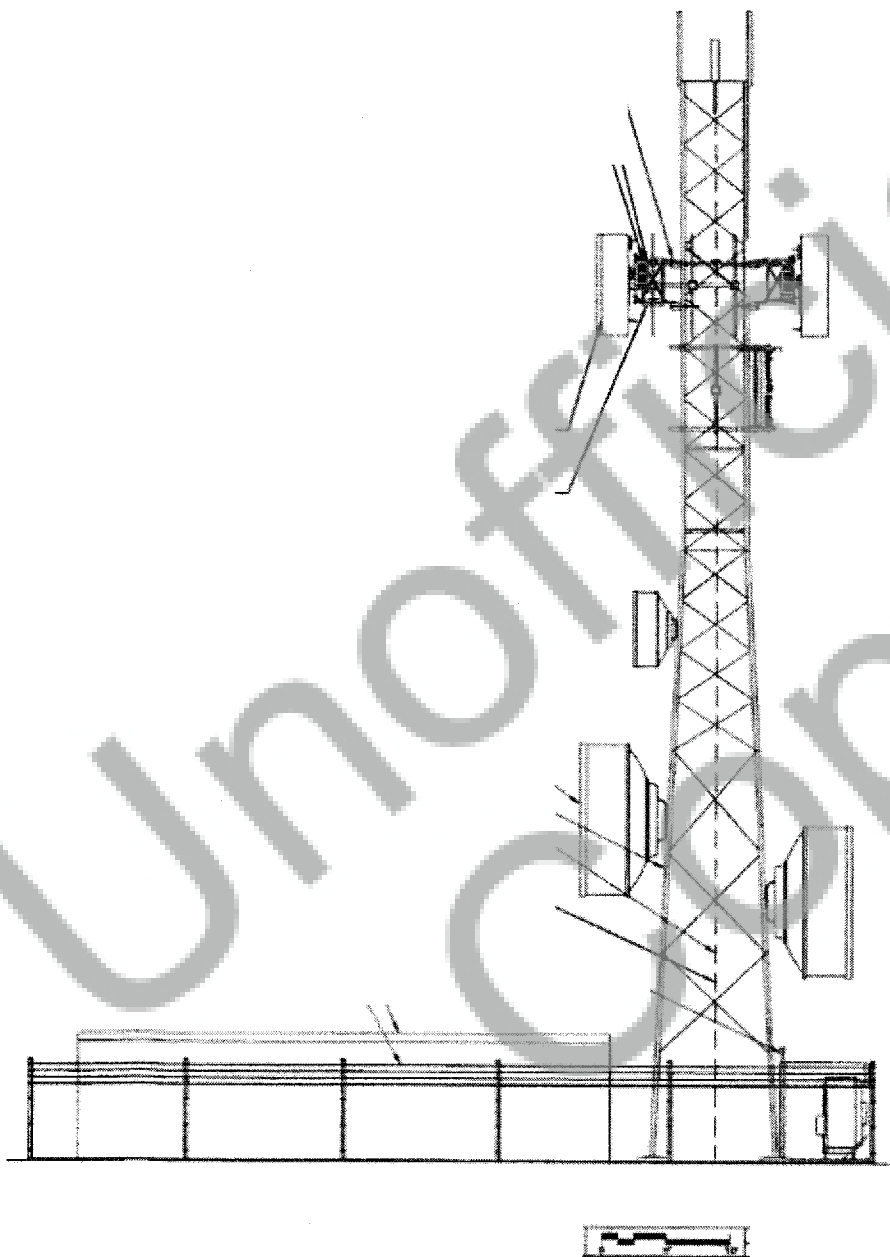


Approved Site Plan

NSA-22-31 (T Mobile)



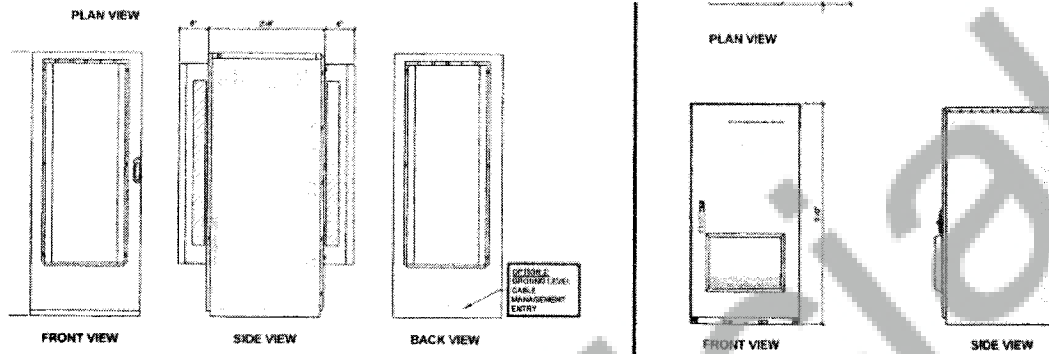
Elevation, tower
NSA-22-31 (T Mobile)



Elevations

NSA 22-31 (T Mobile)

Cabinet elevations



Generator elevations

