



MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918 Phone (541)473-5185 Fax (541)473-5140

FILE NUMBER: _____

FEE: \$125

VARIANCE

Date Received: _____ Planner Initials: _____ Date Complete: _____ Planner Initials: _____

DETAILED SPECIFIC WRITTEN REQUEST

Standard/Criterion proposed to be varied: 6-6-8-8 B 2a Setback: tower height +10%

Dimension or distance normally required: Tower Height + 10% = 330'

Proposed dimension or distance: 264' 4"

DETAILED STRUCTURAL INFORMATION

MALHEUR COUNTY CRITERIA:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, which result from lot size or shape, topography, or other circumstances over which the property owner since the enactment of MCC 6-8-2 has had no control:

Describe the circumstances and explain why they are exceptional or extraordinary:

Berrett Land, in the vicinity, owns 3,000 ac. of land which surrounds the 6.8 ac. property owned by the State of Oregon. Applicant respectfully suggests

that the collaboratively elected location for the guyed tower which allows maximum retained use of the subject property in no way impedes the continued

enjoyment of use of TL599 (State of Oregon).

2. The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zone in the area.

What property right is denied you by the applicable standards, which is also enjoyed by other property owners in the same zone and area?

None.

3. The variance would conform with the purposes of MCC 6-8-2 and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy.

Describe how approval of the proposed variance would not impact adjacent surrounding properties:

The adjacent property, a 6.8 acre sliver along the south side of US-95 is an uninhabited property (Class 961 State of Oregon Improved) indistinct physically from surrounding land. At the north end of the property, immediately adjacent to US-95 there is a structure (canopy) perhaps used for materials storage. No other structures are on the property. The proposed placement of the tower will have no impact on the use of the adjacent property and whichever imposition its very presence entails will not be changed by granting the requested variance.

4. The variance requested is the minimum variance which would alleviate the hardship.

Reducing the size of the development, altering its configuration, or changing its location must be discussed to justify the proposal:

Applicant is responsive to the technical needs expressed by its lessee (T-Mobile) and design/siting preferences expressed by landowner (Berrett Land, LLC).

Applicant respectfully requests approval of the variance request because alterations to its configuration would be harmful to landowner without being helpful to 'others.'
