

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
June 9, 1997
7:30 P.M.

I. ROLL CALL

Present: Chairman Ewert, Vice-Chair Stewart, Commissioners O'Shea, Prince, Dillon and Keller.

Staff: James Wheeler, Planning Director, and Joyce Faltus, Secretary

Others Present: Jerry Barkman, Wayne Wooten, Michael Sandoval, Brian Knowles, Steve Maynor, Bob Kauffman, Steven Hultberg, Kevin Howard

II. MINUTES

Commissioner Ewert moved to approve the May 12, 1997 minutes, as submitted. Commissioner O'Shea seconded the motion and it carried unanimously.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMISSION DISCUSSION OF PLANNING ISSUES

Discussion of Land Development and Planning Ordinance revisions was delayed until later in the meeting.

The Commission referred to City Council minutes of April 16, 1997, asking if the "Welcome to Canby" sign that is proposed to be placed east of Territorial Road on Highway 99-E, would come before the Commission. Staff explained that it is not within the Commission's jurisdiction, but that if it was placed within the right-of-way, it would have to be approved by O.D.O.T. Otherwise, it would require Clackamas County's approval.

V. FINDINGS

MLP 97-03 - John Stout

Commissioner Keller moved to approve the Final Order for MLP 97-03.

Commissioner O'Shea seconded the motion. Noting that the Police Chief requested that the house numbers should be visible from the street and not painted on the curb, the Commission amended condition #16 to read that ". . . house numbers shall not be painted yellow on the 'curb". With that amendment, **Commissioner Keller moved to approve the Final Order for MLP 97-03, as amended. Commissioner O'Shea seconded the motion and it carried unanimously.**

VI. PUBLIC HEARINGS

SUB 97-03, an application by HOPE, Inc. to subdivide two parcels [22.46 acres and 5 acres] into 9 lots to facilitate the financing of the various phases of Hope Village. The site is located on the southwest corner of the intersection of S. Ivy Street/SW 13th Avenue [Tax Lots 800 and 801 of Tax Map 4-1E-4D].

Vice-Chair Stewart reviewed the hearing format, process and procedures, and referred to the applicable criteria posted on the wall and on page 2 of the staff report. He asked if any Commissioners had ex-parte contact or a conflict of interest. Other than visiting the site but drawing no conclusions from the site visit, none was indicated.

Mr. Wheeler presented the staff report. He explained that the parcel contains the Assisted Living/Nursing Facility which is not part of this subdivision. Financing phasing is the purpose of the subdivision application, as each phase of the project tends to have its own financial package from different sources. The Planned Unit Development/Conditional Use approval does not change with the subdivision applications, and the phases remain the same. Mr. Wheeler referred to the plat which indicates the building locations and orientation of where the lots are with relation to overall plan. No implied approval of any minor changes in the master plan are part of this approval, Mr. Wheeler explained. Furthermore, Mr. Wheeler explained that the Commission might be more comfortable if a condition was added noting that previous conditions of approval would not be modified or nullified by this decision. The Commission is actually only dealing with the partition plat with the lot lines denoted. All lots, Mr. Wheeler explained, have access to a public street. As the project was approved as a Planned Unit Development, setbacks are not pertinent to this application, although all buildings will meet the standard setbacks for the zone. With this application, staff is not requiring improvements because the development of the project will entail the street improvements. Mr. Wheeler reiterated that this subdivision application is strictly for financial packaging for the funding of the project. Cross easements will be provided for each lot so there will be legal access from any lot to any other lot. Staff recommends approval with proposed conditions.

Applicant

Jerry Barkman, 237 NW 2nd Avenue concurred with the staff report. He explained that HOPE Village was developing faster than it could be partitioned and, according to Clackamas County, only one partition could be filed each year. Therefore, the applicant decided to submit it as a subdivision application and downsized Parcel and redesigned the buildings slightly in order to ensure that no building would be sitting on a lot line and adjusted Lot 9 to ensure access to S. Ivy. Mr. Barkman stressed that the purpose of the application was strictly for funding for the project.

Proponents

None

Opponents

None

With no additional testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission discussed lot 9 and whether or not Cascade Drive was considered a public street to ensure access to Ivy Street from that lot. Mr. Wheeler explained that lot 9 is a flag lot which fronts on S. Ivy.
2. The Commission discussed the barricaded access onto S. Ivy Street which is not shown on the plat map, which was specifically conditioned in a previous approval. Mr. Wheeler again explained that the plat map referred to is not under consideration with this application and approval of this application would not imply approval of the plat map submitted with this application, nor modify or nullify any previous conditions of approval.
3. The Commission discussed adding the additional condition that Mr. Wheeler suggested, denoting that this approval does not nullify or modify, in any way, any previous conditions of approval.
4. The Commission discussed the timing of the final plat. Mr. Wheeler explained that the applicant has one year within which to submit the final plat to the Commission for signing, and thereafter, that it must be filed with Clackamas County within six (6) months.

Based on the findings and conclusions contained in the staff report dated May 30, 1997, on testimony at the hearing, and on Commission deliberations, **Commissioner O'Shea moved to approve SUB 97-03 with the following conditions:**

For the Final Plat:

1. The final plat shall reference this land use application - City of Canby, File No. SUB 97-03, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
2. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
3. The interior lot lines shall have six (6) foot utility easements. The exterior lot lines shall have twelve (12) foot utility easements and the access drives shall have utility easements for the entire width and length. An easement for street tree planting shall be recorded for the twelve (12) foot utility along S.W. 13th Avenue, S. Ivy Street, and S. Fir Street.
4. Access easements shall be provided for each lot, across each lot, such that access throughout the entire campus shall be legal and unencumbered, regardless of the ownership of any of the lots.

Notes

5. The necessary site and design review applications and preconstruction conferences shall be held prior to any development or construction.
6. "As-built" drawings shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a computer disk in an AutoCAD format.
7. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat approval according to Section 16.68.020.
8. The approval will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the chairman of the Planning Commission (Section 16.68.070).

9. Approval of the tentative and/or final plat does not modify or nullify any previous conditions of approval.

Commissioner Prince seconded the motion and it carried unanimously.

CUP 97-03/DR 97-02, an application by **U.S. West Communications Wireless** for Conditional Use approval and Site and Design Review approval to construct a PCS wireless telephone facility consisting of a 125 foot monopole capable of collecting additional carriers, three (3) antenna arrays of two (2) panel antennas each, approximately 4-1/4 x 4-3/4" x 42", and a GPS antenna mounted on the monopole, a 9-1/2' x 12' concrete pad for four (4) equipment cabinets each, approximately 30" x 30" x 60" to hold applicant's radio transmission and receiver equipment and back-up system and fence screen around the site. The project location is the Mini-Storage facility on the south side of Highway 99-E (Tax Lot 300 of Tax Map 3-1E-32C).

As everyone in the audience had been present during the explanation of the hearing process, format, and procedures, Vice-Chair Stewart did not reiterate. He asked if any Commissioners had ex-parte contact or conflict of interest. Other than visiting the site, but coming to no conclusions, none was indicated.

Mr. Wheeler presented the staff report. He explained that the applicant is requesting approval to locate a 125' monopole, a wireless communications facility on the Highway 99-E Mini Storage site, approximately 450' southeast of Highway 99-E. The proposed monopole would be located to the north of the Western PCS lattice tower which has not yet been built, although it has been approved, which is north of the existing monopole which will be removed after the construction of the 175' lattice tower constructed by Air Touch, and shared by Air Touch, Nextel and Western PCS. Mr. Wheeler explained that U.S. West recently got approval for an 80' monopole cell tower in the Barlow area, just off Highway 99-E. The applicant has investigated two alternative sites in Canby, one of which is the Boyer, property near the cemetery on S. Township, which a feasibility study indicated was not an acceptable site for their coverage as it had topographical problems and was not close enough to a main road. Additionally, because U.S. West operates at 75 watts and does not have enough power, or tower height, to beam across all kinds of terrain and still meet the coverage requirements, the site was not appropriate. The other property, a triangular portion of the Logging Road property next to the future Anderson Business Park, which lies about 800 feet southeast of the proposed site, which appears to be feasible. The applicant has indicated that although they are pursuing the possibility of the triangular portion of the Logging Road, their timeline to try to provide coverage under their FCC license indicates they must still continue to pursue the site in question.

Mr. Wheeler added that the applicant is the last major carrier for wireless communications to enter the City market and, therefore, they do have a place in the City, but the question remains whether this is the appropriate location. Under the Comprehensive Plan consistency portion of the conditional use permit review, the application does not meet Policy #7-R of the Environmental Concerns Element, which seeks to improve the overall scenic and aesthetic qualities of the City. Mr. Wheeler explained that Highway 99-E is the main access through the City and that two towers of different types of construction (a lattice tower and a monopole tower) as close as 450' to the highway draws undesired attention to these structures and detracts from the broader aesthetic quality of the community. Furthermore, Mr. Wheeler explained that Policy #7-R overrides the need for providing adequate services to the community, specifically for providing appropriate competitive cellular communication coverage to the City. Other sites in the City can be explored, that would better meet the Policy 7-R. Therefore, as the application is not consistent with the Comprehensive Plan it is not consistent with the approval criteria #1 under the Conditional Use Permit. Under Site and Design Review, the Commission is again dealing with the mix of pole types, the lattice and the monopole towers which are unsightly and detract from the aesthetic quality of the community. There are three different areas of criteria under the Design Review Compatibility Matrix that apply to the proposal: two elements of the traffic section, building appearance, and type of landscaping. The building appearance scored 3 points out of a possible 6 points because the style of the monopole not similar in style to the approved lattice tower that will be constructed on the same property, to the south of this projected site, because the color is not considered to be subdued even though it is similar to the proposed lattice tower facility, and because the predominant material is steel. The proposal merits 1 point out of 8 under landscaping criteria because there are no additional trees proposed, and no grass provided. The minimum percentage required to be considered "compatible" is 65% and thus application merits 41.2%. It only merits 53.8% if the automatic irrigation points are deleted from the criteria, as the mini-storage facility landscaping plan was originally designed and approved with no irrigation included. After critiquing the matrix criteria, staff found that this proposal is not considered to be compatible.

The applicant is proposing a counterproposal, to locate a cell tower at the subject site and if an alternative site is available and approved, it would then relocate the facility to that site. If approval was not forthcoming, the subject site would become the permanent site for the facility. Therefore, the Commission should review this proposal based on locating the facility at the subject site. Mr. Wheeler suggested that if the Commission agrees with staff's interpretation of the criteria, that this is not a suitable permanent site for this facility, that the Commission may entertain the notion of a temporary site for a limited time period with very strict adherence to the time frame for removal of the facility. If the site is not considered suitable then it should not be approved, allowing it to become permanent in the future if another more suitable site is

found. Rather, the applicant would have to find a more suitable site. Staff recommends denial of both the Conditional Use Permit and Design Review application. Staff recommends approving the subject site as a temporary site with strict conditions placed as far as a time limit. This is the last major carrier to come into the Canby market and there is a timeline with the FCC license to provide coverage. Staff has recommended conditions of approval, based on staff's recommendations, which include a time line for the temporary siting. Mr. Wheeler explained that an additional condition should be added, prior to occupancy, that a paved access road to the equipment cabinet, a minimum of 12-feet wide, shall be provided. This access road is not shown on the site plan and it is normally required in order to access the facility for maintenance purposes, temporary or otherwise.

Applicant

Wayne Wooten, 1300 S.W. 5th Avenue, #2600, Portland 97201 pointed out that U.S. West Wireless was not the last carrier that would come into this market, adding that Sprint P.C.S. would be coming soon, and that there are two additional licenses available for the Portland metropolitan market. Mr. Wooten explained that U.S. West has submitted technical information to staff which explains the need for this site. Because of capacity constraints and the power output of the PCS network being less than that of cellular, the facilities must be spaced differently in order to provide quality service, so this site could not be combined with another. This facility is required for U.S. West to provide mandated network service in this area.

The recently approved lattice tower is an Air Touch tower and has been designed to capacity with three carriers on it. U.S. West would like to develop a second installation which could be co-located by any future carriers that may come into this market.

Mr. Wooten delineated his concerns regarding a temporary facility, explaining that the way that the primary site has been analyzed, it could affect the secondary site that was proposed as it is approximately 700 feet away.

Steven Hultberg, 1211 SW 5th Avenue, # 1500, Portland 97204 stated that with regard to the Conditional Use Permit, staff concluded that they complied with all the applicable criteria, except for the one policy in the Comprehensive Plan Environmental Concerns Element. He described the Comprehensive Plan as the guideline of things the City should do to maintain aesthetic concerns within the City. As part of that, the City has three implementing measures for Policy 7-R, one specifically mandating that the applicants use the design review process. Mr. Hultberg stated that this criteria has been met, simply by going through the design review process, that the application

should not be judged separately on the design review criteria. The Comprehensive Plan also discusses what to do when there are conflicting issues, goals and policies in the Plan. It addresses the issue of conserving agricultural property and at the same time provide for additional growth. Quoting from the Plan, Mr. Hultberg stated, "If and when such proposals before City decision-makers, they must weigh not only the evidence presented by the applicants and property owners, but must consider the total weight of the entire Comprehensive Plan as it may be applicable to that particular application." What this requires is that the Commission look at all the goals and all the policies of the Comprehensive Plan when there is a conflict, as is the present case. In addition the conflict pointed out by staff, the applicant is identifying another conflict, Land Use Policy #1, which states that the City shall group like uses together. The second land use policy is to prevent sprawl and the secondary proposal would do that - - thus the conflict in the Comprehensive Plan. The City must then weigh all competing interests. In this case, staff has identified 34 policies that are applicable to this application, indicating that 33 are met through this application. The applicant believes all 34 policies are met, including Policy 7-R of the Environmental Concerns Element. If the Commission clearly reviews this criteria, it will find that U.S. West clearly satisfies the criteria by going through the design review process. Staff's main concern is that the two poles are dissimilar, one being a monopole structure and the other being a lattice tower. In the staff report for the Air Touch lattice tower, staff indicated that lattice towers are far more visually intrusive, have more mass, and are basically, worse looking towers. U.S. West is being judged because an adjoining tower looks worse than the proposed tower, which is unfair. In addition, Mr. Hultberg stated that he agreed that communication towers should be grouped together as opposed to being sprawled throughout the area. Furthermore, he stated that he understands the tower is very strong and will withstand gusts of winds, as one stood up through a tornado in Texas.

Wayne Wooten stated that he would like to discuss the different points of the Compatibility Matrix criteria. He stated that the staff report states that it has determined that the landscaping requirement for the cell tower is met by the proposed development. He reiterated that in the staff report staff determined that the landscaping requirements for the cell tower is met by the proposed development. The conflict is shown in the compatibility matrix, where the applicant was docked 7 out of 8 points under the landscaping criteria. U.S. West would be more than willing, he added, to propose a landscape plan for this facility to include trees, grass, and bushes to best meet this landscaping criteria. Another 6 points, he stated, would bring U.S. West up to 76% compatibility. Because staff indicated that the landscaping was already met, this really is not applicable criteria on which to base the U.S. West application, Mr. Wooten explained. If landscaping was not included in the criteria, it would bring the compatibility up to 67%, thereby meeting the 65% threshold and the

site and design review compatibility matrix criteria. If the color of the monopole is not considered "subdued," Mr. Wooten stated that U.S. West would be happy to paint it a "subdued" color agreed upon by both staff and the Commission. He further pointed out that a cellular installation is not a building which, by definition in the ordinance, is a structure designed for occupancy. As pointed out by staff in the report, this is an unoccupied structure, he noted. Finally, Mr. Wooten stated that U.S. West has been trying to mitigate this installation as best as possible. The mitigation process was approached initially by approaching staff in trying to find an alternative location. If the alternative location is found to be the best mitigation route, U.S. West would be more than willing to relocate. The applicant is unable to understand, he explained, how a site on City property, several hundred feet away from view, can be viewed so differently. The application before the Commission on the mini-storage facility site is in the midst of a commercial and industrial area, is not impacting any residential properties and, further, he noted the lack of opposition to the proposal.

Proponents

Kevin Howard, 12033 N.E. Nash Street, Portland 97220 stated that he is the owner of the Mini-Storage Facility. He reviewed the history of the cell towers that are sited on his property. He explained that Western Wireless was the first to get a license and come on line with their system, with a 125-130 foot pole, which was approved by the Planning Commission. Then Nextel Communications came to him and, afterwards, Air Touch contacted him. He explained that he felt the City would not approve multiple towers, and suggested to the carriers that they co-locate on one taller tower, which they did. When U.S. West approached him, they requested an option to lease the site, which gave them an option to come onto the site and conduct tests to ensure quality communication. Once the site was tested, they returned to report that the site meets the test requirements and they requested permission to site the pole. Mr. Howard explained that his site is an ideal location because it provides electronic security gates but with his providing a computer code, they can have 24-hour access to the site. Further, he explained that it is a quiet site, with very low traffic. In addition, he added that it is far enough from the highway so as not to be intrusive, while close enough to the highway when considering travel time and the path of traffic. Depending on the field of vision, Mr. Howard explained that the towers could be hardly visible, especially as there are 2-3 buildings in front of the towers and the elevated railroad right-of-way also in front of them for the first 30-50 feet. With regard to the compatibility matrix, Mr. Howard stated that it meets all requirements except aesthetics, which he considered a subjective view on the part of staff. Further, he stated that staff's comments were directly in opposition to what most cities are doing by passing ordinances requiring clustering and co-location.

Mr. Howard referred to staff's comments regarding the required feasibility study for two other sites within the City limits. One site was near the existing AT&T tower, just north of Township Road, near the Zion Memorial Cemetery, and was found not to be feasible. But the other site, approximately 700 feet southeast of the subject site, was found to be marginally feasible. Mr. Howard pointed out that the site that was found to be marginally feasible, was owned by the City, and suggested he might appeal a finding that would lead to siting the U.S. West tower on that property, at staff's suggestion. Additionally, Mr. Howard pointed out that staff suggested that the Commission might approve his site as a temporary siting for U.S. West, but he stated that he would not approve it as a temporary location because it would disrupt his business by first building the structure, and then tearing it down. He recommended that the Commission approve the application, especially in light of the larger tower on his site that has already been approved, and because the U.S. West application meets the criteria by clustering uses, and because it is partially screened, and because the applicant is willing to comply with additional conditions.

Opponents

Mr. Wheeler offered information in order to allow the applicant the opportunity for rebuttal, since he did recommend denial of the application. He stated that the specific issue regarding multiple towers is with regard to proximity to the highway. The highway is a visually sensitive area where even telephone poles are no longer permitted. Policy 7-R of the Environmental Concerns Element includes a specific implementation measure (C) that states: "Maintain and strictly enforce present standards for undergrounding utilities," and although this is not a utility that could be undergrounded, staff is concerned with the appearance as it affects the City's aesthetic quality. At the same time the Commission must consider the needs of the carrier, it must consider the needs of the City, he added. With regard to the alternative locations, Mr. Wheeler explained that during discussions of alternative sites, U.S. West indicated that the mini-storage site was the preferred site. Prior to a full review of the application and how it met the criteria, staff discussed the concerns about the tower's proximity to the highway and the immediate proximity to another tower. So, as an alternative, staff suggested other location possibilities which would also have to be reviewed as to how they meet the criteria.

Rebuttal

Steve Maynor, Regional Real Estate Manager for U.S. West, 5950 NE 122nd Ave., Portland addressed the issue of cellular service vs. PCS. He pointed out that the site of the AT&T tower is set very far back off the road, into the trees and, at 800 MHz, their signal can penetrate buildings, and groves of trees. The trees alone, would

interfere with and inhibit U.S. West's PCS signals, he added. Western Wireless, which has similar technology to that of U.S. West, also designs their systems closer to the road in order to have less interference in their coverage area, he pointed out. He pointed out the differences between the Air Touch tower and the U.S. West tower, explaining further that U.S. West could build a 125' lattice tower also, rather than a 125' monopole tower, if the Commission required. Mr. Maynor further explained that the purpose of the GPS was to synchronize the poles to the one GPS timing device, so the signal would be handed down from pole to pole. With regard to the structural integrity of the pole, he explained that such information will be provided at the building permit level. The poles, he added, are typically designed for 90 - 100 miles per hour winds with 1/2" of ice accumulation on the side, which will not exceed the deflection criteria. Therefore, under those conditions, the pole would not waiver more than 1 degree.

Mr. Hultberg stated that the alternative site is also close to the highway. Mr. Wheeler explained that it is 800 feet further from the highway than the subject site. Regarding the issue of aesthetics, Mr. Hultberg went on to explain that a 175 foot lattice tower is certainly more intrusive than the proposed U.S. West tower and that no additional impacts would be added by the construction of the subject tower.

With no additional testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission discussed pros and cons of both clustering the communication poles and scattering them throughout the City limits. Mr. Wheeler pointed out that there are communication poles scattered throughout the area already.
2. The Commission reviewed the Comprehensive Plan, Policy 7-R of the Environmental Concerns Element, and agreed that it overrides the need for providing adequate service to the community.
3. The Commission reviewed the analysis regarding the compatibility Matrix and pointed out that the compatibility matrix was not used in reviewing the Air Touch tower application. Mr. Wheeler pointed out that the matrix was not in place at that time as the Land Development and Planning Ordinance was amended since that time. Furthermore, the Air Touch application did not undergo a conditional use review either, as such review was also not in place in the C-M zone at that time. The Commission pointed out that the Air Touch application might not meet the criteria of the Compatibility Matrix, but Mr. Wheeler stated that Air Touch was not siting a tower next to another one, but was replacing an existing tower with the new one. However, he did agree that it remained a possibility that the Air Touch application might not meet the matrix criteria.

4. The Commission discussed the possibility that the applicant might meet the percentages necessary to comply with the compatibility matrix by submitting an approved landscape plan.
5. The Commission discussed utility easement provisions, noting that the applicant had not furnished the written verification of adequate utility easements being in place. Mr. Wheeler explained that this would not normally be done until the site was approved to locate the tower.
6. The Commission discussed the sustainability of the tower in sustaining winds and/or gusts. Mr. Wheeler explained that this would be submitted during the building permit process, along with the engineering.
7. The Commission discussed adding a condition of approval requiring that other companies co-locate on the proposed monopole in an attempt to minimize the number of towers that could be sited in Canby.
8. The Commission discussed the proposed Barlow siting, in addition to the Canby site. The applicant explained the difference between AT&T, which provides cellular service, and U.S. West's PC digital technology. He explained that cellular AT&T, arcanalogical technology, is provided at a lower frequency range and a higher power output. They are capable of covering the same area from a taller installation and spaced less densely because of the power output and they have a greater capacity ability. Digital has less powerful output, he explained. The average power output in any direction is 75 watts, which is comparable to a lamp in a living room, which is why they must be spaced more closely. There is also the capacity issue, that one digital installation does not have the capacity for cellular installation because of the digital quality. One of the trademarks of PCS, in the future, will be the quality of digital transfer (i.e. computer technology, modems, fax machines, etc., being done wirelessly), which will account for the closeness of the networking installations. Although this can be done with analog now, digital will be encrypted and has higher quality, he added. The Commission pointed out that analog can be encrypted also. Mr. Wooten further stated that the other installation does not provide quality coverage to the population of the City of Canby, as does U.S. West.

When the Commission questioned the possibility of the FCC limiting the number of future towers, another representative for the applicant stated that U.S. West is trying to fill its license obligations. Furthermore, he stated that he did not foresee FCC regulations limiting the number of towers and that these communication towers are a priority of the government.

9. The Commission asked about the possibility of co-locating on another installation. Mr. Wooten explained that co-locating on the AT&T facility was deemed as unacceptable by the U.S. West engineering staff, after a detailed analysis of the situation. The Air Touch installation is already at capacity, he added, with four carriers on the pole, and it would be structurally impossible to attain the necessary height as there are specifications requiring specific separation between carriers. The proposed U.S. West installation would be capable of at least another carrier co-locating, he added.
10. The Commission discussed the possibility of locating these towers outside of the City limits. Mr. Wooten explained that it would be impossible to meet the coverage, that it has to do with the way radio frequencies travel around and that it is a network where each site reads off of the other site and that coverage to all areas must be provided without interfering with each site by being too far apart. The Commission asked whether U.S. West could co-locate with the Canby Telephone Association's lattice tower off of S. Ivy and Highway 99-E. Mr. Wooten responded that it is too close to the recently approved Barlow location, referring to the network issue, explaining that it would interfere with that site. Further, he explained that each site will use the same frequency and cannot broadcast from different frequencies on each tower. They are passed from tower to tower and if they are too far, the transmission is lost and cannot reach, and if they are too close, the signals get swallowed up.
11. The Commission discussed the timing issue with regard to FCC regulations. Mr. Wooten explained that there are timeline constraints that U.S. West is under in order to gain a quality marketable network. Further, Mr. Wooten explained that there are FCC coverage requirement regulations with respect to coverage requirements as they are required by their license to provide quality coverage to the population based market, of which Canby is a part. On the business side, U.S. West must be able to provide quality networking simultaneously. He added that it is a market-driven enterprise and that Canby is a large part of the population base for the City of Portland market. If U.S. West can't launch a site in Canby, it would be very hard to build a quality network in the Portland metropolitan area simultaneously. If the Canby site was denied, the network would not be launched to enable U.S. West to compete with other carriers. If this site is denied, U.S. West would have to come back before the Commission with another site in mind and, based on the current network design, it would have to be very close the subject area, in the same corridor.
12. When asked if there was other deployment technology that could be substituted to change the dynamic picture about where to locate the poles. Mr. Wooten explained that once a network was developed, there could not be two different technologies within the network. Once a carrier chooses a technology, they must stay with that technology.

13. With regard to structural integrity, the applicant explained that it would be reviewed during the building permit process, and would meet whatever codes the City had in place.
14. When asked why U.S. West was using a GPS antenna, the applicant explained that as the radio waves transmit from pole to pole are based on specific timing and only GPS antennae can be used.
15. The Commission discussed the purpose of the Logging Road walking path and agreed the path was close enough to the subject site to be affected in a negatively aesthetic manner.

Commissioner Ewert asked to go on record as recommending that City staff no longer recommend the City-owned property to be considered as a possible site for the construction of the monopole.

Based on the findings and conclusions contained in the staff report dated May 30, 1997, on testimony at the hearing, and on Commission deliberations, **Commissioner Ewert moved to deny CUP 97-03/DR 97-02 based on staff's recommendations and conclusions, as submitted. Commissioner Prince seconded the motion and it carried 4-2, with Commissioner Keller and Commissioner Dillon voting no.**

VII. COMMUNICATIONS

Commissioner Prince asked if any decisions have been made yet with regard to signs at the intersection of S. Redwood/S.E. 4th Avenue to direct truck traffic to travel north on S. Redwood. Mr. Wheeler explained that the Traffic Committee has not yet met to discuss this issue although a memo was issued to Chief Ciger to distribute to the Traffic Safety Committee.

VIII. OLD BUSINESS

As he was unable to attend, Commissioner Prince asked for feedback regarding the meeting that was held to discuss the Parks Plan, and whether the City was going to use Eco Park and the Rinkes property to offset any City in-kind money to match the SDC fees that have been collected from developers since 1991. Mr. Prince added that he believed that somewhere down the line, someone will challenge the parks plan SDC if the City does not start making its contribution. Commissioner Ewert said that the subject of the City's contribution was not discussed and, rather, was conveniently omitted. Further, Commissioner Ewert related that a PE teacher from Trost submitted a running/walking path that encompassed the Mr. Wheeler explained that the Parks Plan update has not yet been approved. It will have to first go to public hearing which will include the Planning Commission.

Commissioner Ewert explained that students from the University of Oregon presented their plan which fell in line, very closely, with the BHRD proposal. Two councilmen asked the students what their proposal was for the dollar amount of implementing this plan. The students reported that they were specifically told to leave that issue out of their research, although they added that the main thrust of their research originally centered around that issue. Commissioner Ewert further explained that it was a superb plan, but there was no vehicle by which to pay for it.

Commissioner Ewert reported that a physical education teacher at Trost Elementary School attended the meeting and brought a unique running/walking path that encompassed the vacant area around Trost. She submitted a map and plan and explained that it was a \$22,000 project. The school, she explained, would donate the property and the students in her running club would pay for half of it if the City would match the funds. Commissioner Ewert stated that he was really impressed with the fact that she came with a plan and a way to pay for the majority of it.

Mr. Wheeler reported that there is a 6-acre field on the Ackerman property that is currently being prepared for use as a soccer field. It is currently being graded and seeded.

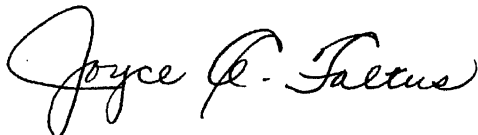
IX. DIRECTOR'S REPORT

With regard to the Land Development and Planning Ordinance, Mr. Wheeler suggested that since the upcoming agendas are fairly full, a special meeting be scheduled to review the proposed amendments. The Commission agreed to hold a special meeting on June 30, 1997 at 7:30 p.m.

X. ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,



Joyce A. Faltus