



UNION COUNTY Planning Department

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Planning Director

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FILE No: 2025-0030

STAFF REPORT CONDITIONAL USE APPLICATION – TELECOMMUNICATION TOWER

Purpose of the Application	Gain approval of a 150-foot-tall Cell Tower
Relevant Ordinance Criteria	Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) Articles 2, 5, and 21; Oregon Administrative Rules (OAR) 660-033-0130(5), and OAR 660-033-130(14) as revised and implemented January 1, 2025.
Property Location	Twp. 4S, Range 35E, Tax Lot 1200, with assigned address 57950 Meadow Creek Road
Property Owner & Applicant	Williams and Donna Tsiatsos Trust
Applicant's Agent	Ryka Land Services
Zone Designation	UC-A4 Timber-Grazing and UC-R1 Rural Center
Comprehensive Plan Designation	Exclusive Agriculture and Rural Community

I. QUASI-JUDICIAL LAND USE DECISION

A motion to approve or deny includes findings that justify the approval or denial of the application as presented during the public hearing, which may include the application, exhibits, staff report, and testimony. Only findings which support the Planning Commission's motion should be read into the record.

Motion to Approve

"I move that the Planning Commission approve this Conditional Use application for a telecommunication tower based on the analysis and findings in the staff report, [and] information in the application, [any written testimony in favor of the use from the public, and any verbal testimony in favor of the use at the public hearing]. This motion includes the Condition of Approval listed in Section II of the staff report."

Motion to Deny

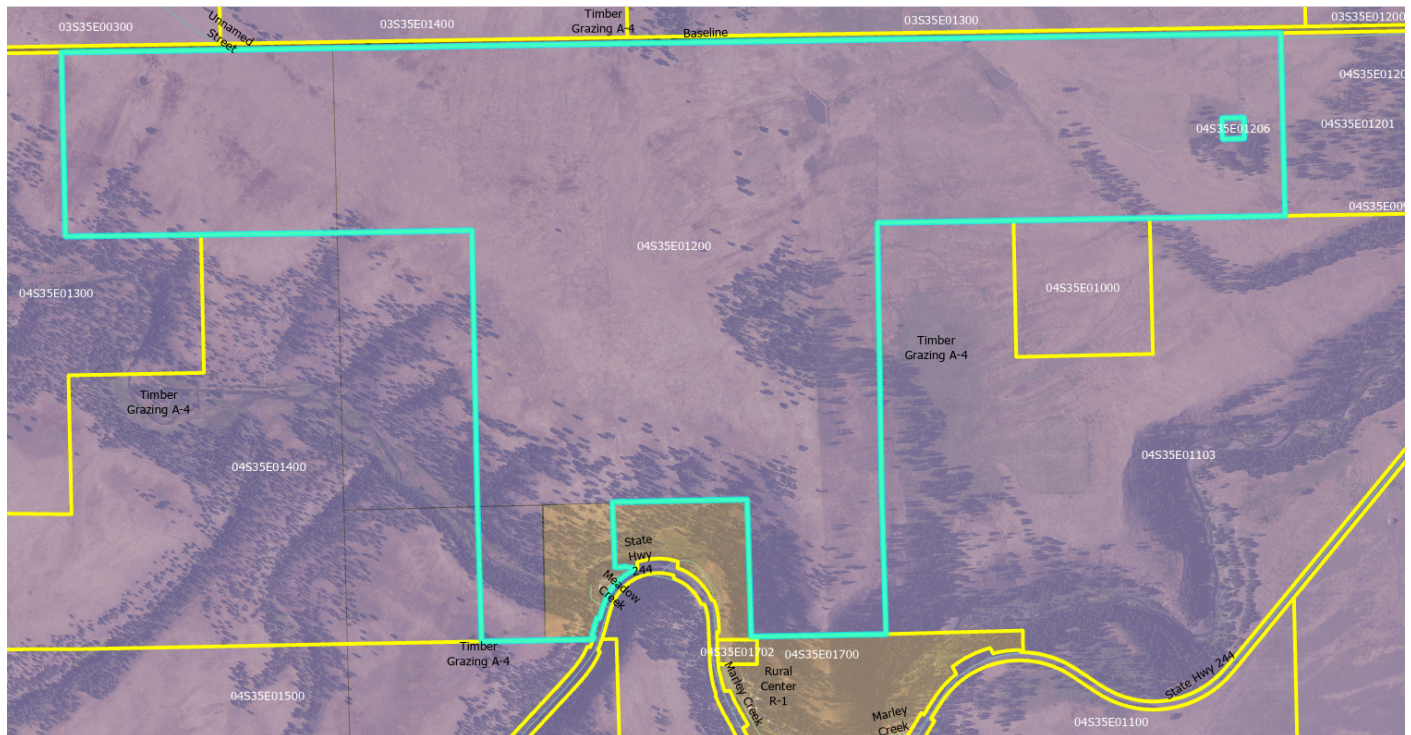
"I move that the Planning Commission deny this Conditional Use application for a telecommunication tower based on analysis and findings in the staff report, information in the application, any written testimony from the public in opposition to the use, and any verbal testimony at the public hearing in opposition to use. More specifically, the following items are reasons for denial: 1) ..."

II. PROPOSED CONDITION OF APPROVAL

1. A wash station shall be located at the entrance of the parcel and all vehicles used for constructing the tower and subsequent service vehicles shall wash down all tires prior to traveling through the parcel to the lease site.

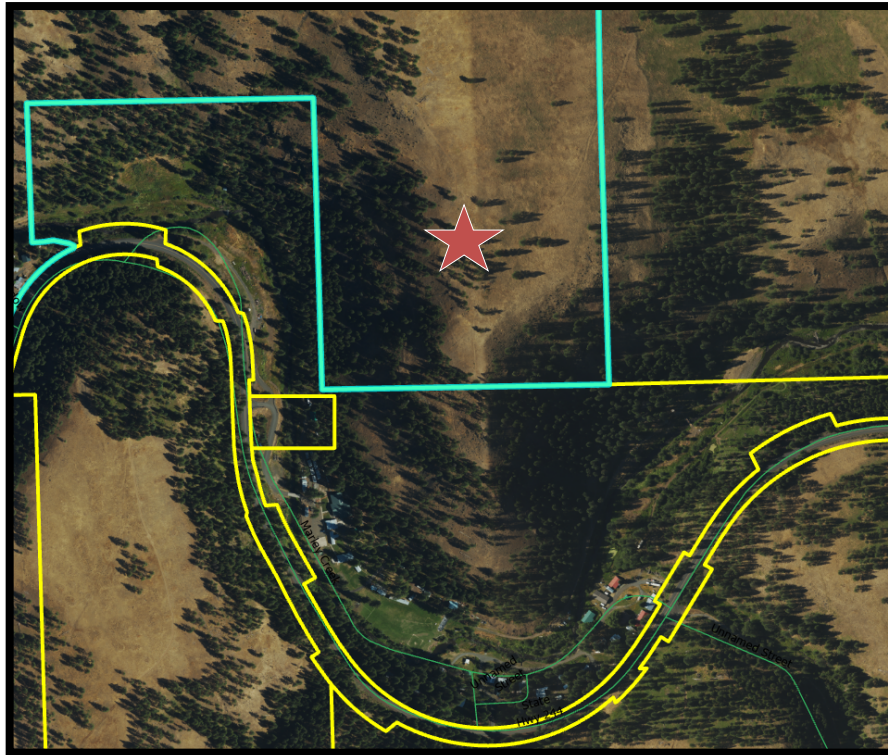
III. BACKGROUND AND PROPERTY INFORMATION

The subject property is approximately 800 acres. The majority of the parcel is zoned A-4, Timber Grazing. However, the majority soils on the parcel are range soils so the uses allowed on the property are those in the A-1, Exclusive Farm Use, zone. Approximately 20 acres of the property is zoned R-1, Rural Center. This 20-acre area, which is adjacent to Highway 244, is developed with eight residential cabins.



The proposed plans include a 150-foot self-support telecommunications tower, equipment cabinets, and a generator with a 190-gallon fuel tank on a concrete pad. An underground power conduit will be installed along the one-mile-long access road. The tower will be used by Verizon Wireless.

The tower location will be up the hill behind Camp Elkanah. The general location is indicated by the red star in the following aerial photograph. Access to the site will be from Baseline Road, aka County Road 127, which runs along the north side of the property.



IV. WRITTEN TESTIMONY

None received as of the finalization of this staff report.

V. FINDINGS APPLYING CODE CRITERIA

All applications are subject to the requirements of the Union County Zoning, Partition and Subdivision Ordinance. Sections in boldface type below denote relevant Ordinance, Oregon Administrative Rule, or State Statute sections. Sections in regular type denote staff analysis of the application.

UCZPSO Article 5.00 A-4 Timber-Grazing Zone

Subsection 5.04 CONDITIONAL USES WITH GENERAL REVIEW CRITERIA

In the A-4 Zone predominantly farmland lots and parcels shall comply with Section 2.04 Conditional Uses and predominantly forest land parcels may authorize the following uses and activities and their accessory buildings and uses subject to county review and the specific standards set forth in Article 21.00, as well as the general provision set forth by this ordinance.

Findings: This property contains a majority of rangeland soils, which makes it a farmland parcel subject to the A-1 zone

UCZPSO Article 2.00 A-1 Exclusive Farm Use

Subsection 2.04 Conditional Uses With General Review Criteria

In the A-1 Zone, the following uses and their accessory buildings and uses are permitted subject to county review under Article 24.03 Quasi-Judicial land use decision and the specific standards for the use set forth in Section 2.05, as well as the general standards for the zone and the applicable standards in Article 21.00 (Conditional Uses).

11. Utility facilities necessary for public service, including associated transmission lines as defined in Section 1.08 and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in Subsection 2.05.15.

Section 1.08 UTILITY FACILITIES NECESSARY FOR PUBLIC SERVICE: Unless otherwise specified in Section 2.04.11 or 3.04.11, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities.

Findings: The applicant has applied for a Conditional Use to construct a cell tower less than 200 feet high.

Subsection 2.06 Conditional Use Review Criteria

- 1. An applicant for a use permitted in Section 2.04 must demonstrate compliance with the following criteria in addition to the applicable standards in Article 21.00 and subject to the review process identified in Section 24.03.**

Findings: Article 21 outlines the Conditional Use processes, procedures, and standards for specific uses, which are being followed by this review. Subsection 21.06.1 states, "A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use." This returns the requirements back to the #2 and #3 of this subsection. Section 24.03 is the application review procedures, which are also being followed.

- 2. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**

Findings: The use will be located on a 75-foot by 75-foot leased area internal to the subject property. It will be accessed by a one-mile-long access easement from a gravel road located along the north property line. The current use of the property is grazing. The tower lease area will be a very small area of non-agricultural use within the 800-acre parcel. The power conduit will be buried so will not constitute a hazard to the cattle nor be likely to create a fire hazard. No adjacent properties will be physically affected by this use. The use will not force a change to the practices on the subject property.

- 3. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

OAR 660-033-0130 (5), revised and effective January 1, 2025

(c) For purposes of subsection 2 and 3, a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:

(A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation:

Findings: The soils of the subject property and all adjacent properties contain a majority grazing soils. This area is open grazing range.

- (B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices. This assessment applies practice by practice and farm by farm; and**
- (C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.**
- (D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.**
- (E) For purposes of subsection 2 and 3, potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsection 2 and 3.**
- (F) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection 2 and 3.**

Findings: A telecommunication tower may get visited once a month after construction for servicing, so there will be no traffic issues. There is no noise associated with a tower. There are no crops to be damaged and only a very small area of land taken out of grazing. This use will not contribute to flooding. Weeds may be introduced by the vehicle servicing the property.

UCZPSO Article 21 Conditional Uses

Subsection 21.06 General Standards Governing Conditional Uses

The following standards and criteria shall govern conditional uses, except as provided in subsection 21.07:

- 1. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use.**

Findings: Subsection 21.06.1 refers review back to specific conditions for A-1 Conditional Uses which have already been reviewed.

UCZPSO Article 20 Supplementary Provisions

20.09 SIGNIFICANT GOAL 5 RESOURCE AREAS

C. BIG GAME WINTER RANGE AND BIG GAME CRITICAL HABITAT: A proposed new structure requiring a conditional use may be required to:

- 1. Be located as close as possible to an ADJACENT compatible structure (a compatible structure shall be any structure which does not adversely affect the intended use of another structure);**

2. Share a common access road or where it is impossible to share a common access road, locate as closely as possible to the nearest existing public road in order to minimize the length of access from the nearest road.

Findings: This parcel is in big game critical habitat. Similar to this use not impacting the grazing operations on the parcel, it is unlikely that the tower will have any impact on elk and deer grazing.

VI. PLANNING COMMISSION AUTHORITY AND ACTION

UCZPSO 21.01 Authorization To Grant Or Deny Conditional Uses

Uses designated in this Ordinance as permitted conditional uses shall be permitted or enlarged or altered upon approval by the Planning Commission in accordance with the standards and procedures specified in this article. Changes in use, expansion or contraction of site, or alterations of structures or uses classified as conditional existing prior to the effective date of this Ordinance, shall conform to all regulations pertaining to conditional uses.

UCZPSO 21.03 Commission Action

In addition to the general requirements of this Ordinance, in granting a conditional use the Commission may attach conditions which it finds are necessary to carry out the purposes of this Ordinance. These conditions may increase the required lot or yard, control the location and number of vehicular access points to the property, increase the street width, limit the number of signs, limit coverage of height of buildings because of obstruction of view and reduction of light and air to adjacent property, and require sight obscuring fencing and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area.

UCZPSO 24.12 Decision On Quasi-Judicial Land Use Application

The decision of the hearings body shall be based upon and accompanied by a brief statement that explains:

- A. The criteria and standards considered relevant to the decision;
- B. Statement of basic facts relied upon in rendering the decision; and
- C. Ultimate facts which explain and justify the reason for the decision based on the criteria, standards and basic facts set forth.

VII. NOTIFICATION

The applicant's agent submitted parts of the application beginning March 1, 2025. A signed application was received on March 6, 2025. Further information was requested of the applicant's agent and the application was deemed complete on March 27, 2025. The department reviews this application type using the quasi-judicial process pursuant to Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) Article 24.03, and 24.09 through 24.12. In compliance with the UCZPSO, the department sent a Notice of Hearing to property owners within 500 feet of the property subject to this application (subject property) and placed a legal ad in the East Oregonian on July 16, 2025. The mailed notification included all individual cabin owners located in Camp Elkanah.

Once a decision is made, the department will send a Notice of Planning Commission Decision to the same property owners. The Notice of Planning Commission Decision will inform adjacent property owners that they have 30 calendar days from the date of the decision to appeal the Planning Commission's decision to the Board of County Commissioners.



UNION COUNTY

Planning Department

Inga Williams, Planning Director

1001 4th Street, Suite C

La Grande, OR 97850

PHONE (541) 963-1014

All Applications for Planning Commission review must be deemed complete by the Planning Department by the last business day of the month for consideration at the next available Planning Commission meeting

RETURN TO UNION COUNTY PLANNING DEPARTMENT

____ Minor Partition
____ Major Partition
X ____ Conditional Use
____ Variance
____ Other: _____

A. APPLICANT (1) _____ owner and/or
(2) Jack Maguire, Ryka Land Services

authorized agent of real property described as:

Twp.	Range	Section	Tax Lot
<u>4</u>	<u>35</u>	<u>Willamette</u>	<u>04S35-1200</u>
<u>South</u>	<u>East</u>	<u>Meridian</u>	_____

B. The applicant requests the following in accordance with the provisions of the Union County Zoning Ordinances:

It is proposed to Build 150' Harmoni Towers self-support tower with 75'x75' chain link fenced off ground lease area, with space for future collocation.

C. Evidence supporting the request: (Attach additional materials if necessary)

The applicant alleges that the approval of the application or change would be in harmony with the intent and purpose of said zoning ordinances and that the proposed use conforms to the standards and/or criteria prescribed therefore in said ordinances and would not be detrimental to property or persons in the neighborhood for the following reasons Zoning approved, site plans attached

D. A tentative plan attached including:

- 1) Vicinity map marked "Exhibit A"
- 2) Detailed plot plan marked "Exhibit B" and
- 3) Statements of explanatory information marked "Exhibit C"
- 4) \$ 300, being the fee provided by Ordinance, is attached.

Jack Maguire
Signature(s) Authorized Agent

7525 SE 24th Street
Street/Mailing Address

Mercer Island WA, 98040
City, State, Zip Code

(206) 523-1941
Phone Number

208051212
Signature(s) of all landowners

53540 Baseline Lane
Street/Mailing Address

La Grande OR, 97850
City, State, Zip Code

541 428 2112
Phone Number

2.06 CONDITIONAL USE REVIEW CRITERIA

1. An applicant for a use permitted in Section 2.04 must demonstrate compliance with the following criteria in addition to the applicable standards in Article 21.00 and subject to the review process identified in Section 24.03.

Applicant Response: *Applicant is applying for a use permitted in Section 2.04, and demonstrates compliance with the following criteria in addition to the applicable standards in Article 21.00 and subject to the review process identified in Section 24.03. See stamped engineer drawings and site plan included in submittal documents.*

2. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

Applicant Response: *The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use, just a 75'x75' ground chain link fenced lease area, with equipment and 150' self-support tower within the lease area.*

3. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Applicant Response: *The use of this land will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. See stamped engineer site plan for project details.*

4. For purposes of this section, a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:

A. Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation

and the accepted forest practices on each forest operation;

Applicant Response: Land use application includes a site plan. Included in submittal documents is an environmental site plan with detailed analysis and description of the surrounding lands, farm and forest operations, and the accepted practices on each farm and forest operations, as well as a signed land use application from the property owners. Environmental site plan states that the surrounding lands to the south, east, and west is undeveloped land, and to the North is a former radio tower on undeveloped land, so there are no changes to forest practices or operations at this location.

B. An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and

Applicant Response: Determination to force a significant change in the target site location is included in submittal documents. Proposed use will not have an important influence or effect on the practices currently being used. See property owner-signed land use application, and stamped engineer drawings of site and surrounding areas.

C. An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.

Applicant Response: An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation is included in the environmental site analysis documents. Impacts on the proposed use will not significantly alter the current land uses or practices.

D. For purposes of this section, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop

yields, or flooding.

Applicant Response: *examples of potential impacts for consideration are described in the environmental site analysis of the proposed location, including things like water availability and delivery, introduction of weeds or pests, damage to crops or livestock, little, trespass, reduction in crop yields, or flooding are all address in the submittal documents of this proposal and environmental site analysis. The proposed site location is off of the public right of way, will include a locked fence lease area for trespassing, access for water availability and delivery. In the proposed location there will be no damage to existing crops or livestock, as well as no introduction of new pests or weeds. Site location will also not reduce crop yields or induce flooding as seen in lease agreements and environmental site plan.*

E. For purposes of this section, potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under this subsection.

Applicant Response: *Potential minimal impacts to farm and forest practices or the cost of farm and forest practices are outlined in the submittal documents and site plan. Impacts relating to the construction or installation of the proposed land use is deemed as part of the use itself, and the application is for a new wireless communications facility with a 75'x75' ground lease area with minimal impacts to the existing farm and forest practices at the site.*

F. In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in this section.

Applicant Response: *The consideration of conditions of approval under ORS 215.296(2), the governing body does not impose such a condition upon the owner of the farm or forest land on the land itself. Changes or increases in costs will not be affected by the applied land use, and the owner is not compelled to accept compensation payment. See details stamped engineer site plans, as well as signed land use application from the landowners.*

For the many pages of additional documentation submitted by the applicant, please access the digital file on the Planning Commission website

<https://unioncountyor.gov/planning-commission-meetings/>

Harmoni Tower application packet