

# **CITY of BOARDMAN**

## **Community Development**

### **STAFF REPORT**

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**DATE: October 26, 2016**

**TO: Boardman Planning Commission and Interested Parties**

**FROM: Barry C. Beyeler, Community Development Director**

**SUBJECT: Special Use Permit Request from Eastern Oregon Telecom (Var 02-2016)**

On October 13, 2016, the City of Boardman received a Special Use Variance request from Eastern Oregon Telecom (EOT) to install a telecommunication tower at the Corner of SW Mt. Hood Ave. and SW Faler Rd. Attached to this report are copies of the application (Exhibit "A"), supporting documentation submitted by the applicant showing approximate locations of the facilities to be installed (Exhibit "B"), and the current tax lot map (4N 25 17AC) showing likely property locations of the requested tower (Exhibit "C").

Telecommunications facilities, including towers, are covered in Boardman Development Code (BDC) Chapter 3.6 – Other Standards. Telecommunications facilities are found in § 3.6.200. The language from § 3.6.200 (Exhibit "D") is included for your review and deliberation of existing Code and the application's applicability to meeting the criteria.

#### **EOT Proposal**

EOT proposes to bring fiber optic lines from existing fiber optic lines on SW Faler Rd. just to the south of the new alignment with SW Mt. Hood Ave., and to install fiber optic lines in existing conduits feeding the Chaparral Estates Subdivision of townhomes. EOT will extend those lines to the existing townhomes to provide internet service to 100 MbS, which is capable of providing Voice of Internet Protocol (VOIP). The VOIP service provides for in the home phone service. In addition, they have requested the installation of the tower to provide wireless service for the surrounding area as well. This wireless service would be up to 15MbS. The tower would be a 45-foot tall pole, buried 6 ½ feet - 7 feet in the ground, for a total above ground height of 38-feet, which is over the 35-foot limit outlined in §3.6.200(C)(1)(a), thus requiring the "Special Use" §3.6.200(C)(1)(c) review and approval as outlined §3.6.200(D-E).

In discussion with representatives of EOT, the tower would be located within the existing Rights-of-Way, shown in (Exhibit "C"). Due to the provisions identified in BDC §3.6.200(E)(2) limiting the Special Use Permit for a period of 5 years, with an opening provision, the City limits the amount of time for this tower to be located at this proposed site. EOT has indicated this fits in their long term plans to provide fiber optic lines for this area, while allowing for provision of services by wireless technologies in the near term for the surrounding area.

## **Public Notification**

A public notice was sent via US Postal Service, to all property owners within 250 feet of the proposed project, posted on the property, and published in East Oregonian newspaper on October 13, 2016. This public notice meets the minimum 20-day notice for the public hearing on November 2, 2016, which is 21 -days from the notice date. The notice is included with this report (Exhibit "E").

## **Findings of Fact**

- 1) Public Notice was sent by mail, posted on property and other public notice boards, and published in the East Oregonian newspaper on October 13, 2016, exceeding the minimum 20-day notice period.
- 2) This proposed project is necessary to provide in-home phone services, by VOIP technologies, for the townhomes in the Chaparral Estates Subdivision by installation of fiber optics network within the subdivision.
- 3) The proposed project will provide wireless internet options for the Hillview Estates Subdivision, the Chaparral Estates Subdivision (until fiber optic lines are completed), and portions of the Columbia Terrace Subdivision and Wilson Rd. Mobile Home Park.
- 4) The above ground height of the telecommunications tower is approximately 38-feet, which is 3-feet above the allowed 35-foot limit.
- 5) This proposal requires a Type III Public Hearing before the Boardman Planning Commission to approve/conditionally approve/deny the Special Use Permit request.
- 6) BDC § 3.6.200(E)(2) limits the length of the Special Use Permit to a 5-year limit, with an opener clause.
- 7) The Applicant has plans for installation of the fiber optic network within the 5-year time frame.
- 8) As of the writing of this Staff Report, October 26, 2016, the city has received no public comment, oral, or written. The city has fielded only one caller asking clarification questions about the proposal; however, they had no comment to the affirmative or negative.

## **Summary and Conclusions**

The proposed project submitted by the applicant is necessary to provide for in-home phone service for the Chaparral Estates Subdivision. This service will be provided by fiber optic lines providing internet service capable of VOIP technologies allowing for an in-home phone. The telecommunication tower being 3-feet more than the 35-foot limit in BDC §3.6.200(C)(1)(a) and required to obtain a Special Use Permit in BDC §3.6.200(C)(1)(c) are the reason for tonight's hearing and decision. Staff recommendation is for approval of the Special Use Permit to fulfill the needs for in-home phone service for the Chaparral Estates Subdivision.



City of Boardman Land Use Application

Date: 10/13/2016

Owner: EASTERN OREGON TELECOM Phone: (541) 289-7000

Address: PO BOX 848 City: Hemiston State: OR Zip: 97838

Applicant or Agent: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Address: FALBR RD SW Designed Zone: \_\_\_\_\_

Map Number: 04U25E17AC Lot: ROW Block: \_\_\_\_\_

Subdivision: Chaparral Tax Lot(s): \_\_\_\_\_

Proposed Usage: Telecommunications Cabinet + Tower

Estimated Construction Cost Evaluation: \$ 8,000 Total Square Footage: N/A

Requested Action: (Please circle one)

Zone Change      Variance      Conditional Use Permit      Lot Line adjustment

Partition      Subdivision      Zoning approval      Preliminary Plat

Final Plat      Other: Special Use

The following material and supplemental information must be submitted with this application as a requirement for submittal to the Planning Commission:

- Plans and specifications, drawn to scale, showing the actual shape, setbacks and dimensions of the property to be used, together with a plot plan and vicinity map of the subject property. The size and location of the property, buildings, other structures; and use of buildings or structures, existing and proposed.
- Plot plan indicating all on/off-site improvements, including streets, fire hydrants, water and sewer facilities, etc.

I acknowledge that I am familiar with the standards and limitations set forth by the City of Boardman Zoning Ordinance, and that additional information and materials may be required. I fully intend to comply with plans and specifications submitted with this application. I do hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with the effective Ordinances and Resolutions of the City of Boardman and Statutes of Oregon, despite any errors on the party of the issuing authority in checking this application.

Signature: Paul Kern Date: 10/13/16  
(Owner, Applicant, or Agent)

Staff Comments:

Recommended Action: \_\_\_\_\_

Planning Commission: (Please Circle one) Date: \_\_\_\_\_  
Approved      Not Approved

EXHIBIT "A"



# ZONING PERMIT

City of Boardman  
Community Development Dept.  
P.O. Box 229  
Boardman Oregon 97818  
(541) 481-9252  
FAX: (541) 481-3244

File Number \_\_\_\_\_ Date Received \_\_\_\_\_ Date Completed \_\_\_\_\_ Fee \_\_\_\_\_

Applicant / Contractor: Name(s) Eastern Oregon Telecom

Mailing Address PO Box 848, Hermiston, OR 97838

Phone 541-789-7000 E-mail address mauley@eotnet.us

**Legal Owner (if different from applicant):**

Name(s) \_\_\_\_\_

Address \_\_\_\_\_

**Property Description:**

Township 4N Range 25E Section 17 Tax Lot RIGHT OF WAY

Physical Address \_\_\_\_\_

Subdivision/Partition \_\_\_\_\_ Parcel Zoning \_\_\_\_\_

Proposed Set Backs: Lot Width \_\_\_\_\_ ft. Lot Depth \_\_\_\_\_ ft.

Front \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft.

Proposed Structures:	1.	_____	Sq Ft _____	Baths _____
	2.	_____	Sq Ft _____	Baths _____
	3.	_____	Sq Ft _____	Baths _____

**Plot Plan:** Attach a plot plan showing where on the lot the structures will be located. Identify setbacks, existing structures, location of access, septic system, drain field, and well if applicable. The drawing does not need to be to scale.

**Certification:** I, the undersigned, acknowledge I agree to the standards and limitations set forth by the Boardman Development Code. I propose to meet all standards set forth by the Boardman Development Code and any applicable State and Federal regulations. I certify that the statements and information provided with this application are true and correct to the best of my knowledge.

Signed: Paul Keeler \_\_\_\_\_ (Applicant / Contractor) \_\_\_\_\_ (Legal Owner)

Printed: Paul Keeler \_\_\_\_\_ (Applicant / Contractor) \_\_\_\_\_ (Legal Owner)

If this application is not signed by the property owner, a letter authorizing signature by the applicant must be attached.

Planning Approval Signature \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



EXHIBIT  
"B"



NO.	DATE	DESCRIPTION
1	10/11/16	PRELIM

POLE INFORMATION  
SE CORNER OF MT HOOD AVE SW

POLE NUMBER: N/A  
SCALE: NTS  
DRAWN BY: DBJ  
JOB NO.: BOARDMAN FTTH  
SHEET NO.: A01-1

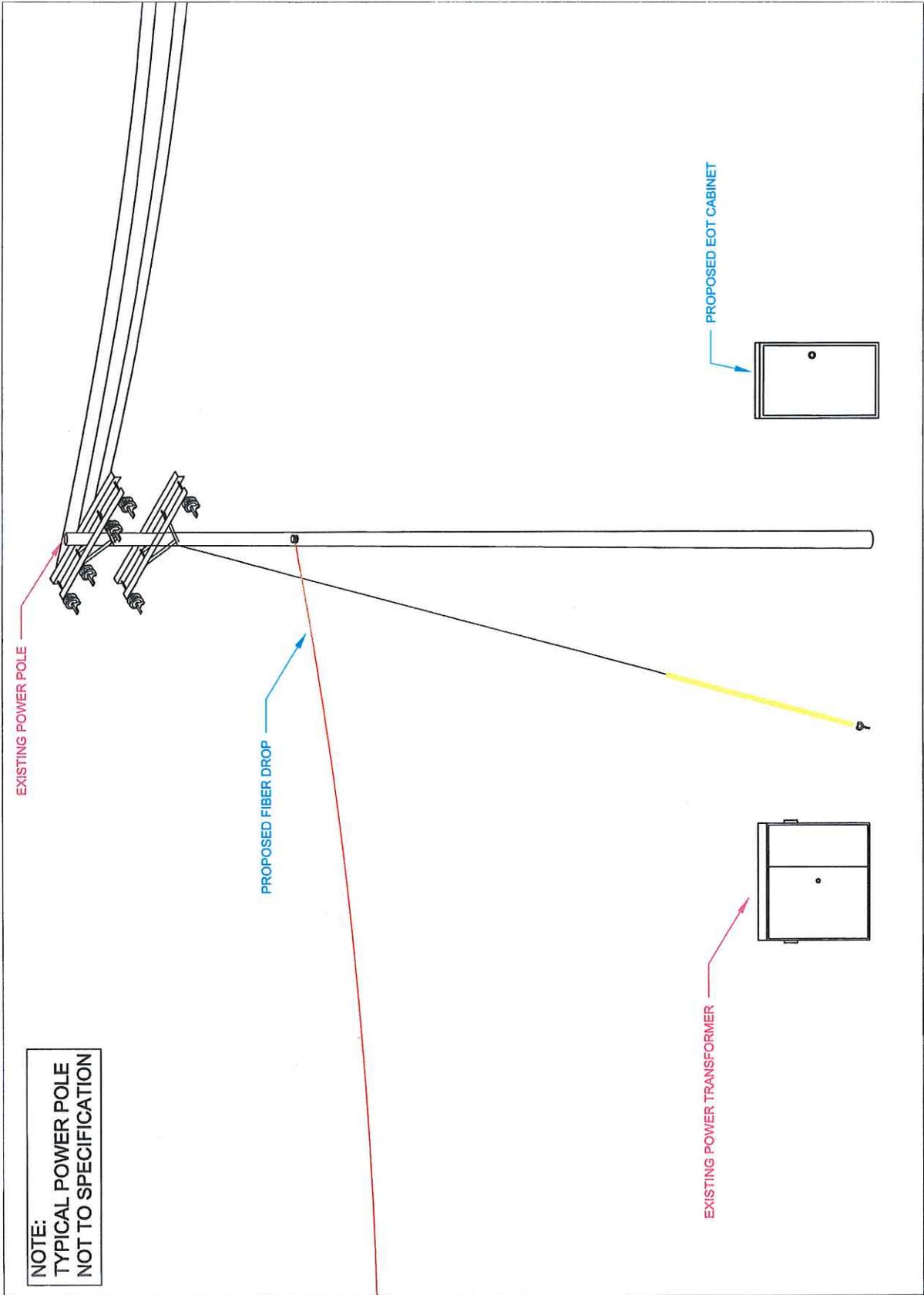


EXHIBIT "B"



REVISION	
NO.	DESCRIPTION
1	10/11/16 PRELIM

POLE INFORMATION  
NE CORNER OF MT  
HOOD AVE SW

POLE NUMBER  
N/A

SCALE  
NTS

DRAWN BY  
DBJ

JOB NO.  
BOARDMAN FTTH

SHEET NO.  
A01-2

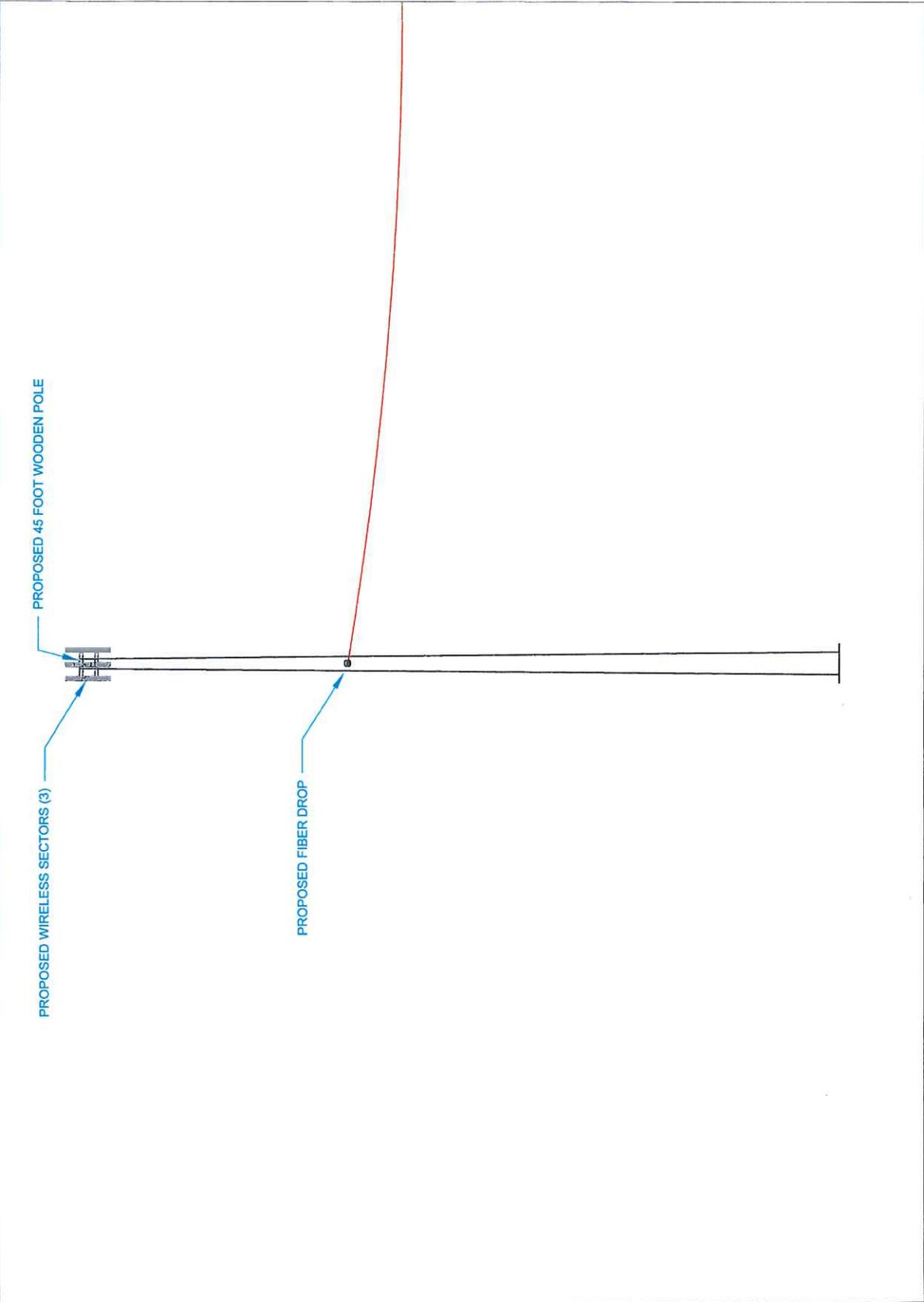
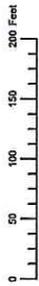


EXHIBIT  
"B"

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.W. 1/4 N.E. 1/4 SEC. 17 T.4N. R.25E. W.M.  
MORROW COUNTY  
1" = 100'

SEE 1

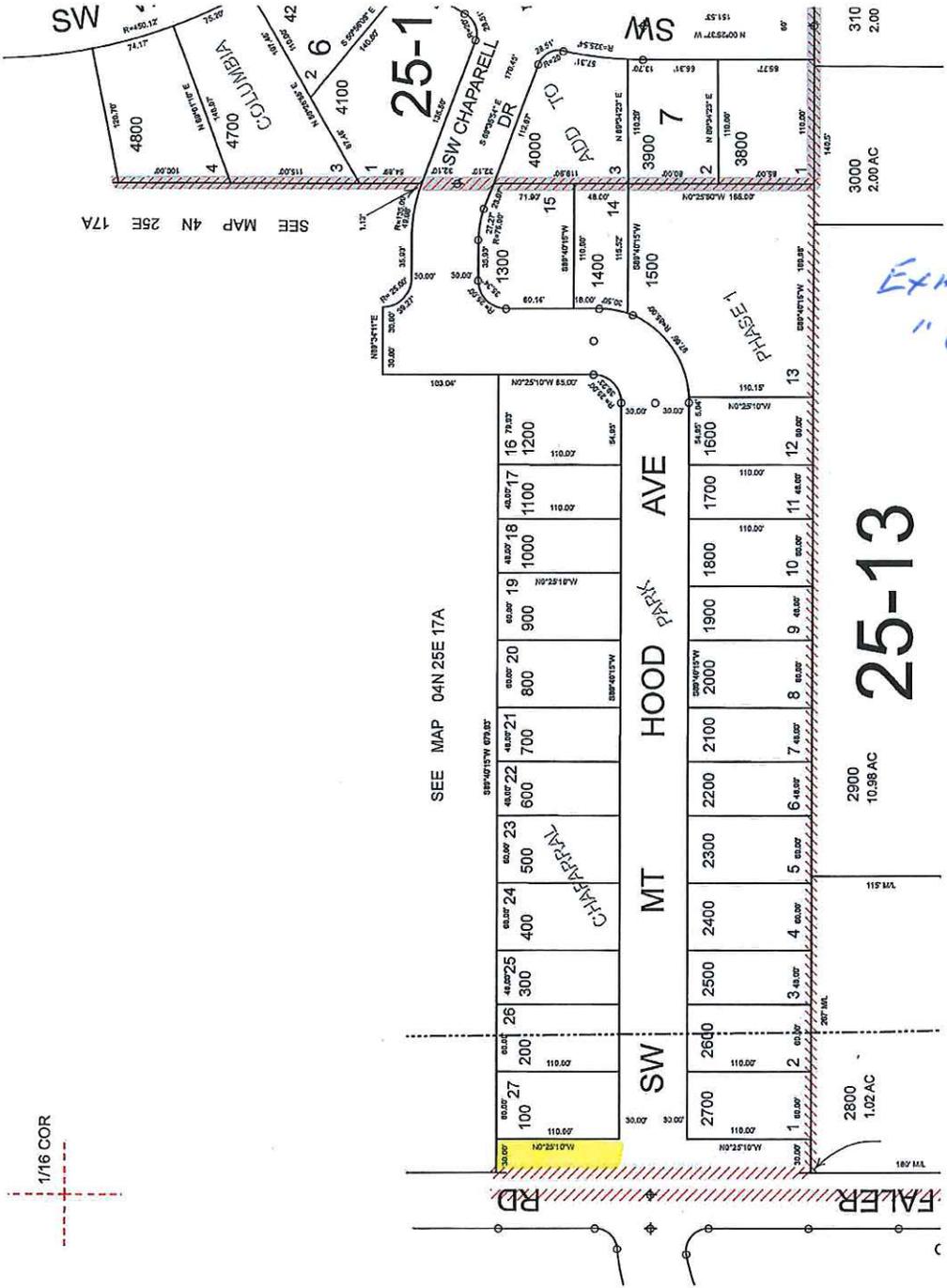
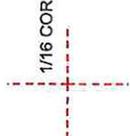


EXHIBIT "C"

25-13



SEE MAP 04N 25E 17A

SEE MAP 4N 25E 17A

2800 1.02 AC

2900 10.98 AC

2700 2.00 AC

3000 2.00 AC

310 2.00 AC

**3.6.100 Density Transfers** *(continued)*

**E. Density Transfer Rules.** All density transfers shall conform to all of the following rules:

1. Allowed housing units shall be transferred only to buildable lands ("receiving areas"). The number of allowed housing units shall be reduced on properties from which density is transferred ("sending areas") based on the number of housing units transferred. The new number of housing units allowed on the sending area shall be recorded on a deed for the property that runs with the land. The deed shall state that the number of allowed housing units is subject to review and approval by the City, in accordance with current zoning and development codes;
2. The number of units which can be transferred is limited to the number of units which would have been allowed on 100 percent of the unbuildable area if not for these regulations;
3. The total number of housing units per property or development site shall not exceed 100 percent of the maximum number of units per gross acre permitted under the applicable comprehensive plan designation; except as otherwise permitted through the Master Planned Development process (Chapter 4.5); and
4. All density transfer development proposals shall comply with the development standards of the applicable land use district, except as otherwise allowed by the Master Planned Development process (Chapter 4.5).

**3.6.200 Telecommunication Facilities****A. Purpose**

The purpose of this Chapter is to administer the development of Communications or Telecommunications facilities within the City and to preserve neighborhood characteristics while providing essential telecommunication services to the citizens.

**B. Definitions**

1. Antenna; shall mean a device supported by a structure or tower designed for transmitting or receiving radio waves in telephone, television, radio, microwave or other wireless communication technologies.
2. Antenna Tower; shall mean a freestanding pole or structure designed for supporting an antenna, or antenna array, as defined in 3.6.200(B)(1).
3. Broadcast Facility; shall mean any facility designed to broadcast radio waves through wireless technologies for the purpose of commercial broadcast to AM or FM radio receivers, or television receivers.
4. Receiving Facilities; shall mean any facility designed to receive privately transmitted radio waves not intended for commercial broadcast. This shall include System Control and Data Acquisition systems, telephone relay systems, wireless communication relay systems and similar systems.
5. Special Use Permit; shall mean a Type III procedure as governed by Chapter 4.1.500 of the Boardman Development Code. A Special Use Permit is reviewed every 5 years with an opening clause to address negative impacts associated with operations of the communication/telecommunication facility such as radio interference.

**3.6.200 Telecommunication Facilities (continued)**

6. Transmission Facilities; shall mean a facility designed to transmit radio waves for private commercial applications not intended for commercial broadcast. This shall include System Control and Data Acquisition systems, telephone relay systems, wireless communication relay systems, and similar systems.

**C. Telecommunications Facilities Permitted:****1. Residential Districts:**

- a) free standing antennas of <35-feet or <25-feet from highest building height elevation
- b) antennas 25-feet or less from highest building height
- c) free standing antennas >35-feet or > 25-feet from highest building height (Special Use)

**2. Commercial Districts***Commercial District and City Center Subdistrict*

- a) free standing antennas <70-feet in height or < 35-feet from highest building height elevation
- b) free standing antennas >70-feet in height or > 35-feet from highest building height elevation(Special Use)
- c) antennas <35-feet from highest structure height
- d) antennas >35-feet from highest structure height (Special Use)

*Tourist Commercial Subdistrict*

- e) free standing antennas <70-feet in height or < 35-feet from highest building height elevation
- f) free standing antennas >70-feet in height (Special Use)
- g) antennas <35-feet from highest building height
- h) antennas >35-feet from highest building height (Special Use)
- i) Broadcast/Receiving/Transmission Facilities (Special Use)

*Service Center Subdistrict*

- j) free standing antennas <100-feet in height or < 50-feet from highest building height elevation
- k) free standing antennas >100-feet in height (Special Use)
- l) antennas <50-feet from highest building height
- m) antennas >50-feet from highest building height (Special Use)
- n) Broadcast/Receiving/Transmission Facilities (Special Use)

**3. General Industrial Districts**

- a) Antenna height unlimited
- b) Broadcast/Receiving/Transmission Facilities (Special Use)

*Port Industrial*

- c) Antenna height unlimited
- d) Broadcast/Receiving/Transmission Facilities (Special Use)

**3.6.200 Telecommunication Facilities (continued)**

**4. Light Industrial District**

- a) free standing antennas <100-feet in height or < 50-feet from highest building height elevation
- b) free standing antennas >100-feet in height (Special Use)
- c) antennas <50-feet from highest building height
- d) antennas >50-feet from highest building height
- e) Broadcast/Receiving/Transmission Facilities (Special Use)

Note: Special Use Permits will be a Type III Procedure as defined in 4.1.500

**D. General Provisions:**

- 1. All antenna supporting structures shall meet all applicable structural and electrical codes for telecommunications support structures.
- 2. All antenna supporting structures shall meet all applicable Federal Aviation Administration and Federal Communications Commission regulations.
- 3. All antenna supporting structures shall have restricted access making the structure inaccessible to the public.
- 4. All antenna supporting structures or building structures shall obtain all applicable building permits through the Boardman Building Department.
- 5. All communications or telecommunications structures or facilities shall submit an overall coverage plan indicating tower locations for coverage area within 1 mile of the Boardman Urban Growth Boundary, a specific site plan for each tower location which includes distance from any residential, commercial or industrial structure or structures, a narrative of the function and need for the facility or structure and any other pertinent information deemed relevant to the Boardman Planning Department for review and approval.
- 6. All communications or telecommunication buildings shall meet all relevant sections of building criteria for the zone in which they are located.

**E. Special Use Approval Criteria:**

- 1. Application shall follow a Type III Procedure as identified in Chapter 4.1.500.
- 2. Special Permit will be granted for a 5 year period with an opening provision to review and address unforeseen negative impacts associated with the operation of the facility, which may include but not be limited to radio or television interference, or other valid unanticipated damages brought forth through experience.
- 3. Application shall meet all of the provisions of General Provisions, 3.6.200(D).
- 4. Application shall not be a visual detriment to the surrounding neighborhood.
- 5. Application may be conditioned to provide screening or other aesthetic mitigation to adjacent properties.
- 6. Applications exceeding allowable heights shall indicate the reasons for the height adjustment and shall be the minimum variance from allowable height.
- 7. Application shall include different tower types available to meet the height and structure criteria.
- 6. Other conditions may be set by the Planning Commission in the Conditional Use permit process.



## City of Boardman

202 N. Main  
P.O. Box 229  
Boardman, OR 97818  
Phone (541) 481-9252  
Fax (541) 481-3244  
[www.cityofboardman.com](http://www.cityofboardman.com)

### **PUBLIC NOTICE**

**For a Type III Public Hearing for a communications tower  
at corner of SW Mt. Hood Avenue and SW Faler Road**

To affected property owners,

On November 2, 2016, the City of Boardman Planning Commission will hold a Public Hearing at 7:00 p.m. in the City Council Chambers at City Hall. This hearing is regarding a request to erect a telecommunications tower at the corner of SW Faler Rd. and SW Mt. Hood Avenue, consistent with the Special Use Criteria found in Boardman Development Code Chapter 3.6.200 (C, E).

If you have comments or questions, please attend the November 2, 2016 meeting. If you are unable to attend and you would like to comment by letter, please do so by 5:00pm on Friday, October 28, 2016.

Joanna Dahm,  
City Clerk

Published: October 13, 2016  
Posted: October 13, 2016