

**MINUTES**  
**PLANNING COMMISSION**  
September 22, 2014 7:00 PM  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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**PRESENT:** Commissioners Tyler Smith, Shawn Hensley, John Savory, John Serlet, and Larry Boatright

**STAFF:** Bryan Brown, Planning Director

**OTHERS:** Randy Tessman, Shirley Tessman, Ray Lawrence, Laney Fouse, Jim Jagers, Konrad Hyle, Job Cacka, Valerie Kraxberger, Lindasue Spencer, Doug Spencer, and Councilor Ken Rider

**1. CALL TO ORDER**

Chair Smith called the meeting to order at 7 pm.

**2. CITIZEN INPUT ON NON-AGENDA ITEMS - None**

**3. MINUTES**

- a. *Planning Commission Minutes, August 11, 2014*

**Motion:** *A motion was made by Commissioner Savory and seconded by Commissioner Hensley to approve the August 11, 2014 Planning Commission minutes as written. Motion passed 4/0/1 with Chair Smith abstaining.*

**4. PUBLIC HEARING**

- a. *Consider a Site and Design Review & Conditional Use Permit from Verizon Wireless to construct a 100' Monopole with 12 – 8' panel antennas with the tip of antennas at a height of 104', ground equipment installed on a 22' x 3.5' concrete pad, with a 30kW backup generator installed on a 10' x 5' concrete pad, all within a 50' x 50' lease area surrounded by a secure chain link fence with screen slats topped with barbed wire at this unmanned site. (DR 14-02/CUP 14-01)*

Chair Smith read the Public Hearing format and opened the public hearing.

The Commission had no conflicts of interest and no ex parte contacts to declare. Commissioner Savory had driven by the site. There were no objections from the audience.

Bryan Brown, Planning Director, entered the staff report into the record. He explained the nuances in the cell phone tower ordinance for preferred locations. It was easier to gain approval the closer the site was to a preferred location and this site was in the preferred zone. Also if a cell phone tower was less than 100 feet tall and 660 feet away from the nearest residential zone, all they had to do was get a building permit. If the proposed pole was lowered to less than 100 feet, it was currently proposed at 104 feet, the applicant would not need a Conditional Use Permit. Because the pole was not 660 feet away from the nearest residential zone, it had the Site and Design Review requirement. Cell towers were a necessity today and were guided by the FCC. The area was a light industrial

zone and he showed pictures of what the cell tower would look like and discussed the site plan. The gates proposed to the leased area required the property owner to close an existing gate to the property a few feet to the north so there were not too many driveways close together. There would only be a once a month visit to maintain the tower. Staff recommended a fully paved driveway and approach as one of the conditions of approval. There were no setback requirements. The structural safety of the facility would be checked before a building permit was issued. The applicant held a neighborhood meeting and several issues were discussed. Some of the concerns were trucks from the nearby business running into the cell tower, the tower would interfere with television or radio service, and concern about emissions of radio waves. He then gave an application feature summary and reviewed the recommended site related requirements.

There was discussion regarding how Mr. Brown did not think the application was thorough enough in why they did not site the facility on the public property behind the police building. There was further discussion regarding stealth designs and the applicant's concern about long term maintenance and that the condition regarding color was only needed if there was a concern.

#### Applicants:

Konrad Hyle and Jim Jagers were representing the applicant, Verizon Wireless. Mr. Hyle discussed the zoning map of the location and the search parameter they had used. There were not many sites that fit the 660 foot requirement, so they had to do a Site and Design Review. The height of the tower was over 100 feet because of the antenna tip height. Since it was over the 100 feet, it was a Conditional Use. The 660 foot radius study was entered into the record. The public property near the police station was lower topographically and near a flood plain and was deemed to have less valuable characteristics than the proposed site. There was an agreement with the property owner of the proposed site and the site was in a preferred industrial location. The FCC would issue a license to Verizon for the structure. It would offer communication to customers as well as emergency services. An interference study had been done and found they were in compliance with FCC regulations. The tower was designed to handle two additional carriers. Regarding color, typically these towers were natural finish galvanized steel, but they were open to any color the Commission requested. Regarding landscaping, it was possible to provide irrigation, but they preferred a solid opaque fence to satisfy the screening condition instead of landscaping.

Commissioner Savory was concerned about how the 104 foot tower would affect the nesting bald eagles in the area. Mr. Hyle said all cell towers under federal law were required to submit an environmental report and if there was a habitat issue it would be addressed. Mr. Jagers said no issues were identified through the due diligence that had been done to date. The construction company nearby had 120 foot cranes on their property and a tall flag pole was nearby also.

Commissioner Serlet was concerned about the back-up generator and if it would be muffled. Mr. Jagers said typically they were muffled. It could be a condition that it was muffled. They were required to comply with State DEQ standards for noise emissions. The fuel tank would be a contained double wall steeled self-contained unit.

#### Opponents:

Randy Tessman, resident of Canby, lived on Baker Drive. He said trucks continually came through his neighborhood and had taken out his security fence three times. There were many trucks around the site since Johnson Controls was nearby. There was a residential property 350 feet away from the site. This was 25 feet from the Baker Drive property line and if the cell tower toppled it would interfere with traffic and could cause injuries or property damage. He had seen large trees fall over

in Canby's sandy loam soil and wanted to make sure the tower had a firm foundation that could handle the wind and earthquakes. Placing the cell tower so close to the street added another eyesore to an industrial park that was not very well kept up.

Job Chocka, resident of Canby, lived on Baker Drive. He said the proposed cell tower location had Canby's sandy loam soil and he was concerned what might happen in an earthquake as it was close to the street. The landscape barrier proposed by staff would not screen it from the neighborhood due to its height. There was a buffer zone between the Industrial Park and the neighborhood, however it was not being maintained and there was nothing to screen the neighborhood from the industrial site. The cranes next to the proposed site came and went, they were not permanent structures. He was also concerned about blinking lights that might be on the cell tower that could be seen by the houses at night. There was not enough research into the long term effects of radio waves on people's health. He thought the further away from the street and residents, the better it would be for all.

Commissioner Savory clarified the applicant had agreed that there would be no lights on the tower.

Laney Fouse and Ray Lawrence, residents of Canby, also live on Baker Drive next door to the proposed site. Their biggest concern was the visual blight. They had dust issues with the proposed site, and were in favor of paving the driveway to the cell tower. They were also concerned that property values would suffer. Mr. Lawrence suggested arborvitae be put in for screening.

Linda Spencer, resident of Canby, lived a block away, but was still within visual distance. The City put in a pedestrian/bike path in the area and she was concerned about traffic issues with the tower.

**There were no proponents or neutral testimony.**

**Rebuttal:**

Mr. Hyle said there would be trucks during construction, but after that there would only be one vehicle trip per month to the site by a technician. Very little traffic would be generated by the cell tower. Regarding the structural integrity and soil, a geotechnical report had already been done and the foundation would be designed in accordance with the soils. Cell towers were designed to withstand heavy storms and earthquakes. Regarding dust, construction procedures would be followed for dust control. He said, there was no evidence that it would be detrimental to property values. He thought property values would increase over time.

Commissioner Savory wanted effort made to determine whether there would be any adverse effect on the bald eagles. Mr. Hyle thought this concern could be satisfied along with the building permit submittal. It was not a City Code requirement.

Chair Smith closed the public hearing.

**Commissioner Deliberation:**

Chair Smith thought the color issue as well as comparing other options for the location had been adequately addressed. He did not think the cell tower would be in compliance with the low impact design standard for landscaping and irrigation while there was grass there. He suggested a condition that they resolve their landscape watering issue. He was not concerned about the site location. He thought there should be another condition about the blinking lights.

Commissioner Savory also had concerned about the watering issue. He thought the blinking lights were already addressed.

Commissioner Hensley agreed with the watering issue as well. Commissioner Serlet thought that by using native plants that were used to dry periods in the summer they could get around the issue. He thought a natural galvanized metal was preferable to paint.

There was discussion regarding whether or not arborvitae was an option for screening.

Chair Smith suggested some amendments to the conditions and revised findings. Condition 10 should be amended to say the screening slats within the fencing shall be a color agreed to by the applicant and Planning Department. For the final findings, he suggested striking General Findings 1 and 2 that listed all of the exhibits but did not contain the testimony of the applicant and public testimony. Instead the findings should say the record on file and as presented at the public hearing as what the decision was based upon. Staff should also write different findings to be reviewed at the next Planning Commission meeting to address the topic that the applicant did not have adequate responses on other locations. He thought there were other alternative locations discussed and there was adequate consideration of other locations. There should also be a condition regarding no solid or blinking lights would be on top of the tower unless it was required by the FAA.

*Motion: A motion was made by Commissioner Savory and seconded by Commissioner Serlet to approve DR 14-02/CUP 14-01 with the conditions that an adequate water supply for the landscaping be installed, the issue of a blinking light was confirmed as not necessary, Condition 10 would be amended to say the color of the slats would be agreed upon by the applicant and Planning Department, and staff's findings would be amended to say the explanation of other site locations was considered. Motion passed 5/0.*

Chair Smith said the findings would be brought back to the next Planning Commission meeting.

**5. NEW BUSINESS – None**

**6. FINAL DECISIONS – None**

**7. ITEMS OF INTEREST/REPORT FROM STAFF**

a. *Next Regular Planning Commission meeting scheduled for Monday, October 13, 2014*

Mr. Brown discussed what was on the October 13 meeting agenda.

b. *Copies of Text Amendments for Chapter 16 Planning & Development Code*

Mr. Brown said the City Council did not approve the text amendments for the Type 2 process in the industrial zone district, but they did approve the other modifications and clarifications except the 12 employees per acre which the Planning Commission recommended to delete. The Council added that back in to the Code as it was an ideal they wanted staff to strive for.

c. *LUBA update*

Mr. Brown said regarding the Fred Meyer fuel station, the City prevailed on the second appeal to LUBA. That decision was appealed to the Court of Appeals and the hearing would be held in October.

d. *Employee update*

Ms. Lehnert had her baby and decided not to come back to work. Mr. Brown would be reviewing applications for the Associate Planner position that week.

e. *Will the Planning Commission ever utilize large format hardcopy site plan drawings?*

Mr. Brown asked if the Planning Commission wanted a full hardcopy roll of plans for Site and Design Review applications. Currently the information was being sent electronically and it was costly for applicants to provide the plans. He asked if the number of hardcopies from the applicant could be reduced since they were not being used.

Chair Smith thought they should only be provided if there was so much detail that the writing would be too small on 8.5 x 11 paper.

Commissioners Savory and Hensley liked getting the larger plans. Commissioner Serlet did not think it was necessary.

Chair Smith thought they should require 3 to 4 copies of the plans.

**8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None**

**9. ADJOURNMENT**

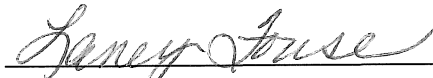
Chair Smith adjourned the meeting at 8:32 pm.

The undersigned certify the September 22, 2014 Planning Commission minutes were presented to and **APPROVED** by the Planning Commission of the City of Canby.

**DATED** this 13<sup>th</sup> day of October, 2014



Bryan Brown, Planning Director



Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood