

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Upholding the Planning Director's Decision to Approve Planning Docket M-02-24/SDR-02-24, a Conditional Use Permit for Tax Lot No. R4408 00201; Applicant: Verizon Wireless

BOARD ORDER 24-175

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on June 27, 2024, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

IT APPEARING TO THE BOARD as follows:

WHEREAS, The Applicant, Verizon Wireless, submitted a site design review for the construction and operation of a new wireless communications facility consisting of a 125-foot monopole tower with associated equipment cabinets, emergency diesel generator, and cabling; and

WHEREAS, The Planning Director approved the request on March 11, 2024, as provided in the attached Exhibit A; and

WHEREAS, The Planning Director's decision was appealed to the Board and a hearing was held on May 9, 2024, and continued until June 13, 2024; and

WHEREAS, Following deliberation, the Board voted unanimously to uphold the Planning Director's decision, deny the appeal, and approve the request; and now, therefore,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. Planning Docket M-02-24/SDR-02-24 is hereby approved, subject to the following conditions:

1. The development shall substantially conform to the site maps submitted with this application.
2. Prior to operation of the facility, all required building, plumbing, septic and electrical permits and inspections shall be obtained from the Yamhill County Planning Department.
3. Prior to issuance of building permits, the water supply and access shall be required to meet the McMinnville Rural Fire Protection District standards and conditions.

B.O. 24-175

4. Parking shall be established and permanently maintained as long as the wireless facility is operating so that there is a minimum of one (1) parking space for each employee on maximum working shift, pursuant to Section 1007 of the YCZO. Parking shall not be permitted on SW Hill Road or the public right-of-way.
5. Any lighting for the facility shall be shielded, deflected, or directed on the applicant's property so it does not shine onto adjacent parcels or roads.
6. Prior to issuance of building permits, the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:
7. "The subject property is located in an area designated by Yamhill County for agricultural uses. It is the county policy to protect agricultural operations from conflicting land uses in such designated areas. Accepted agricultural practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law."
8. Prior to the issuance of building permits, the applicant shall provide to the County a performance guarantee in a form described in Section 1202.04 of the Yamhill County Zoning Ordinance and approved by the County. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost. These estimates may not account for any projected salvage value from decommissioned materials from the wireless facility. It is the responsibility of the applicant to provide the County with the certified cost estimate. The guarantee shall be maintained by the applicant until the project is fully decommissioned. The guarantee shall be adjusted yearly based on the Western Region Consumer Price Index.
9. This approval shall expire two years from the date of this letter unless the use has been initiated.
10. The construction of any additional structures for use as part of the wireless facility, or substantial modification to the footprint of the structures shall require the submission and approval of a site design review application.
11. Modification of any of the above conditions requires approval under Section 1101.02 of the Yamhill County Zoning Ordinance. Violation of any of the above conditions may result in revocation of the site design review permit with the process detailed in Sections 1101.06 and 1101.07 of the Yamhill County Zoning Ordinance.
12. The Applicants shall use a stealth monopine design for the wireless communications facility.

Section 2. The Board hereby adopts the findings set forth in Exhibit B, attached hereto and incorporated herein, in support of this approval.

DATED this 27th day of June 2024, at McMinnville, Oregon.

ATTEST



KERI HINTON
County Clerk

By: *Carolina Rook*
Deputy CAROLINA ROOK

FORM APPROVED BY:

Jodi Gollehon
JODI GOLLEHON
Assistant Yamhill County Counsel

YAMHILL COUNTY BOARD OF
COMMISSIONERS

Lindsay Berschauer
Chair LINDSAY BERSCHAUER

Kit Johnston
Commissioner KIT JOHNSTON

Mary Starrett
Commissioner MARY STARRETT

Approved by the Yamhill County Board of
Commissioners on 06/27/2024
via Board Order 24-175

YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
STAFF REPORT

DATE: February 27, 2024

DOCKET NO.: M-02-24/SDR-02-24

REQUEST: A site design review for the construction and operation of a new wireless communications facility consisting of a 125-foot monopole tower with associated equipment cabinets, emergency diesel generator, and cabling.

APPLICANT: Mike Unger representing ACOM Consulting for Verizon Wireless

OWNER: Russell and Karen Bernards

TAX LOT: 4408-00201

LOCATION: 3375 NW Westside Rd., McMinnville

ZONE: EF-80, Exclusive Farm Use District

CRITERIA: Sections 402.02(F) and 1101.02 of the *Yamhill County Zoning Ordinance* and ORS 215.275.

FINDINGS:

A. Background Facts

1. *Parcel Size:* Approximately 82.7-acres on Tax Lot R4408-201. The Bernards also own Tax Lot 4408-200 that is contiguous to the subject parcel, creating a tract of a total of 280 acres.
2. *Access:* The subject parcel has direct access to NW Westside Rd.
3. *On-site Land Use and Zoning:* The property is located within the Exclusive Farm use, EF-80, zone. Present use includes agriculture. There is a barn and home and other outbuildings located on the property.
4. *Surrounding Land Use and Zoning:* The surrounding parcels to the north, west and southwest are located in the Exclusive Farm use zone. Properties to the direct east are very low density rural, and to the southeast are within the city of McMinnville boundary. Many of the surrounding properties in the area appear to be dedicated to commercial farming uses. Rural residences are scattered in the surrounding area, and many appear to be in conjunction with farm uses. As you travel further east towards McMinnville, the lots are higher density with housing. The property borders the Urban Growth Boundary and the McMinnville's City Boundary to the southeast.
5. *Water:* Did not indicate on the application, and not required for the requested use.

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6. *Sewage Disposal*: On-site septic system installed in 2008.
7. *Fire Protection*: McMinnville Rural Fire Department.
8. *Previous Actions*: Partition P-11-01.
9. *Overlay Districts*: The subject parcel is partially located within the floodplain overlay. The parcel is not in an area that has been identified to be a sensitive wildlife habitat, nor is it in the Willamette River Greenway, or airport overlay district.
10. *Explanation of the request*: The applicant is requesting site design review approval for the construction and operation of a new wireless communications facility consisting of a 125-foot monopole tower and ancillary supporting equipment. The applicant indicates that the height of the tower, including attached antennas, will reach 125-feet in height. The proposed location of the wireless facility will improve the coverage and capacity of wireless service in the surrounding area.

B. Ordinance Provisions and Analysis

1. Section 402.02(F) of the Yamhill County Zoning Ordinance (YCZO) lists as a permitted use:
 - F. *Utility facilities necessary for public service, including 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. The applicant will also be subject to Section 1101, Site Design Review. A facility is "necessary" if it satisfies the requirements of ORS 215.275.*

The ORS 215.275 requirements are as follows:

- (1) *A utility facility established under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.*

In order for a utility service to be considered necessary it has to be shown that it cannot be situated outside of a farm zone in order for the service to be provided. The applicant must show that reasonable alternatives have been considered and that the facility must be sited in the Exclusive Farm use zone due to the factors provided by ORS 215.275(2), below. The applicant has determined that an additional wireless facility is needed following an analysis of market demand, wireless coverage in the surrounding area, and capacity requirements for the geographic area. The applicant's area of insufficient coverage can be found within Exhibit 2, RF Engineering Analysis, Figure 2 of the application. The area identified encompasses a significant portion of the north-western

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area of McMinnville. The application notes Verizon seeks to address a significant capacity deficiency in its coverage on the north and west sides of the City of McMinnville and the surrounding area. The proposed site location was chosen to improve the voice and data coverage for customers in the area. The application asserts that the increasing reliance on wireless telecommunication service (for streaming, remote work, education, or entertainment, gaming, cloud computing, and data storage) has led to an unprecedented demand for increased telecommunications bandwidth capacity. The applicant also notes that the proposed antenna location is needed to meet FCC requirements for Enhanced 911 service in the area, which allows a wireless service provider to provide more precise location information to emergency responders when necessary. The applicant has adequately demonstrated that the proposed utility facility is necessary for public service in the surrounding area.

2. *(2) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:*
 - (a) Technical and engineering feasibility;*
 - (b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;*
 - (c) Lack of available urban and nonresource lands;*
 - (d) Availability of existing rights of way;*
 - (e) Public health and safety; and*
 - (f) Other requirements of state or federal agencies.*

Once the need for additional wireless service was identified by the applicant, a study was conducted to determine the geographical area where a wireless facility would need to be built in order to satisfy the need for enhanced service coverage and capacity. The search parameters used by the applicant include the terrain and topography of the area, proposed antenna height, available radio frequencies, and the characteristics of the wireless equipment.

The applicant has identified an area that can sufficiently address the coverage and service gaps in this larger geographic area, and this area can be found on Figure 1 of the applicant's written narrative. The study area includes an area within the city limits of McMinnville and within the jurisdiction of Yamhill County, see figure 2. The applicants specifically looked for properties that were zoned Light Industrial, and

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VLDR and found that there were no parcels that were available or suitable. The applicant identified two locations within the city to see if they could co-locate their antennas on existing rooftop infrastructure. Verizon RF engineers determined that a 125-foot antenna is required to meet Verizon's coverage objective. No existing structures within the search area were identified that could provide the needed antenna height. The two identified locations include the Organic Valley Creamery and US Bakery. It was determined that neither options were viable due to insufficient lease space and the wireless coverage area needs would not be met. Additional sites the applicant identified within the search area included the VLDR district, but those parcels were relatively small and/or already developed. The applicant has demonstrated that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone to meet the wireless communication needs.

3. *(3) Costs associated with any of the factors listed in subsection (2) of this section may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities. The Land Conservation and Development Commission shall determine by rule how land costs may be considered when evaluating the siting of utility facilities that are not substantially similar.*

The applicant did not use a cost analysis of the various reasonable alternative options pursued as a justification for the proposed wireless facility. Likewise, staff did not consider the relative costs for developing the wireless facility as a factor in the evaluation of the applicant's proposed facility.

4. *(4) The owner of a utility facility approved under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.*

The footprint of the proposed wireless facility is minimal, measuring approximately 50' x 50', which will be fenced. The wireless facility is located adjacent to Westside Road and will utilize an existing driveway. On site improvements will be a 12' wide access/utility easement, a turnaround area and a place for vehicle parking. There will be a 6' chain link fence surrounding the proposed area. Staff will put a condition of approval that will require the applicant to submit a performance guarantee, in the amount of 1.25 times the estimated cost for decommissioning the wireless facility to ensure that the location is restored back to its previous agricultural capacity when the wireless facility is no longer needed.

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5. *(5) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.*

Staff will place clear and objective conditions of approval on the applicant to minimize any potential impacts from the facility to surrounding farmlands. The conditions of approval will be listed below.

6. *(6) The provisions of subsections (2) to (5) of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.*

This proposed facility is a telecommunications tower and related equipment and is not related to natural gas pipelines or other facilities regulated by the Federal Energy Regulatory Commission.

C. Site Design Review

1. Section 1101.02(A) of the YCZO governs site design review.

Review of a site development plan shall be based upon consideration of the following:

Section 1101.02(A)(1): Characteristics of adjoining and surrounding uses;

Regarding standard (1) above, the characteristics of the adjoining parcels include EF-80 to the north, west and southwest. Properties to the east are zoned VLDR-2.5 and properties to the southeast are within the city of McMinnville. The surrounding uses include residential, agriculture, orchards, apartment complex, community gardens, McMinnville Christian Academy, and passive forestry including Tice County Park.

2. *Section 1101.02(A)(2): Economic factors relating to the proposed use;*

Regarding standard (2) above, the applicant indicates that the wireless facility will be unmanned, with a technician visiting the site 1 to 2 times per month to ensure all things are in working order. The application states that, if approved, the proposed wireless facility will serve the surrounding community and improve the coverage and capacity of the wireless network in the area. Though not strictly an economic factor, if approved in this location, the wireless service provider will meet FCC requirements for Enhanced 911 service to residents in the area.

3. *Section 1101.02(A)(3): Traffic safety, internal circulation and parking;*

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Regarding standard (3) above, the proposed location of the wireless facility is located near the northeast corner of the property, along Westside Road. The facility will have its own access driveway which will be improved and maintained by the applicant while the facility is in operation. The site plans submitted with the application indicate that there will be a parking area maintained on the property for technicians who will periodically visit the site for maintenance. The applicant indicates that traffic to the site will be minimal, with staff visiting the site a few times each month. A condition of approval will require the applicant to establish and maintain a parking area, with turnaround, for employees who will occasionally be onsite for maintenance. With conditions, the request satisfies the above standard.

4. *Section 1101.02(A)(4): Provisions for adequate noise and/or visual buffering from noncompatible uses;*

Regarding standard (4) above, the applicant states that the wireless facility will create minimal levels of noise and therefore buffering for noise is unnecessary beyond the visual buffer that will be built around the site. The fencing proposed by the applicant will be 6-foot tall cyclone fencing with privacy slats. The applicant states that existing trees on the east side of Westside road will also provide a buffer around the facility for additional screening. The applicant notes that lighting will also be installed onsite for security and maintenance purposes and agrees that the lights will be shielded or deflected to minimize glare on adjoining roads and neighboring properties, and a condition of approval will be put in place to this effect.

5. *Section 1101.02(A)(5): Retention of existing natural features on site;*

Regarding standard (5) above, the site plan indicates that no natural features of note will be disturbed due to the construction of the monopole and equipment. The location of the monopole and equipment will be adjacent to an existing barn and graveled area. No agricultural lands will be displaced as a result of the communication facility. The applicant stresses that the location and design of the facility was done in such a way to minimize the impact to the surrounding area and to maintain as much of the natural features of the property.

6. *Section 1101.02(A)(6): Problems that may arise due to development within potential hazard areas.*

Regarding standard (6) above, the location of the development on the property is not located in the Floodplain Overlay District or other identified hazard area. There is nothing in the record to indicate that there are hazards on the property, or surrounding area, that may be exacerbated by the construction of wireless facility.

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7. *Section 1101.02(A)(7): Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.*

Regarding standard (7) above, this request is being processed as a Type "A" application, so no comments were solicited from surrounding property owners. There is nothing in the record to suggest that permitted uses conducted on surrounding properties will be negatively impacted by the development of a wireless facility, with a 2500-square foot footprint.

CONCLUSIONS:

1. The request is for a site design review for the construction of a wireless communications facility consisting of a 125-foot monopole tower with associated equipment cabinets, emergency diesel generator, and cabling. The total height with antennas will be 125-feet.
2. With conditions, the request complies with criteria listed in Sections 402.02(F) and 1101.02 of the *Yamhill County Zoning Ordinance* and ORS 215.275.
3. The request complies with the goals and policies of the *Yamhill County Comprehensive Plan*.

DECISION:

Based upon the above findings and conclusions, the request by Mike Unger, representing ACOM Consulting for Verizon Wireless for a site design review for the construction of a wireless communications facility consisting of a 125-foot monopole tower, including antennas, and associated equipment cabinets, emergency diesel generator, and cabling, on an Exclusive Farm use zoned property is approved subject to the following conditions:

1. The development shall substantially conform to the site maps submitted with this application (see enclosures).
2. Prior to operation of the facility, all required building, plumbing, septic and electrical permits and inspections shall be obtained from the Yamhill County Planning Department.
3. Prior to issuance of building permits, the water supply and access shall be required to meet the McMinnville Rural Fire Protection District standards and conditions.
4. Parking shall be established and permanently maintained as long as the wireless facility is operating so that there is a minimum of one (1) parking space for each employee on maximum working shift, pursuant to Section 1007 of the YCZO. Parking shall not be permitted on SW Hill Road or the public right-of-way.

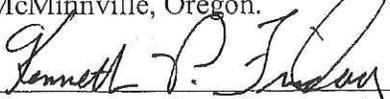
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5. Any lighting for the facility shall be shielded, deflected, or directed on the applicant's property so it does not shine onto adjacent parcels or roads.
6. Prior to issuance of building permits, the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

“The subject property is located in an area designated by Yamhill County for agricultural uses. It is the county policy to protect agricultural operations from conflicting land uses in such designated areas. Accepted agricultural practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law.”

7. Prior to the issuance of building permits, the applicant shall provide to the County a performance guarantee in a form described in Section 1202.04 of the Yamhill County Zoning Ordinance and approved by the County. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost. These estimates may not account for any projected salvage value from decommissioned materials from the wireless facility. It is the responsibility of the applicant to provide the County with the certified cost estimate. The guarantee shall be maintained by the applicant until the project is fully decommissioned. The guarantee shall be adjusted yearly based on the Western Region Consumer Price Index.
8. This approval shall expire two years from the date of this letter unless the use has been initiated.
9. The construction of any additional structures for use as part of the wireless facility, or substantial modification to the footprint of the structures shall require the submission and approval of a site design review application.
10. Modification of any of the above conditions requires approval under Section 1101.02 of the *Yamhill County Zoning Ordinance*. Violation of any of the above conditions may result in revocation of the site design review permit with the process detailed in Sections 1101.06 and 1101.07 of the *Yamhill County Zoning Ordinance*.

DATED AND SIGNED this 11th day of March, 2024, at
McMinnville, Oregon.



Kenneth P. Friday, Planning Director
Yamhill County Planning and Development

KF:tw

Exhibit B – Findings for Approval – Board Order

DATE OF TENTATIVE DECISION: June 13, 2024

APPLICATION DOCKET NO.: M-02-24/SDR-02-24

REQUEST: A site design review for the construction and operation of a new wireless communications facility consisting of a 125-foot monopole tower with associated equipment cabinets, emergency diesel generator, and cabling.

APPLICANT REPRESENTATIVES: ACOM Consulting, Inc. for
Verizon Wireless & Harmoni Towers
Attn: Sarah Blanchard
5200 SW Meadows Rd., Ste 150
Lake Oswego, OR 97035

E. Michael Connors
Hathaway Larson LLP
1125 NW Couch St. Ste 550
Portland, OR 97209

OWNER: Russell & Karen Bernards
8645 NW Donnelly Ln.
McMinnville, OR 97128

TAX LOT: 4408-00201

SITE ADDRESS: 3375 NW Westside Rd., McMinnville, OR 97128

PARCEL SIZE: 82.70 acres

ZONE: EF-80, Exclusive Farm Use District

APPLICABLE REGULATIONS: Oregon Revised Statute (ORS) 215.283(1)(c)(A) & 215.275; Sections 402.02(F) and 1101 of the *Yamhill County Zoning Ordinance*.

A. Summary of the Request & the Board's Decision.

The Applicants requested approval for the construction and operation of a new wireless communications facility consisting of a 125-foot monopole tower with associated equipment cabinets, emergency diesel generator, cabling and ancillary supporting equipment. The facility is necessary to address a significant coverage gap and capacity deficiency in the northwest side of the City of McMinnville and the surrounding County area.

The subject parcel is approximately 82.70 acres and located in the Exclusive Farm Use (“EFU”) EF-80 zone. The property contains a barn, a home and other outbuildings located on the property. The property is used for farming. The property has direct access to Westside Rd. The property is partially located within the floodplain overlay, but the proposed site is not located in an area which is designated as sensitive wildlife habitat, nor is it in the Willamette River Greenway, floodplain or airport overlay district. The wireless communications facility will not require water or a waste management system. The property is served by the McMinnville Fire Department.

The surrounding parcels to the north, west and southwest are also located in the EF-80 zone. The properties to the direct east are very low density rural, and to the southeast are within the City of McMinnville. Many of the surrounding properties appear to be dedicated to commercial farming uses. Rural residences are scattered in the surrounding area, and many appear to be in conjunction with farm uses.

The Applicants applied for approval of the wireless communications facility as a “utility facility necessary for public service” under ORS 215.283(1)(c)(A) and Yamhill County Zoning Ordinance (“YCZO”) 402.02(F). The County Planning Director reviewed the Application, determined that it satisfied the applicable criteria and approved the Application subject to conditions of approval. The Planning Director concluded that the Applicants demonstrated there are no non-EFU reasonable alternative sites available to satisfy the coverage and capacity objectives for this site consistent with ORS 215.275.

Erik Kramer and Vincent Hoffarth’s (the “Appellants”) appealed the Planning Director’s decision. After considering all of the testimony, argument and evidence in the record at a hearing held on May 9, 2024, left the record open to allow parties to submit additional evidence and argument, and continued to June 13, 2024, the Board of Commissioner of Yamhill County (the “Board”) voted to uphold the Planning Director’s decision, deny the appeal and approve the Application pursuant to these findings of approval and condition of approval requiring the Applicants to use a stealth monopine design facility.

B. Applicable Regulations & Analysis.

1. ORS 215.283(1)(c)(A) & YCZO 402.02(F).

The Applicants applied for approval of the wireless communications facility as a “utility facility necessary for public service,” which is a permitted use in the EFU zone under ORS 215.283(1)(c)(A) and YCZO 402.02(F).

ORS 215.283(1)(c)(A) lists a utility facility necessary for public service as a permitted use in the EFU zone:

- c. Utility facilities necessary for public service, including 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. A utility facility necessary for public service may be established as provided in:*

- A. ORS 215.275 (Utility facilities necessary for public service);*

Similarly, YCZO 402.02(F) lists a utility facility necessary for public service as a permitted use in the EFU zone:

- F. Utility facilities necessary for public service, including 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. The applicant will also be subject to Section 1101, Site Design Review. A facility is "necessary" if it satisfies the requirements of ORS 215.275.*

A wireless communications facility qualifies as a "utility facility" under ORS 215.283(1)(c)(A) and YCZO 402.02(F). ORS 215.275 sets forth the factors for determining if the wireless communications facility is "necessary" under these provisions. To demonstrate that it is necessary, the Applicants must show that reasonable non-EFU alternatives have been considered and the facility must be sited on an EFU zoned property due to one or more of the factors in ORS 215.275(2). The Applicants are entitled to a considerable amount of discretion in determining the coverage and capacity objectives for the facility and alternatives sites that do not meet those objectives are not "reasonable alternatives" under ORS 215.275(2).

2. ORS 215.275.

ORS 215.275 requires the following to demonstrate that the wireless communications facility is "necessary" under ORS 215.283(1)(c)(A) and YCZO 402.02(F):

- (1) A utility facility established under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.*

In order for a utility facility to be considered necessary, the Applicants must show that it cannot be situated outside of a farm zone in order for the service to be provided. The applicants must show that reasonable alternatives have been considered and that the facility must be sited in the Exclusive Farm use zone due to the factors provided by ORS 215.275(2) below.

The Applicants demonstrated that a wireless communications facility is necessary in this area following an analysis of market demand, wireless coverage and capacity requirements for a specific geographic area, and the need to provide continuous coverage from one site to another. The Applicants' area of insufficient coverage can be found within Exhibit 2, RF Engineering Analysis, Figure 2 of the Application. This area encompasses a significant portion of the north-western area of McMinnville. The Application stated that the increasing reliance on wireless telecommunications service for streaming (for remote work, education, or entertainment), gaming, cloud computing, and data storage has led to an unprecedented demand for increased telecommunications bandwidth capacity. The Application also noted that the proposed facility is needed to meet FCC requirements for Enhanced 911 service in the area, which allows a wireless service provider to provide more precise location information to emergency responders when necessary. There is no evidence in the record disputing the Applicants' claim that a wireless communications facility is necessary in this area to address the coverage and capacity deficiencies.

Once the need for additional wireless coverage and capacity was established, the Applicant's radio frequency ("RF") engineers performed a study to determine the approximate site location and antenna height required to provide the required coverage and capacity. Using a computer modeling program that accounts for the terrain within the service area and other variables, such as proposed antenna height, available radio frequencies and wireless equipment characteristics, the RF engineers identified a "search ring" wherein a facility could be located to meet the Applicants' service objectives, which can be found on Figure 2 of the Application narrative.

The Board concludes that the Applicants demonstrated the proposed facility is necessary for public service in the surrounding area based on the substantial evidence in the record and the findings for ORS 215.275(2) below. Therefore, the Board finds that the Application satisfies this criterion.

(2) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;

(b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of available urban and nonresource lands;

(d) Availability of existing rights of way;

(e) Public health and safety; and

(f) Other requirements of state or federal agencies.

The Applicants must show that reasonable alternatives have been considered and that the facility must be sited in the EFU zone due to the factors provided by ORS 215.275(2). Based on the substantial evidence in the record, the Board finds that the Applicants demonstrated they considered reasonable alternatives and the facility must be sited in the EFU zone due to the factors provided by ORS 215.275(2).

Prior to filing the Application, the Applicants considered multiple non-EFU zone options but were unable to identify an alternative site or option that can satisfy the coverage and capacity objectives.

The Applicants considered if there are any existing towers or structures for collocation at the desired antenna height. Collocation on an existing tower or structure is typically the cheapest and most regulatory efficient means of getting a wireless communications facility approved. There are no existing towers in the search area and none of the structures are tall enough to meet the coverage and capacity objectives.

The Applicants considered several non-EFU zoned properties in the search ring area. The

Applicant's evaluated the properties within the City of McMinnville that are located in the search ring. The City only allows new antenna support structures in Industrial zones located outside of the Downtown Design District. McMinnville Zoning Ordinance Section 17.55.040(D). New towers are prohibited in residential and commercial zones. There are no industrial zoned properties within the search area. Although the Applicants were not required to consider sites outside the search ring, they did evaluate two industrial properties that are near the search ring. The Organic Valley Creamery property (700 OR-99W) is not a viable candidate because there is not sufficient space for a wireless communications facility and the associated equipment. The US Bakery property (1388 OR-99W) is not a viable candidate because the property owner did not respond to the Applicant's inquiries about leasing space and this location will not meet Verizon's coverage and capacity objectives. The Applicants also consider several VLDR-2.5 zoned properties east of Westside Road, but these properties are too small and are developed such that there is insufficient space for a wireless communications facility and the associated equipment. These parcels will not meet the Applicants' coverage and capacity objectives.

The Applicant pursued the subject property and submitted the Application only after exhausting these non-EFU options. The Board concludes that the Applicant considered all reasonable alternatives and demonstrated that the facility must be sited in the EF-80 zone due to the factors under ORS 215.275(2) based on the substantial evidence in the record. Therefore, the Board finds that the Application satisfies this criterion.

(3) Costs associated with any of the factors listed in subsection (2) of this section may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities. The Land Conservation and Development Commission shall determine by rule how land costs may be considered when evaluating the siting of utility facilities that are not substantially similar.

The Applicant did not rely on the costs associated with the various alternative options it considered as a basis for ruling out those options. Therefore, the Board finds that the Application satisfies this criterion.

(4) The owner of a utility facility approved under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

The footprint of the proposed wireless communications facility site is minimal, measuring approximately 50' x 50', which will be fenced and landscaped. The site facility is located adjacent to Westside Road and will utilize an existing driveway. On site improvements will be a 12' wide access/utility easement, a turnaround area and a place for vehicle parking. There will be a 6' chain link fence surrounding the proposed area. The Board imposed a condition of approval that requires the Applicants to submit a performance guarantee, in the amount of 1.25 times the estimated cost for decommissioning the facility, to ensure that the location is restored back to its previous

agricultural capacity when the facility is no longer needed. Therefore, the Board finds that the Application satisfies this criterion.

(5) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

The site is located adjacent to the existing barn and close to NW Westside Rd. to minimize the impacts on the farm operation. The site was proposed in this area of the property because the area is not currently being farmed, is not a prime area for agriculture and minimizes the length of the access driveway. The footprint of the proposed wireless facility site is minimal, measuring approximately 50' x 50', which will be fenced and landscaped. The Board concludes based on the substantial evidence in the record that this is the minimum size area necessary to accommodate the wireless communications facility. There is no evidence the facility will significantly change accepted farm practices or cause a significant increase in the cost of farm practices on the surrounding farmlands. Nonetheless, the Board imposed clear and objective conditions of approval to minimize any potential impacts from the facility to surrounding farmlands. Therefore, the Board finds that the Application satisfies this criterion.

(6) The provisions of subsections (2) to (5) of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

The proposed facility is a wireless communications facility, not an interstate natural gas pipeline or associated facility regulated by the Federal Energy Regulatory Commission. Therefore, this criterion is not relevant to the Board's decision.

For the reasons provided above, the Board finds that the Applicants demonstrated they considered reasonable alternatives and the facility must be sited in the EFU zone consistent with the requirements of ORS 215.275. Therefore, the Board concludes that the proposed wireless communications facility is a "utility facility necessary for public service" and a permitted use in the EFU zone pursuant to ORS 215.283(1)(c)(A) and YCZO 402.02(F).

3. Site Design Review – YCZO 1101.

The Board concludes that the Application must be approved under site design review criteria in YCZO 1101 for two reasons. First, the County is prohibited from denying the Application based on the site design review criteria in YCZO 1101 since the wireless communications facility is a permitted use in the EFU zone under ORS 215.283(1)(c)(A). Second, the Board agrees with the Planning Director that the Applicant demonstrated compliance with the site design review criteria in YCZO 1101.

a. The County Cannot Deny the Application Under YCZO 1101.

Oregon law provides that for utility facilities necessary for public service allowed in the EFU zone under 215.283(1)(c)(A), a local government cannot deny the application based on local

standards other than those set forth in ORS 215.283(1)(c)(A) and ORS 215.275. *Brentmar v. Jackson County*, 321 Or 481, 496, 900 P2d 1030 (1995); *Seeberger v. Yamhill County*, 56 Or LUBA 656, 659 (2008). As previously stated, the Board concludes that the wireless communications facility is a permitted use in the EFU zone pursuant to ORS 215.283(1)(c)(A) and ORS 215.275. In *T-Mobile v. Yamhill County*, 55 Or LUBA 83, 87–88 (2007), LUBA determined that the County cannot deny a wireless communications facility proposed in the EFU zone based on the site design review criteria in YCZO 1101. Therefore, the Board concludes that the County cannot deny the Application based on the standards in YCZO 1101.

b. The Application complies with YCZO 1101.

Even if the site design review criteria in YCZO 1101 could be used as a basis to deny the Application, the Board agrees with the Planning Director that the Application complies with YCZO 1101 based on the substantial evidence in the record.

Section 1101.02 Evaluation of Site Development Plans.

The site design review approval criteria are set forth in YCZO 1101.02. The Board concludes the Application complies with YCZO 1101.02 for the reasons stated below.

A. The review of a site development plan shall be based upon consideration of the following:

Section 1101.02(A)(1): Characteristics of adjoining and surrounding uses;

The surrounding parcels to the north, west and southwest are also located in the EF-80 zone. The properties to the direct east are very low density rural, and to the southeast are within the City of McMinnville. Many of the surrounding properties appear to be dedicated to commercial farming uses. Rural residences are scattered in the surrounding area, and many appear to be in conjunction with farm uses. The surrounding uses include residential, agriculture, orchards, apartment complex, community gardens, McMinnville Christian Academy, and passive forestry including Tice County Park. The wireless communications facility is designed to improve the wireless services of Verizon customers in the adjoining and surrounding areas. The Board concludes that the wireless communications facility is consistent with the characteristics of the adjoining and surrounding uses.

Although some neighbors argued that the wireless communications facility is inconsistent with the surrounding residential uses, the Board disagrees. The facility is a permitted use in the EF-80 zone and YCZO 1101.02(A)(1) does not prohibit this type of use merely because some of the surrounding uses are residential. Therefore, the Boards finds that the Application complies with this criterion.

Section 1101.02(A)(2): Economic factors relating to the proposed use;

The Applicants state that more than one-half of the residents in the area are living in wireless-only households and rely solely on mobile networks for communications, education, commerce, and business needs. The proposed wireless facility will serve the surrounding community and improve the coverage and capacity of the wireless network in the area. Wireless services to the area can increase economic activities in both urban and rural settings. Though not strictly an economic

factor, the proposed facility will meet FCC requirements for Enhanced 911 service to residents in the area. Therefore, the Boards finds that the Application complies with this criterion.

Section 1101.02(A)(3): Traffic safety, internal circulation and parking;

The proposed site for the wireless communications facility is located near the northeast corner of the property, along Westside Road. The facility will have its own access driveway which will be improved and maintained by the Applicants while the facility is in operation. The site plans submitted with the Application indicate that there will be a parking area maintained on the property for technicians who will periodically visit the site for maintenance. The Applicants indicated that the wireless communications facility will be unmanned, with a technician visiting the site 1 to 2 times per month to ensure all things are in working order. The Board imposed a condition of approval that requires the Applicant to establish and maintain a parking area, with a turnaround, for employees who will occasionally be onsite for maintenance. Therefore, the Boards finds that the Application complies with this criterion as conditioned.

Section 1101.02(A)(4): Provisions for adequate noise and/or visual buffering from noncompatible uses;

The Applicants state that the wireless communications facility will create minimal levels of noise and therefore buffering for noise is unnecessary beyond the visual buffer that will be built around the site. The fencing will be six-foot tall cyclone fencing with privacy slats. The Applicants state that the existing trees on the east side of Westside Road will also provide a buffer around the facility for additional screening. The Applicants note that lighting will also be installed onsite for security and maintenance purposes, and agrees that the lights will be shielded or deflected to minimize glare on adjoining roads and neighboring properties. The Board imposed a condition of approval that requires the lighting to be shielded or directed downward. Therefore, the Boards finds that the Application complies with this criterion as conditioned.

Section 1101.02(A)(5): Retention of existing natural features on site;

The site plan indicates that no natural features will be disturbed due to the construction of the wireless communications facility. The location of the facility will be adjacent to an existing barn and graveled area. No area currently being farmed will be displaced as a result of the facility. The location and design of the facility was done in such a way to minimize the impacts to the surrounding area and to maintain as much of the natural features of the property. Therefore, the Boards finds that the Application complies with this criterion.

Section 1101.02(A)(6): Problems that may arise due to development within potential hazard areas.

The proposed site for the facility is not located in the Floodplain Overlay District or other identified hazard area. There is nothing in the record to indicate that there are hazards on the property, or surrounding area, that may be exacerbated by the construction of wireless facility. Therefore, the Boards finds that the Application complies with this criterion.

Section 1101.02(A)(7): Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.

The Application was processed as a Type “A” application consistent with the YCZO requirements, so no comments were solicited from surrounding property owners during the Planning Director phase. The Appellants who filed the appeal are property owners within the vicinity and claimed their interests may be affected by the facility. After the appeal, the County received additional public comments on the Application from other surrounding property owners raising many of the same issues.

The Board responded to the surrounding neighbors’ comments and recommendations in Section C below. As explained below, the neighbors’ comments and recommendations do not relate to the applicable approval criteria and therefore do not provide a basis for reviewing the Application.

Nonetheless, the Board did impose a condition of approval requiring the Applicants to use a stealth monopine design facility in response to the neighbors’ comments. Although it is not required under the approval criteria, the Applicants offered to use a stealth monopine design for the facility to mitigate the view impacts of the surrounding property owners. A stealth monopine is designed to look like a tree and blend in better with the surrounding area. A monopine design is a good concealment design for this property given the trees in the immediate area around the site. The Applicants submitted photographs that show various viewpoints from NW Westside Road to demonstrate that there are several trees located in this area and along the road, as well as a sample stealth monopine design as an example. Additionally, the existing barn and large tree adjacent to the site will provide additional visual screening. The facility will be fenced with a six-foot cyclone fence with privacy slats, creating a visual buffer around the base of the facility.

Therefore, the Boards finds that the Application complies with this criterion.

Section 1101.02(B): All development applications for site design review are subject to the development standards of the underlying zoning district and may be modified pursuant to satisfaction of the considerations provided in subsection 1101.02(A). The Director may waive submittal requirements consistent with the scale of the project being reviewed, upon determining that requirements requested to be waived are not necessary for an effective evaluation of the site development plan

The wireless communications facility meets the applicable EF-80 zone development standards. The facility satisfies the minimum 30-foot setback requirement as shown in the Applicants’ zoning drawings. The facility is well below the 200-foot height limit under YCZO 402.02(F). No modifications were requested or required. Therefore, the Boards finds that the Application complies with this criterion.

C. Response to Neighbors’ Comments.

The Appellants and other surrounding neighbors raised several other issues during the appeal, but these issues are not relevant to the applicable approval criteria and therefore do not provide a basis for reviewing the Application. Nonetheless, the Board’s findings below respond to those issues.

1. Alternative Sites on the Subject Property.

At the May 9, 2024 hearing, the Board left the record open to provide the Applicants an opportunity to explore a potential alternative site to relocate the wireless communications facility on the subject property further from NW Westside Road as requested by the neighbors. The Applicants meet with the property owners multiple times to explore alternative sites, but they were unable to

identify an alternative sites on the property that can accommodate the wireless communications facility without significantly impacting the farming operation. The Board approved the Application notwithstanding the Applicants inability to identify an alternative site on the property for multiple reasons.

First, the Applicants and the property owners' inability to site the facility at an alternative location on the property further from NW Westside Road cannot be used as a basis for denying the Application. ORS 215.275 only requires the Applicants to consider alternatives properties outside the EF-80 zone and does not require the Applicants to consider alternative EF-80-zoned properties or alternative locations on the subject EF-80 zoned property. *Dayton Prairie Water Assn. v. Yamhill County*, 170 Or App 6, 11 (2000).

Second, the Applicants submitted substantial evidence demonstrating that they made a good faith attempt to identify an alternative location for the facility but were unable to identify a feasible site that would not significantly impact the farming operation on the property. The Applicants and the property owners met multiple times on site and walked the property to explore potential alternatives. The Applicants provided an explanation and supporting evidence demonstrating that the facility cannot be relocated on the property without significantly impacting the farming operation. The vast majority of the property contains crops and locating the facility in these areas would take a significant portion of this property out of farm production. The wooded areas located on the property cannot accommodate the facility because it has a stream, wetlands and hydric soils, and is topographically challenging. Although there are some relatively small open areas near the farmhouse and barn on the western end of the property, these areas are used for vehicular ingress and egress, equipment staging and harvest related production associated with the farm use.

Third, the impacts on the farm operation are required to take precedent over the neighbors' concerns pursuant to State law. ORS 215.275(5) requires the Applicants and the County to mitigate and minimize the impacts of the facility on property devoted to farm use in order and avoid causing a significant change in accepted farm practices or a significant increase in the cost of farm practices. While the neighbors desire to minimize the visual impacts is understandable, State law mandates that the impacts on the farm operation take precedent.

2. The Application does not violate Federal or State Law.

Some neighbors claimed that the Application violates the Federal Telecommunications Act of 1996 (the "Telecommunications Act") because it preserves the right for local governments to impose aesthetic and visual impacts criteria on wireless communications facilities. The neighbors misinterpreted the Telecommunications Act. The Telecommunications Act imposes limits on a local government's authority to deny a wireless communication facility, not additional requirements or grounds for denying a wireless communication facility. States and local governments are responsible for adopting standards for reviewing wireless communications facilities provided they do not violate the Telecommunications Act, not the other way around.

Some neighbors claimed that the Application violates State law because after the County determines that ORS 215.275 is "satisfied" the County is free to apply local considerations and local zoning regulations to determine where to place the facility on the subject EF-80 zoned property. The neighbors misinterpreted the State law. State law precludes the County from reviewing the Application based on any standard other than those set forth in ORS 215.275 and does not require the Applicants to demonstrate that the proposal will be the least intrusive option

to the surrounding community. Since ORS 215.275 provides the exclusive approval criteria for this type of proposal, once ORS 215.275 is “satisfied” the County is required to approve the Application.

3. The Comprehensive Plan provisions are not applicable to the Application.

Some neighbors claimed that the Application violates certain Comprehensive Plan provisions. These Comprehensive Plan provisions are not applicable to the Application for several reasons. As previously stated, State law precludes the County from reviewing the Application based on any standards other than those set forth in ORS 215.275. ORS 215.275 does not require the Applicants to demonstrate compliance with the Comprehensive Plan. Neither YCZO 402.02(F) nor the site design review criteria in YCZO 1101 require the Applicants to demonstrate compliance with these Comprehensive Plan provisions or the Comprehensive Plan as a whole. Finally, the Comprehensive Plan goals and policy statements cited by the neighbors are not intended to be approval criteria. Comprehensive Plan policies and purpose statements that set out goals, objectives or policies to be achieved through the zoning code or other provisions, or that contain language that is aspirational, such as those that “encourage” a particular action or result, are not mandatory approval criteria. The Comprehensive Plan goals and policy statements cited by the neighbors are policy and purposes statements that contain general and aspirational language, not mandatory terms that indicate they were intended to be applied as approval criteria to all development projects.

4. Visual impacts on the surrounding area are not relevant under the approval criteria.

Some neighbors claimed the wireless communications facility will be a visual eyesore and nuisance due to the visual impacts, but none of the approval criteria require or allow the County to consider the visual impacts. As previously explained, alleged visual impacts are not a basis for denying a wireless communication facility under ORS 215.275.

Some neighbors suggested that visual impacts are precluded in this area because the surrounding properties are residential. The mere fact that some surrounding properties are residential does not preclude a wireless communications facility in this area. The facility is a permitted use in the EF-80 zone and there is nothing in the approval criteria that prohibits/restricts this facility due to surrounding residential uses. Additionally, the surrounding area is primarily agricultural.

Although the visual impacts are not relevant to the approval criteria, the Board did impose a condition of approval requiring the Applicants to use a stealth monopine design facility in response to the neighbors’ comments. The stealth monopine design for the facility will mitigate the view impacts of the surrounding property owners.

5. Alleged impacts on property values are not relevant under the approval criteria.

Some neighbors claimed the presence of the wireless communications facility may reduce their property values, but none of the approval criteria require or allow the County to consider the impacts on property values. ORS 215.275 does not recognize impacts on surrounding property values as a relevant approval criterion. Additionally, a local government cannot consider a wireless communication facility’s impact on property values in any zone unless there is a specific

requirement in the local code to do so. *Hill v. City of Portland*, 66 Or LUBA 250, 258-59 (2012). The YCZO does not require the consideration of impacts on property values.

Even if the YCZO did require the consideration of impacts on property values, there must be evidence demonstrating that the facility will have a negative impact on the property values in this specific instance. *Johnson v. City of Eugene*, 42 Or LUBA 353, 366-67 (2002). Generalized claims of impacts on property values are insufficient. The neighbors did not submit sufficient evidence demonstrating that this facility will reduce the property values in the surrounding area.

6. The Telecommunications Act prohibits the County from considering alleged health and/or environmental concerns related to the RF emissions.

Some neighbors raised health and environmental related concerns regarding the RF emissions. The Telecommunications Act expressly prohibits the County from adopting any decision based even partially on the health or environmental effects of RF emissions. 47 U.S.C. §332(c)(7)(B)(iv). Therefore, the County cannot and should not base its decision on RF emissions.

Under the Telecommunications Act, the acceptable level of RF emission and potential health and environmental impacts are governed exclusively by federal law and the Federal Communications Commission (the "FCC"). The Applicants are required to comply with these RF emission levels as part of the federal license and will comply in this case

D. Conclusion.

Based on the Board's findings and conclusions above, the Board hereby upholds the Planning Director's decision, denies the City's appeal and approves the Application subject to the following conditions:

1. The development shall substantially conform to the site maps submitted with this application.
2. Prior to operation of the facility, all required building, plumbing, septic and electrical permits and inspections shall be obtained from the Yamhill County Planning Department.
3. Prior to issuance of building permits, the water supply and access shall be required to meet the McMinnville Rural Fire Protection District standards and conditions.
4. Parking shall be established and permanently maintained as long as the wireless facility is operating so that there is a minimum of one (1) parking space for each employee on maximum working shift, pursuant to Section 1007 of the YCZO. Parking shall not be permitted on SW Hill Road or the public right-of-way.
5. Any lighting for the facility shall be shielded, deflected, or directed on the applicant's property so it does not shine onto adjacent parcels or roads.
6. Prior to issuance of building permits, the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

"The subject property is located in an area designated by Yamhill County for agricultural uses. It is the county policy to protect agricultural operations from conflicting land uses in such designated areas. Accepted agricultural practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law."

7. Prior to the issuance of building permits, the applicant shall provide to the County a performance guarantee in a form described in Section 1202.04 of the Yamhill County Zoning Ordinance and approved by the County. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost. These estimates may not account for any projected salvage value from decommissioned materials from the wireless facility. It is the responsibility of the applicant to provide the County with the certified cost estimate. The guarantee shall be maintained by the applicant until the project is fully decommissioned. The guarantee shall be adjusted yearly based on the Western Region Consumer Price Index.
8. This approval shall expire two years from the date of this letter unless the use has been initiated.
9. The construction of any additional structures for use as part of the wireless facility, or substantial modification to the footprint of the structures shall require the submission and approval of a site design review application.
10. Modification of any of the above conditions requires approval under Section 1101.02 of the Yamhill County Zoning Ordinance. Violation of any of the above conditions may result in revocation of the site design review permit with the process detailed in Sections 1101.06 and 1101.07 of the Yamhill County Zoning Ordinance.
11. The Applicants shall use a stealth monopine design for the wireless communications facility.