

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, June 26, 2017
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, Larry Boatright, John Serlet, Shawn Varwig, Andrey Chernishov, and Derrick Mottern

ABSENT: Tyler Hall

STAFF: Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary

OTHERS: Darlene & David Fuentes, Todd Gary, Skip Greene

1. CALL TO ORDER

Chair Savory called the meeting to order at 7:00 pm.

2. CITIZEN INPUT – None

3. MINUTES

- a. May 8, 2017 Planning Commission Regular Meeting Minutes

Motion: Commissioner Varwig made a motion to approve the May 8, 2017 regular meeting minutes and Commissioner Serlet seconded. The motion passed 6/0.

- b. May 8, 2017 Planning Commission Work Session Minutes

Motion: Commissioner Serlet made a motion to approve the May 8, 2017 work session minutes and Commissioner Varwig seconded. The motion passed 6/0.

4. NEW BUSINESS – None

5. PUBLIC HEARING -

- a. Consider a request for a Conditional Use Permit to construct a detached accessory dwelling unit in the backyard at 1355 N Oak St. (**CUP 17-03 Fuentes**)

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. There was none.

Planning Director Bryan Brown entered his staff report into the record. This was a request for a Conditional Use Permit to construct a detached accessory dwelling unit in the backyard at 1355 N Oak Street. This was in an R-1, low density residential, area. There was an existing home on the site and the neighborhood was completely developed with homes except to the south where the property abutted Maple Street Park. He discussed the plot plan of the lot showing the existing house, driveway, and proposed accessory dwelling unit. The unit would have a front porch and he explained the interior layout of the unit. It could not exceed 800 square feet in size. The intent was to extend

the utilities to the unit from the existing home as much as possible. This was to house a family member, however it could be used as a rental in the future. Staff concluded that the Conditional Use was in conformance with the City's Comprehensive Plan and Land Development and Planning Ordinance, that the site could easily accommodate the proposed use, that public service and utility provision to the site was available or could be made available through agreed upon future improvements, and that it would not alter the character of the surrounding area as it existed today or for uses permitted in the zone. There was adequate spacing from neighboring properties. A shrub and one tree would be removed, but they intended to plant some vegetation after the unit was built. One comment had been received from nearby citizens who were in support of the proposed use. No traffic study was required. An additional parking space was required which would be in the front driveway. The driveway would have three paved spaces. Staff recommended approval with conditions.

Applicant: Darlene Fuentez, Canby resident, was requesting the unit to be built as a residence for her mother so she could remain as independent as possible with family nearby to take care of her. Ms. Fuentez had lived in the existing house for 31 years.

Chair Savory stated if it was made a rental in the future, he was concerned that there was no driveway to the unit.

Proponents: None

Opponents: None

Neutral: None

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Mottern to approve the Conditional Use Permit to construct a detached accessory dwelling unit in the backyard at 1355 N Oak St with the conditions as written by staff. **(CUP 17-03 Fuentez)** The motion passed 5/0.

- a. Consider a Site & Design Review/Conditional Use permit to construct an essential public communication service facility consisting of a 150 ft. self-supporting lattice tower with multi omnidirectional antennas and microwave dishes at 202 N Walnut St.
(DR 17-04/CUP 17-01 Clackamas 800 Radio Group)

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. There was none.

Planning Director Bryan Brown entered his staff report into the record. This was a request for a site and design review and Conditional Use permit to construct a cell tower at 202 N Walnut Street. He showed an aerial photo of the site. He explained how the applicant had looked at adjacent properties first, but due to many challenges had decided the best location was the Industrial Park. The applicant

had given many reasons why they needed a cell tower for the Clackamas Emergency Services Facility in this particular area of town. It was especially needed to communicate with other facilities in order to provide a seamless service for emergency safety providers. This was not a typical private cell tower. It had to be a lattice tower rather than a monopole tower due to safety and stability in strong winds as well as space for microwave dishes being placed on it. The Conditional Use was due to the height of the tower and the fact it was a lattice not monopole. If the pole was located in a preferred zone, which this was M-1, and it was less than 150 feet in height and a monopole, it would be permitted. This tower was 150 feet, but was 167 feet with the tallest antennas, and it was a lattice tower, both which required a Conditional Use. Because this was a public facility, there was a definition in the Code that fit this proposal and called it a minor public facility which was an outright permitted use in this zone. However there was another section in the wireless telecommunications ordinance that needed a Conditional Use because of its height and use of lattice. In the case where there was conflicting codes, the more restrictive aspect was why they were before the Commission today. In going through the site and design review process, there was a point matrix intended to ensure quality development and applications got a certain number of points for various aspects. In working with the developer, staff discovered that trying to apply the matrixes to a cell tower did not work well as the matrixes were designed for a new commercial building. He commended the applicant for doing a reasonable job and trying to make the application fit the matrix aspects. Staff made a finding that the matrix point system was not applicable and the applicant did a decent job with the one that was more reasonable. He then discussed the site plan. The compound area was 2,500 square feet surrounded by a five foot buffer that was screened by arborvitae. There was also a chain link fence with slats for screening and barbed wire on the top. The barbed wire was not an issue in the Industrial Park so long as it was not along a sidewalk. There would be a pre-fabricated building and a generator in the compound. The applicant indicated electricity would be the only utility provider they would need, however the code did require an irrigation system for landscaping and they might need water service as well. There would be a driveway from Walnut Street with a 20 foot paved apron and then a gravel surface to the facility. Only one maintenance car would be there once or twice a month. This was out in the middle of an agricultural field until development occurred. They would have a ten year lease with four or five year renewals. He showed pictures of what the lattice tower would look like on the site. There was an existing lattice tower south of the Industrial Park, but they could not co-locate on it as it was not built to the stability they needed, it wasn't tall enough, and it didn't have the capacity to hold all of the components needed. They had looked at all other facilities within the area and found nothing that would work. Staff recommended approval with conditions. There was discussion that they did not need FCC approval and there was a condition that the applicant prove the site had no wetlands, historic Indian burial grounds, etc. There would be a mounted light on the prefab building that would shine into the compound and there were no nearby houses that the light would bother. However, the code stated light should not trespass off the site and staff did not have enough information to prove that was the case. Staff also wanted to make sure the driveway would conform to the Public Works design standards where it met the street. The applicant would submit the site plan to the City as they were doing the building permit with the County. They would have to go through the City's final construction plan review process.

Commissioner Serlet asked why the tower was reduced from 180 feet to 150 feet.

Mr. Brown explained it was due to the Oregon Department of Aviation who said Dietz Airpark was located nearby and the tower needed to be lowered in height to be safe and it needed to be lighted. Two steady red lights on the top and at mid-point would be installed on the tower.

Commissioner Serlet asked how much the height difference degraded the performance of the tower. Mr. Brown said it still met the minimal needs for service. If it was too detrimental, they would have chosen another site.

Chair Savory was concerned about the footprint of the tower and taking up a large section of industrial land. Mr. Brown replied it was on a tax lot that was 23 acres, but they were only utilizing a little over 3,000 square feet with the buffers and it was on the far corner of the property. The remaining acreage could be developed.

Applicant: Skip Greene, Permitting Agent for Clackamas 800 Radio Group, said they had started out with a request for a 180 foot high tower on the opposite corner of the property. He found out that was a collector street that required a half street improvement. Canby Utility had required a utility line that went across the property which was unacceptable to the property owner. The current proposal was for a location as far in the southwest corner as they could get and still keep the height setbacks. He had no concerns about the conditions of approval. Regarding the landscaping, the arborvitae would be installed with drip bags and the maintenance person would also water them until they were settled in. Once settled in, there would be no need for an irrigation system. He had worked with the Oregon Department of Aviation to get the tower taller, as they would lose service at a lower height. He explained how Dietz Airpark was less than two miles away and ODA had required the tower to be lowered. They lowered it 30 feet and would light it as required. They did not have to put in a white flashing light and he thought the red steady burning lights at night would not be distasteful to neighbors. The goal was to get indoor coverage to as much of the City of Canby as possible as well as getting coverage on the river. This would take care of most of the need. They could put in whatever color fence slats that was required.

Proponents: None

Opponents: None

Neutral: None

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to approve the Site and Design Review and Conditional Use Permit to construct an essential public communication service facility consisting of a 150 ft. self-supporting lattice tower with multi omnidirectional antennas and microwave dishes at 202 N Walnut Street with the conditions as written by staff. **(DR 17-04/CUP 17-01 Clackamas 800 Radio Group)** The motion passed 6/0.

6. FINAL DECISIONS

(Note: These are final, written versions of previous oral decisions. No public testimony.)

1. Final Findings (CUP 17-03 Fuentez)

Motion: A motion was made by Commissioner Mottern, and seconded by Commissioner Serlet to approve the final decisions for CUP 17-03 Fuentez. The motion passed 6/0.

2. Final Findings (DR 17-04/CUP 17-01 Clackamas 800 Radio Group)

Motion: A motion was made by Commissioner Varwig, and seconded by Commissioner Boatright to approve the final decision for DR 17-04/CUP 17-01 Clackamas 800 Radio Group. The motion passed 6/0.

7. ITEMS OF INTEREST / REPORT FROM STAFF

- a. Next regular Planning Commission meeting scheduled for Monday, July 10, 2017.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Commissioner Varwig wanted to re-visit the City's Façade Improvement Program. The program currently only allowed property owners to apply and he would like it to be available for tenants as well and to make them non-matching grants for tenants.

There was consensus to put the item on a future agenda.

9. ADJOURNMENT

Motion: Commissioner Mottern moved for adjournment, Commissioner Chernishov seconded. The Motion passed 6/0. The meeting adjourned at 8:07 p.m.