

Communication Facility (Conditional Use)

Applicant Handbook

This packet will guide an applicant through the City's Communication Facility Conditional Use process. While this packet is comprehensive, an applicant should read the applicable Code Sections.

This Packet includes:

- 1) Process Steps
- 2) Public Hearings Procedures
- 3) Conditional Use Approval Criteria
- 4) Communications Facility Approval Criteria
- 5) Application Form
- 6) Fee Agreement
- 7) Fee Schedule

Please use the following as a check list to guide you through the process. **The Steps in Bold are those that the applicant has a significant role in completing.** The other steps are those taken by the City the applicant should track through the process. The Process Steps section gives a more detailed description of these steps.

- Step 1: Request a Pre-Application Conference**
- Step 2: Attend the Pre-Application Conference**
- Step 3: Submit the Application**
- Step 4: Application Acceptance
- Step 5: Notice of Public Hearing
- Step 6: Staff Report
- Step 7: Participate in the Public Hearing**
- Step 8: Decision
- Step 9: Notice of Decision
- Step 10: Appeal of a Planning Commission Decision**
(If applicable)

Communication Facility (Conditional Use – PC Review) Step by Step

1. Pre-Application conference scheduled.
 - a. The fee for a Pre-Application Conference is \$225 and needs to be paid at time of scheduling.
2. Pre-Application conference held.
 - a. Please have any pertinent partners attend this meeting, i.e. your architect or engineer
3. Communication Facility Application submitted by applicant.
 - a. Applications include the application form and additional required information described in Section 8-6.24.030, Section 8-6.152.010 and Section 8-6.168.040 of the CDC.
 - b. All application fees need to be paid at the time of submittal.
4. Application is reviewed for completeness.
 - a. The date of submission shall be recorded and the responsible party (City) has 14 calendar days to determine whether the application is complete.
 - b. Once the application is determined to be complete, the applicant will be notified via a letter.
 - c. All documents or evidence relied upon by the applicant shall be submitted to the City and made available to the public at least 20 calendar days before a City Council hearing.
 - d. If the application is denied, resubmitted applications will be subject to another 14 calendar day completeness check.
5. Notice of Public Hearing
 - a. A Public Hearing Notice will be mailed to the applicant, all property owners within 250ft of the subject property and any affected jurisdictions at least 20 days before the hearing.
 - b. In addition, at least 10 days before the Public Hearing, notice shall be provided in a newspaper of general circulation in the City, by City staff.
6. Staff Report is written and mailed.
 - a. A copy will be mailed to the applicant approximately 7 calendar days prior to the public hearing.
7. Public Hearing is held in accordance with rules of procedure as written in 8-6.28.
 - a. The Planning Commission will review all evidence submitted to the record, including the staff report recommendation, and may
 1. Approve or deny all or part of the application.
 2. Approve all or part with modifications or conditions of approval
 3. Defer a decision; or
 4. Dismiss without prejudice due to procedural error or remand to correct a procedural error.

Communication Facility (Conditional Use – PC Review) Step by Step

8. Minutes produced
 - a. Minutes of the Planning Commission public hearing will be produced and reflect the matters discussed and the views of the participants shall be noted.
9. Notice of Decision
 - a. Notice of Decision in the form of a final order will be provided to the applicant and any parties who testified during the hearing or submitted written comments.
10. Appeal Period
 - a. There will be a 14 calendar day period after written notice of the decision is provided. An appeal can be initiated by anyone who files a petition or at the direction of the City Council.
 - b. If there is an appeal, it will be subject to another 20 calendar day Public Hearing Notice and then go to a City Council Public Hearing.
 - c. The City Council will then make a decision.
 - d. Notice of decision shall be provided to the applicant and all persons who submitted written comments or testified during the hearing.
11. Submit a County Building Permit
 - a. You can print of a copy of the Hood River County Building Permit Application from their website at www.co.hood-river.or.us.
 - b. The application must be signed off by City of Cascade Locks Public Works Superintendent, Electric Department Superintendent, Fire Chief, and Planning Department. The County will not accept the permit until that is completed. This process will be done as quickly as possible by the City.

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Public Hearings Procedures

Planning Commission and City Council

General Guidelines

- a. All those who wish to testify must write their name and address on a sign up sheet that will be available before and during the hearing.
- b. The order of testimony will follow the steps below and then will be based on the order individuals signed up.
- c. All those wishing to testify must do so from the podium and will refrain from making comments while in the audience.
- d. Testimony shall begin with a statement of one's name and address for the record.
- e. Testimony and evidence must be directed toward the decision criteria or other standards in the land use regulation the person believes to apply to the decision.
- f. Except as otherwise provided, the applicant, or the appealing party on appeal, bears the burden of proof that the proposal is in compliance with the applicable criteria and standards.

Public Hearing Steps

1. Open public hearing – The hearing is opened with a statement of rules.
2. Members of the Commission or Council declare any and all significant pre-hearing ex-parte contacts with regard to the matter and potential conflicts of interest. Members will reque themselves if there are any potential conflicts of interest that will not allow them to make a fair and impartial decision.
3. Presentation of the Staff Report
4. Applicant presentation
5. Testimony from those in favor of the proposed action
6. Testimony from those opposed to the proposed action
7. Questions from members of the public
8. Applicant's rebuttal
9. Final comments from Staff
10. Close of public hearing

NOTE: Once the hearing is closed, no additional testimony, comments, or questions may be taken from the audience.

Conditional Use

Applicant Handbook

Approval Criteria

Approval Criteria (8-6.152.050)

1. The site size and dimensions provide adequate area for the needs of the proposed use;
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
3. All required public facilities have adequate capacity to serve the proposal;
4. The applicable requirements of the zoning district are met except as modified by this chapter;
5. The applicable criteria set forth in Section 8-6.148.110 and Section 8-6.152.060 are met; and
6. The applicable criteria in Section 8-6.152.060 are satisfied. *(Note: Section 8-6.152.060 includes decision criteria for a variety of Conditional Use requests. Staff will provide the appropriate provisions based on the application.)*

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Communication Facility

Applicant Handbook

Approval Criteria

8-6.168.050

A. General Standards

Communication facilities, structures, and private communication equipment shall comply with all of the following standards:

1. Building permit approval as required by the Hood River County Building Official.
2. Structures or equipment which are between 10 feet high and the maximum height allowed in the base zone (e.g., 35 or 45 feet), shall meet the applicable setback requirements of the base zone.
3. For communication structures which exceed the maximum base zone height, the setback requirements shall be:
 - a. A minimum of 15 feet, plus an additional foot of setback for every foot in height over 50 feet, from residential (RR, LDR, MDR, HDR, and MHR); commercial (C, CR, and RC); or Public (P, and OS) properties; and
 - b. A minimum setback of 15 feet from industrial (LI and HI) properties.
4. Suitable protective anti-climb fencing and a landscape planting screen, in accordance with Chapter 8-6.104, Landscaping and Beautification, shall be provided and maintained around these structures and accessory attachments.
5. The applicant shall present documentation of the possession of any required license by any federal, state, or local agency.

B. New Wireless Communication Facilities and Structures

1. Requests for wireless communication facilities and structures must be accompanied by evidence that the applicant made every reasonable effort to locate on existing wireless communication facilities and/or existing buildings, with no success or that location on existing towers is not feasible.
2. The wireless communication facilities and structures which are located within or on properties adjacent to a residential zoning district must be a monopole design, and the facilities must be sleek, clean, and uncluttered in appearance.
3. Facilities and structures located within or on properties adjacent to a residential zoning district must be screened by a ring of trees. The trees must be a variety that has a mature tree height which is not taller than the height of the proposed structure. The trees must be spaced in a way that provides a visual barrier around the structure.

4. Accessory equipment associated with the facility is encouraged to be stored underground or inside an existing building. If a new structure is necessary, it must be designed and/or screened to be compatible with the adjacent residentially zoned properties.
5. New wireless communication facilities and structures shall be located on properties with a minimum lot size of 40,000 square feet within a residential, public, or open space zone and 20,000 square feet within a commercial or industrial zone.
6. New wireless communication facilities and structures shall be designed to allow co-location of wireless communication facilities on the new structure.

C. New Wireless Communication Facilities Attached to Existing Structures or Buildings

1. New communication facilities which are co-located on an existing communication structure with similar facilities shall not cause the height of the structure and facilities to exceed the existing height by more than 10 feet. Additional height over 10 feet shall be reviewed as a new communications structure.
2. New communication facilities which are located on the exterior of other structures or buildings must be hidden from view or sufficiently camouflaged as to not be readily visible. This can be accomplished by using compatible building features such as dormers, mounted flush to the facade of the building and painted to match, located in the middle of a roof where it is not visible from the street below, or hidden by other method that minimizes visual impact.
3. Accessory equipment associated with the facility can be stored underground or inside an existing building. If a new accessory equipment structure is necessary, it must be designed and/or screened to be compatible with the adjacent residentially zoned properties.
4. TV receiving dishes may be erected upon the roof of a building only within a commercial or industrial zone.

D. Accessory Equipment Buildings or Cabinets

Accessory equipment buildings or cabinets shall be subject to the provisions of Chapter 8-6.164, Accessory Structures.

E. New Wireless Communication Facilities Which Are Located Inside Buildings

1. The facilities must be hidden from view by being locating inside of a building. This can be accomplished by locating the facility in an enclosed space or by using compatible building features such as dormers to hide the facility.
2. Accessory equipment associated with the facility cannot be visible. It can be stored underground, inside of an existing building. If a new structure is necessary, it must be designed to be compatible with the existing structures on the site.

City of Cascade Locks
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Cascade Locks, Oregon 97014
Phone: 541-374-8484
Fax: 541-374-8752

COMMUNICATIONS FACILITY APPLICATION CONDITIONAL USE (PLANNING COMMISSION REVIEW)

I. BACKGROUND INFORMATION

Applicant

Applicant Name: _____ Phone: _____

Address: _____

Applicant Standing (Fee Owner, Contract Purchaser, etc.): _____

Property Owner (if different)

Name: _____ Phone: _____

Address: _____

Property Information

Property Address: _____

Township; Range; Section; Tax Lot: _____

Zone: _____ Property Size: _____

Existing Use/Structures: _____

Application Proposal: _____

FOR OFFICE USE ONLY

File Number: _____

Submittal Date: _____ Fee: _____ Received by: _____

Application Type: _____ Completeness: _____ 120th Day: _____

II. APPLICATION REQUIREMENTS

- (A) ___ Completed and signed application form.
- (B) ___ Written response to the approval criteria of both a communication facility and a conditional use. It is the applications responsibility to show the proposal conforms to all approval criteria.
- (C) ___ ONE copy and ONE PDF version of the site plan drawn to scale. The site plan must include the material required under Sections 8-6.148.050 through 8-6.148.100 and Section 8-6.168.040 of the Community Development Code. The site plan should be in the following format:
 - 1. The site plans and required drawings shall be drawn on sheets preferably not exceeding 18 inches by 24 inches;
 - 2. The site plan shall be drawn using an engineering scale; and
 - 3. All drawings of structure elevations or floor plans shall be drawn using a standard architectural scale of 1/4 inch or 1/8 inch equals one foot.

City staff will assist the applicant in determining what information is required on the site plan.

- (D) *N/A* Names and addresses of all the property owners within 250 feet of the boundaries of the property. This list must be provided by a Title Company or the Hood River County Assessor.
- (E) ___ Copy of the latest deed, sales contract, or title report indicating property ownership.
- (F) *N/A* A current Hood River County tax map(s) showing the subject property(ies) and all properties within 250 feet of the subject property.
- (G) ___ A signed fee agreement and payment for filing fee.

III. SIGNATURES

NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT A LETTER OF CONSENT AUTHORIZING ANOTHER INDIVIDUAL TO MAKE APPLICATION. INCOMPLETE OR MISSING INFORMATION WILL DELAY THE REVIEW PROCESS.

_____	_____
Applicant/Owner	Date
_____	_____
Applicant/Owner	Date

**NOTICE TO APPLICANT
REIMBURSEMENT TO CITY OF CASCADE LOCKS
FOR ADMINISTRATIVE FEES**

TO: APPLICANT

The City of Cascade Locks, like many other small cities in Oregon, is faced with a severely reduced budget for the administration of the City's Ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process land use applications, the city must rely upon professional consultants to assist in preparing the legal notices, conducting on-site inspections, preparation of staff reports, and, in some cases, actual attendance at the Planning Commission and/or City Council meetings. The City utilizes a consultant to ensure that applications are processed fairly and promptly. Because of reduced budgets, the City finds it necessary to transfer some administrative costs to you, the applicant, as part of the land use planning process. Therefore, you are asked to read and sign the agreement below indicating that you understand and agree to this requirement.

**AGREEMENT TO REIMBURSE CITY
FOR ADMINISTRATIVE COSTS**

I/We, the applicant(s), _____, hereby agree to reimburse the City of Cascade Locks for administrative costs over and above the costs covered by the Basic Fee, which we have paid. We have been advised that an additional deposit required is \$ 2,000.00, but those actual costs could exceed this amount. In the event the City is required to commence litigation to recover these costs, the prevailing party shall be awarded costs and reasonable attorney's fees, including any costs and fees on appeal.

The amount not paid shall also become a lien against the property on which the land use action is sought, in favor of the City of Cascade Locks, and shall be docketed in the City Lien Docket.

DATED this _____ day of _____, 20____.

APPLICANT(S): _____

PROPERTY OWNER(S): _____
(If Different Than Above)

Fee Schedule

8/27/07

Each applicant shall be required to sign an agreement that requires the applicant to pay any and all costs above and beyond the basic fees.

If multiple land use applications are necessary on a single project and a single applicant, the applicant shall pay the highest basic fee of the application necessary, plus 20% of the other basic fees involved.

For All Developments:

Pre-Application Conference	\$225
Site Plan Review	
Staff time, 5 hours planning consultant & 1 hour engineer	\$625
Public Work Type A Permit	
Plan review & inspection by Public Works	\$250
Zoning/Building Review Plan	
A. Accessory Structure, minor review	\$50
B. House or Mobile Home	\$100
C. Multi-Family Dwellings	\$100 + \$25 per unit
D. Commercial, Industrial, Other Projects	\$200

Additional Fees for Multi-Family Developments:

Planned Unit Development	\$1,400
Staff time, 8 hours planning consultant & 3 hours engineer	
Subdivision	\$1,200
Staff time, 8 hours planning consultant & 3 hours engineer	
Public Work Type B Permit	\$500
Plan review & inspection by Public Works	

Other Possible Charges:

Conditional Use	\$625
Staff time, 5 hours planning consultant & 1 hour engineer	
Lot Line Adjustment	\$125
Variance	\$450
Staff time & 4 hours planning consultant	
Partitions	\$500
Staff time, 4 hours planning consultant & 1 hour engineer	
Signs	\$75 + \$2 per sq foot
Temporary Permit	\$300
A temporary permit will not be allowed until a building permit is purchased through the County	

Appeal Process:

Appeal	\$450
Administrative Review	
Staff time & 1 hour planning consultant	\$75

Miscellaneous Fees:

Amendment to Urban Growth Boundary	\$1,000
Staff time, 8 hours planning consultant & 1 hour engineer	
Comprehensive Plan Amendment	\$1,000
Staff time, 8 hours planning consultant & 1 hour engineer	
Wetland/Riparian Permit	\$400
Staff time & 4 hours planning consultant	
Right of Way Permit	\$50
Plan review & inspection by Public Works	
Vacations	\$600
Staff time & 4 hours planning consultant	
Annexation	\$1,000
Staff, 8 hours planning consultant & 1 hour engineer	
Zone Change	\$625
Staff time, 8 hours planning consultant & 1 hour engineer	

Waiver of pre-application conference

I, _____, hereby waive the step of a pre-
{name of applicant}

application conference for _____
{application type, case number}

pursuant to requirements under 8-6.24.020 (A) (2) of the

Community Development Code, which states that:

No application for a City Administrator, Planning Commission or City Council action shall be received by the Administrator unless the applicant or the applicant's representative has:

1. Attended a pre-application conference with the City Administrator*; or
2. Signed a waiver, on a written statement prepared by the City Administrator*, waiving the pre-application conference requirement.

Applicant Signature _____ Date _____

* According to Community Development Code, Chapter 8-6.08 Definitions

City Administrator or Administrator. The administrative head of the city or such other City employee or consultant who may be designated by the City Administrator to perform the functions delegated to the City Administrator.

Userdir\records\pcmins\CDC\CDC 032709 Pre-application waiver form