

**FINAL ORDER OF THE VENETA PLANNING COMMISSION  
VERIZON  
CONDITIONAL USE PERMIT (CUP-1-07)**

**A. The Veneta Planning Commission finds the following:**

1. The applicant has reviewed all of the materials relevant to the Conditional Use Permit which have been submitted by the applicant, staff, and general public.
2. The City provided proper notice of public hearing according to Section 2.11 of the Veneta Land Development Ordinance No. 461.
3. The Veneta Planning Commission followed the required procedure and standards for approving Conditional Use Permits as required by Section 8.10 and 8.20(2) of Veneta's Land Development Ordinance No. 461.

**B. Conditions of Approval:**

1. Obtain approval for and comply with all conditions of approval of Site Plan Review SR-1-07
2. The applicant shall provide a minimum of one 5-pound dry chemical fire extinguisher rater 2A:10BC. The extinguisher shall be serviced on an annual basis and shall be mounted by either a bracket or cabinet in a visible and accessible location.

**C. IT IS HEREBY ORDERED THAT the Veneta Planning Commission approves the Conditional Use Permit for Verizon (CUP-1-07) based on the information presented in the Staff Report and the following findings of fact:**

*SECTION 8.10 GENERAL STANDARDS OF APPROVAL*

*A conditional use may be granted only if:*

- (1) *The proposed use is consistent with the Veneta Comprehensive Plan.*

*VENETA COMPREHENSIVE PLAN*

*E. UTILITIES*

*GOAL:*

*Upgrade and develop adequate water, sewer, storm drainage and other appropriate utilities to serve the planning population. (Other utilities could potentially include telecommunications, electric, cable, solid waste, etc.).*

**The proposal is in conformance with the Veneta Comprehensive plan. The specific infrastructure goal above states that services which are not traditionally provided by the City are appropriately considered necessary to serve the population of Veneta. Telecommunications is one such service. The current Comprehensive Plan was drafted in 2000. In the intervening years, cellular communications networks have grown drastically with many residents using cell phones as their primary phone line, and/or internet access. The current cellular phone tower located in the City yard on East Broadway cannot accept additional carriers and is located such that it provides only limited coverage to the greater Fern Ridge area, necessitating the construction of an additional tower to allow residents access to additional services. The proposed location on top of Bolton Hill provides optimum coverage to existing and future residents of the Fern Ridge area.**

- (2) *The proposed use is consistent with the purpose of the zoning district.*

*Veneta Land Development Ordinance No. 461  
SECTION 4.02 SINGLE-FAMILY RESIDENTIAL ZONE (SFR)*

*In an SFR zone, the following regulations shall apply:*

- (1) *Purpose. To provide areas suitable and desirable for primarily single-family use with provisions for associated public service uses, planned developments and limited multiple-family use under controlled conditions on lots incapable of division to city standards.*

**The proposal is consistent with this zoning purpose because the proposed site is already used as a city facility and is surrounded by residential land. The addition of a cellular tower on the site leaves the surrounding SFR lands primarily developed with single family uses.**

- (3) *The potential negative impacts of the proposed use on adjacent properties and on the public will be mitigated through the application of existing requirements and conditions of approval.*

**The proposed use is consistent with this requirement with the condition that if/when the surrounding properties are developed, the City shall provide required screening. The perceived negative impacts commonly associated with cell towers include environmental health and aesthetic concerns. The 1996 Federal Telecommunications Act essentially prevents local jurisdictions from considering perceived environmental health impacts in ruling on the placement of cell towers as follows:**

*No State or local government or instrumentality*

*thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.*

3. **The proposed facility will have limited aesthetic impacts due to the remote nature of the site and conditions of approval requiring that the City provide the required screening if/when surrounding properties develop. To ensure fire safety, the applicant shall provide a minimum of one 5-pound dry chemical fire extinguisher rater 2A:10BC. The extinguisher shall be serviced on an annual basis and shall be mounted by either a bracket or cabinet in a visible and accessible location.**

- (4) *All required public facilities have adequate capacity to serve the proposal. Systems Development Charges will be assessed at the time a building permit is issued. Additional SDCs will be assessed for changes in use that are more intense than a pre-existing use.*

**The proposal is consistent with this requirement with the condition of approval that the applicant pay any additional SDC fees attributable to the increase in impervious surface. The site does not require water, sewer, or other city services.**

- (5) *The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.*

**The proposal is consistent with this requirement. The site was previously designed according to the recommendations of a geotechnical report prepared prior to construction of the water tank. The site is 1.59 acres with only a small area dedicated to the proposed use. The proposed use will generate only minimal traffic required for maintenance. No trees or existing vegetation will be removed to construct the proposed improvements and no environmental concerns have been raised. The 1996 Federal Telecommunications Act essentially prevents local jurisdictions from considering perceived environmental health impacts in ruling on the placement of cell towers as follows:**

*No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities*

*comply with the Commission's regulations concerning such emissions.*

**SECTION 8.20 SPECIAL STANDARDS GOVERNING CONDITIONAL USES**

*Certain conditional uses shall meet the following standards:*

(2) *Standards for public structures or uses of land for public utility facilities such as electric substation or transformer, public or community sewage disposal plant or pumping station, radio or television tower or transmitter, telephone exchange, school bus garage, shop and storage yard or similar governmental or utility structure or use of land;*

(a) *Public utility facilities and storage areas shall be screened and provided with landscaping.*

**The proposed use is consistent with this requirement with the condition that if/when the surrounding properties are developed; the City shall provide required screening. The proposed site is located in a remote forested area with no residential development in the immediate vicinity.**

(b) *The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.*

**The proposed use is consistent with this requirement. The site is 1.59 acres in size which far exceeds the minimum 8000 sqft lot size for the zone.**

**D. This approval shall become final on the sate this decision and supporting findings of fact are signed. A Planning Commission decision may be appealed to the City Council within 15 days after the final order has been signed and mailed. An appeal of the City Council's decision must be submitted to the Land Use Board of Appeals within 21 days of the Council's decision becoming final. Failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.**

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**Len Goodwin, Acting Chairperson  
Veneta Planning Commission**

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**Date**