

City of Sherwood
PLANNING COMMISSION MEETING
855 N. Sherwood Blvd
Tuesday, May 7, 1996
7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Approval of Minutes of April 2, 1996**
3. **Community Comments:** *Community comments are limited to items NOT on the printed agenda.*
4. **Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
 - A. **PA 95-2 Transportation Planning Rule:** Plan and Code Amendments providing for new public street design standards, in general reducing pavement widths and adding planter strips.
 - B. **PA 96-2 Lamb/Eaton:** a Plan Map Amendment to rezone Tax Lots 2000 and 2100, Map 2S 1 32BC from Medium Density Residential Low (MDRL) to Retail Commercial (RC).
 - C. **PA 96-1 OneComm:** a Plan Text Amendment amending Zoning Code Section 2.306 to permit telecommunication towers under 200 feet and amending Section 2.110 Light Industrial and 2.111 General Industrial Zones to permit telecommunication towers as an outright use, subject to certain standards.
 - D. **SP 96-3 JB Insulation:** a Site Plan for a 15,120 sq ft industrial warehouse on Lot 1, Galbreath Drive. **Continuance requested by applicant.**
 - E. **CUP 96-3 PCS:** a Conditional Use Permit to install a cellular communication facility on a 100 ft monopole at Sherwood Tractor & Rental on Pacific Highway.
5. **Director's Report**
 - March Staff Report
 - Oregonian Article
 - "Planning Commissioner Journal"
6. **Adjourn**

ITEMS NOT COMPLETED BY 11:00 PM WILL BE CONTINUED
TO THE NEXT REGULARLY SCHEDULED MEETING

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Meeting
May 7, 1996

1. Call to Order/Roll Call

Vice-Chairman Corrado called the meeting to order at 7:16 PM.

Commission Members present:

George Bechtold
Susan Claus
Chris Corrado
Rick Hohnbaum

Staff:

Planning Director Carole Connell
Asst Planner Lisa Nell
Asst to City Manager Sue Engels
City Manager Jon Bormet
Secretary Roxanne Gibbons

2. Minutes of April 2, 1996 Commission Meetings

Vice-Chairman Corrado asked if there were any corrections, additions or deletions to the minutes of April 2, 1996.

Rick Hohnbaum moved the Planning Commission accept the April 2, 1996 minutes as presented. Seconded by George Bechtold.

Vote for Passage: 3 - Yes, 0 - No, 1 - Abstain (Claus)

3. Community Comments

Vice-Chairman Corrado called for comments from the audience regarding any items not on the printed agenda. There were no community comments. Mr. Corrado asked for a moment of silence in remembrance of Marge Stewart.

4. Public Hearings

Vice Chairman Corrado reviewed the public hearing process, read the hearings disclosure statement and requested that Commission members reveal any conflict of interest, ex-parte contact or bias regarding any issues on the agenda.

Susan Claus announced she had ex-parte contact with one of the property owners regarding PA 96-2 Lamb-Eaton to verify that they were the property owners. This contact did not have any relation to the hearing. Vice-Chairman Corrado announced he is the owner of the Sherwood *Gazette*, as well as another business in Portland, and he will continue to sit and act on these items before him tonight. There is no reason to believe he has any conflict, concern or bias created due to this occupation.

There being no further disclosures, Vice-Chairman Corrado announced Agenda Item 4B would be heard before Agenda Item 4A to allow the City Manager to be in attendance.

4B. PA 96-2 Lamb/Eaton

Vice-Chairman Corrado called for the Staff Report. Lisa Nell reported this proposal was initiated by the Sherwood City Council and is a request for a Plan Amendment to change two tax lots from Medium Density Residential Low (MDRL) to Retail Commercial (RC). The location is

340 SW First Street and 125 SW Main Street, across from the City Hall Park in the Old Town overlay zone, further described as Tax Lots 2000 and 2100, Tax Map 2S132BC. She referred the Commission to the Staff Report dated April 9, 1996, a complete copy of which is contained in the Commission's minutes book. Ms. Nell reviewed the findings for a Plan Map Amendment and highlighted specific points contained in the report. In summary, she noted:

- Overall the proposed map amendment to change the subject parcel from MDRL to RC zoning meets all of the four criteria for map amendments.
- In conclusion, Staff recommends approval of the map amendment to change the zoning from Medium Density Residential Low (MDRL) to Retail Commercial (RC) for Tax Lots 2000 and 2100, Tax Map 2S 1 32BC.

Vice-Chairman Corrado asked if there was anyone wishing to speak in favor of the application.

John Lamb, 1210 SE Morback Court, Sherwood, Oregon 97140, addressed the Commission. Mr. Lamb said the proposal they are planning for the house fits perfectly with the proposed plan for downtown Sherwood. Their idea is to have something that complements the area. The use is something that is not available in the downtown area at this time.

Vice-Chairman Corrado asked if there was anyone else wishing to speak in favor of the application. There being no further proponent testimony, Vice-Chairman Corrado asked if there was anyone who wished to speak in opposition to the application. There being no opponent testimony, Vice-Chairman Corrado dispensed with the rebuttal and closed the public hearing on this agenda item, unless a Commission member ask that it be reopened for additional testimony, for discussion and comments by the Commission.

In response to Mr. Hohnbaum's question, Ms. Connell said the Handley/Bischof proposal is unresolved and waiting for a traffic study. Ms. Nell stated when the Old Town overlay district was created it was targeted for increased commercial uses to work in coordination with the surrounding residential areas. It was noted:

- The Landmarks Advisory Board has not reviewed this proposal.
- The house at 340 NW First was built in 1903 and the house at 125 NW Main was constructed in 1898.
- All of the property owners within 100 feet of the two property boundaries were notified.
- The owners visited with all of the surrounding neighbors to explain the proposal.

There being no further discussion,

Susan Claus moved the Planning Commission recommend to the City Council approval of a Plan Map Amendment to rezone Tax Lots 2000 and 2100, Map 2S 1 32BC from Medium Density Residential Low (MDRL) to Retail Commercial (RC), based on Staff recommendations, public hearing input and information submitted. Seconded by Rick Hohnbaum.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain.

4B. PA 95-2 Transportation Planing Rule

Vice-Chairman Corrado stated this Agenda Item refers to Plan and Code Amendments providing for new public street design standards, in general reducing pavement widths and adding planter strips. He called for the Staff Report. Jon Bormet referred the Commission to the report included in the packets and contained in the Commission's minutes book. "Why Smaller is Better" the case for narrowing streets in Sherwood, stated safety will be enhanced with narrower streets, the environment will be enhanced with narrower streets and the community will be enhanced through the narrowing of streets. The report compared the current standards with the proposed street standard modifications. The right-of-ways have not been narrowed. Mr. Bormet noted:

- There is a national movement that narrowing streets and slowing traffic recognizes that streets are part of the neighborhoods and not just for moving traffic.
- Narrowing streets will cut down on water run-off.
- Narrowing streets will better transition the scaling of what is Sherwood.
- Staff is recommending these changes be made allowing for the street standards to be modified.
- The recommendation included reclassification of streets in Sherwood - major arterials, minor arterials, major collector, major collector with bikepath, minor collector, minor collector with bikelanes, connecting street, and local street.
- Existing minor collector will not have to meet the new standard. The City Engineer will merge old and new so that the integrity of existing streets is maintained.
- Two changes to the chart included the addition of Railroad, Main and First Streets as minor collectors and allowing parking on local streets.

Vice-Chairman Corrado asked if there was anyone who wished to testify in support of this proposal.

David Bantz, Genstar Land Company Northwest, 11515 SW Durham Road, E-9, Tigard, Oregon 97224, addressed the Commission. Mr. Bantz said he was in support of the proposed street standards with a couple of minor concerns.

- When the Woodhaven Master Plan was approved, they were given a modification to the street standards for their local streets and Sunset Boulevard. For the local streets they were allowed 42 ft of right-of-way with 28 ft streets.
- They are willing to abide by the new standards with two exceptions. They have two applications which have already been submitted to the City and accepted; a 49-lot phase that is scheduled for the June 4, 1996 Planning Commission meeting and a 33-lot phase which is scheduled for July 2, 1996 Planning Commission meeting. Both of these phases continue existing streets which were built with 42 ft right-of-way. They would like to use the current street standards for these next two phases. He identified the areas on the map. After completion of these two phases, they would be willing to abide by the by the new standards for the additional neighborhoods.
- Referring to the narrative stating narrowing streets accommodate tree lawns without the need for additional right-of-way, this would not be the case in these two phases of Woodhaven.

- He did not see anywhere in the standards where there are any provisions for private streets. He referred to the statement that maintenance costs assumed by the City/taxpayers would be significantly less with narrow streets. There would not be any maintenance costs if there were private streets. There are cases in Woodhaven where there are townhome sites where maybe private streets would be appropriate. They are not anticipating any private streets within the single family neighborhood.
- He asked for clarification regarding the standards for Sunset Boulevard which they have implemented. He wanted to make sure they could continue the standards for Sunset Boulevard which included the median.

Vice-Chairman Corrado asked if there was anyone else wishing to speak in favor of the application.

Drake Butsch, 860 SW St. Charles Way, Sherwood, Oregon 97140, addressed the Commission. He works with the Homebuilder's Association of Metropolitan Portland and is a resident of Sherwood. He congratulated the City on the proposal stating it was a great step. The narrowing of standards is language that the Homebuilder's Association asked for specifically at the Legislature and LCDC. He discussed the positives for narrower streets. He suggested the Commission take advantage of these opportunities; working with Staff and the Homebuilder's Association to look at standards which would allow putting a sidewalk portion of this right-of-way into the private side in the form of an easement or crossing. Another point would be to eliminate some of the additions that are created in this right-of-way due to added planter strips and narrowing the planter strips slightly to 3 or 2-1/2 feet. They would recommend decreasing the right-of-way requirement on local streets by eliminating the sidewalk on one side of the street. This would only be the small collectors where the trips are extremely low and where it would not create a safety problem.

He supported allowing the continuation of a street in a platted subdivision being platted at the existing street width. The local street provision which indicates project requiring special review and approval needs clarification.

Rudy Kadlub, President, Costa Pacific Homes, 8625 SW Cascade Avenue, Suite 606, Beaverton, Oregon 97008, and Vice-President of the Homebuilder's Association, addressed the Commission. He was not representing the Homebuilder's Association, but was present to testify in support of the proposal. He commended the City for being forward thinking in decreasing street widths. His company specializes in the development and building of small lot attached and detached communities throughout the Pacific Northwest. They have found that communities developed with narrow streets have a much grander sense of scale, more intimacy, crime is decreased, speed through the neighborhood is decreased and sociability of the neighborhoods is increased. Maintenance costs assumed by the City/taxpayers would be less, if, in fact, the tree lines are to be maintained by the homeowner. The ordinance should include something requiring consistent maintenance for the type of landscaping. He encouraged leaving private streets in the ordinance. Another proven traffic calming device is to bring architecture closer to the streets. Reducing right-of-ways helps. Decreasing front yard setbacks also allows this. The trend around the country is to de-emphasize the automobile and emphasize pedestrian movement, particularly in areas that are close to transit centers. Another standard which may be worth consideration is

rear-loaded homes or homes off of alleys. He recommended parking be allowed, at least on one side, of local streets with a 42 ft right-of-way.

Vice-Chairman Corrado asked if there was anyone else wishing to speak in favor of the application. There being no further proponent testimony, Vice-Chairman Corrado asked if there was anyone who wished to speak in opposition to the application. There being no opponent testimony, Vice-Chairman Corrado dispensed with the rebuttal and closed the public hearing on this agenda item, unless a Commission member ask that it be reopened for additional testimony, for discussion and comments by the Commission.

Susan Claus asked if the 5 ft tree lawn was negotiable. Mr. Bormet said this is a fairly accepted standard because it does allow enough lawn in the middle to maintain and allows a healthy and mature tree to grow. Mr. Bormet said the proposal is a first step. The Commission's recommendation will go to the City Council at the May 14, 1996 regular council meeting. Mr. Bormet said the proposal is private street neutral. The Code does not now allow private streets.

Susan Claus asked that the hearing on PA 95-2 TPR be reopened for additional testimony.

David Bantz, Genstar Land Company Northwest addressed the Commission. He stated that the Code allows private streets. When the Transportation Planning Rule was before the Council last November, the Code was going to abolish private streets. The hearing was continued and until it is reopened, there are still provisions in the Code for private streets.

Ms. Connell said the Code mentions private streets and states they should be built to public standards. The City has an informal policy which does not allow private streets.

Mr. Bantz said they were prepared to testify at the City Council in November 1995 because they did not want the private street section removed from the Code until there were street standards in place that could possibly offset the loss of private streets from being considered.

Vice-Chairman Corrado closed the public hearing on this agenda item, unless a Commission member ask that it again be reopened.

Mr. Bormet said the special review asterisk does not pertain to anything in particulate, but is only in anticipation of issues which may come up. PUD's would handle the question of alley standards and setbacks. The individual homeowners would maintain the tree lawns. Woodhaven would use the present standards with their current phases which have been accepted and make a transition to the new standards with additional applications. At the same time, people are changing their standards to meet the proposed new standards. The only issue is Sunset Boulevard which still needs review. The City does not have any streets in the minor arterial category at this time. Mr. Bechtold said he supported keeping the right-of-ways where they are and keeping the wide width for the tree lawns. There being no further comments,

Susan Claus moved the Planning Commission recommend to the City Council approval of PA 95-2 Transportation Planning Rule Plan and Code Amendments providing for new public street design standards, in general reducing pavement widths and adding planter strips, based on the informal Staff recommendations, public testimony and discussion,

including the addition of Railroad, Main and First Streets to minor collector streets and allowing parking on local streets. Seconded by George Bechtold.

Vote for Passage of Motion: 3-Yes, 1-No (Hohnbaum), 0-Abstain

Ms. Connell noted that this recommendation is only a part of the Transportation Planning Rule (TPR). The complete TPR package will be adopted at a later date.

4C. PA 96-1 OneComm

Vice-Chairman Corrado called for the Staff Report. Carole Connell reported this request is a Plan Text Amendment amending Zoning Code Section 2.306 to permit telecommunication towers under 200 feet and amending Section 2.110 Light Industrial and 2.111 General Industrial zones to permit telecommunication towers as an outright use, subject to certain standards. Ms. Connell referred the Commission to the Staff Report dated April 9, 1996, a complete copy of which is contained in the Commission's minutes book.

Ms. Connell reviewed the report, highlighting significant points, and findings of fact.

- OneComm Corporation came to the City to install a wireless communications antenna on Cipole Road in an industrial zone. The General Industrial Zone (GI) prohibits communications tower broadcasting stations or equipment. The applicant thought the site was so suitable for the site that they proposed a Code amendment.
- The Code currently provides the following in relation to telecommunication towers (zones):
 - ◆ GI, RC - prohibited
 - ◆ LI, NC, OC, HDR, MDRH, MDRL - silent
 - ◆ GC, LDR, VLDR - Conditional Use Permit
- The current Code language is dated and incomplete.
- The request is to change only the General Industrial allowing an outright use, not change the conditional use hearing review in the two residential zones or change any of the other zones. The Commission may wish to not keep the other zones silent, but give them some type of provision.
- Staff believes such towers should not be prohibited in the General and Light Industrial zones. Encouraging towers to locate in these areas will create less demand for residential site locations. Towers will be compatible with surrounding industrial uses and will have no negative environmental impacts.
- Staff recommends that the use be outright in an industrial zone.
- Staff believes the Code should be amended to permit telecommunication antennas, towers and equipment shelters as an outright use in the General and Light Industrial zones up to 200 feet high and subject to City setbacks and landscaping standards.

Ms. Connell reviewed the cellular tower review process in other jurisdictions. Towers are generally exempt from height limitations if under 200 feet.

In conclusion, Ms. Connell reported Staff recommends approval of Code Amendments as stated in the Staff Report.

Vice-Chairman Corrado asked if the applicant wished to provide testimony.

Fred Benthin, (representing the applicant, OneComm), D. Garvey Corporation, 1700 Westlake Avenue, N., Suite 400, Seattle, Washington 98109, addressed the Commission. Mr. Benthin said he appreciated the amount of research Carole Connell did. He discussed telecommunications and how the technology has changed over the years and what may be expected in the future. He distributed brochures to the Commission members. He provided an overview of the proposal and noted specifically:

- The wireless communication facility is a pole antenna, transmitters and receivers that communicate regular frequencies. These are placed in a pattern throughout cities and counties and they ultimately connect. They may be spaced 3, 5 or 6 miles apart and communications are transmitted or “handed off” from one site to another.
- Each site consists of a small equipment shelter, and an antenna support structure. In dense urban sites, often times antennas are placed on top of towers.
- There is a lot of compatibility with industrial zones. Industrial zone locations meeting with less resistance from the community.
- If residential zones are considered for potential use, it would be appropriate that this be a conditional use. This would help assure compatibility.
- The FCC does not preempt local zoning and building codes.
- The OneComm project is typical. A site plan was included with the report. The proposed site is a large parcel of land and the tower would be located at one corner of the property. The site is 40 by 40 feet, has an 11 x 20 foot concrete shelter and a 150 foot lattice (proposed) tower.
- The applicant supported the recommendations as presented by Staff with two modifications. The word “antennas” under Item #3 should be “carriers”. Change the wording in Item #4 to allow monopole towers only up to 110 feet and lattice towers over 110 feet.
- A monopole looks better than a lattice tower. A 200 foot monopole would not be practical, due in part to cost. The breaking point today between the two types of poles is about 110 to 120 feet. A monopole could have up to 3 carriers on one tower. A lattice tower would allow for more carriers. A lattice tower above 110 feet would be economically more viable. The taller tower would allow for more carriers.
- He would have to defer to OneComm to see if a 150 foot monopole would be economically feasible.

Vice-Chairman Corrado asked if there was anyone else wishing to speak in favor of the application.

Douglas Pat Evans, 17560 Kelok Road, Lake Oswego, Oregon 97034, addressed the Commission. Mr. Evans said he was the real estate manager for the next wireless application (Agenda Item E, CUP 96-3 PCS) and he also wanted to testify on this issue. He showed the Commission a PCS phone and explained its capabilities. He addressed some of the issues which were discussed:

- There is not a lot of consistency with current zoning throughout the country. The Portland Metro area has one of the best. Most jurisdictions in the Portland Metro area allow wireless communications facilities in all zones, (some with conditions), not just industrial zones.

- The Commission needs to keep in mind that the technology is rapidly evolving.
- Each cell site can handle only so many people and additional sites are added.
- Their technology focuses on the residential user. For them to be offered an industrial area would not be where their market is located. Each of the network design has a certain rhythm to it. The OneComm cell design is not the same as a Western Wireless cell design. However, many times they do end up in the same location.
- He is doing several different co-locates with U.S. West, AT&T, and Sprint, all of which were done voluntarily, because they all landed on the same spot. It made sense for them economically to co-locate. All of their co-locates, with the exception of one, are done on monopoles, some as tall as 150 feet.
- Their cell radius is typically a 3 mile radius, depending on the topography and tower height. OneComm's technology is different.
- There is a tendency to want these "NIMBY" - not in my back yard, and to place the tower in an industrial area. A lot of technology will not allow this.
- They would like to see a jurisdiction encourage co-location rather than mandate it. Requiring co-location could increase the costs. They are doing a lot of co-location now without having the jurisdictions require it.
- He said he would be happy to talk to OneComm about using their tower. If OneComm wanted to come to them and propose a co-location on their tower, they would be happy to entertain the idea. There may be a difference in search rings.

Vice-Chairman Corrado asked if there was anyone else wishing to testify in favor of the application.

John Brosy, Planning Consultant to Vento Communications, Inc. which are obtained by Sprint Spectrum Ltd Partnership, 7160 SW Hazelfern, Tigard, Oregon 97224. Mr. Brosy said they are also interested in locating telecommunications facilities in Sherwood. He noted:

- They have similar, not identical, technology to the PCS system.
- They have reviewed the code language changes and support the changes as recommended by Staff.
- They support the substitute language regarding co-location.
- Sprint's standard monopole will support at least two total antenna arrays that are similar to their technology.
- Normally they do leases and do not buy land. Each lease is different.
- It is appropriate to review the language regarding co-location. It should be clear that the second co-locator has a fast approval process.
- They co-locate with other types of carriers all the time.

Mr. Bechtold said the Commission has a unique opportunity by having at least three competitors in attendance tonight who want similar things from the City. It also provides a good opportunity to exchange ideas.

Mr. Benthin said he appreciated the input and all the points were well taken. Mr. Evans said a 150 foot monopole, single loaded carrier, would cost approximately \$25,500, a 100 foot monopole, single loaded carrier would cost approximately \$14,900. Add \$10,000 to the cost of

each of these to add an additional carrier. A complete station with pure cellularity may run \$500,000-\$600,000 for communication and for PCS alone with all equipment in, \$250,000-\$300,000.

Vice-Chairman Corrado asked if there was anyone else wishing to speak in favor of the application. There being no further proponent testimony, Vice-Chairman Corrado asked if there was anyone who wished to speak in opposition to the application. There being no opponent testimony, Vice-Chairman Corrado dispensed with the rebuttal and closed the public hearing on this agenda item, unless a Commission member ask that it be reopened for additional testimony, for discussion and comments by the Commission.

Carole Connell stated that after hearing the testimony she had several things which should be added to the code language, such as landscaping design, other jurisdictional breakdown of what is allowed for each zone, any pertinent set-back information, height restrictions, and a recommendation for each zone. The Commission agreed more information was needed and that the language needed more refinement before a decision could be made. Following discussion by the Commission:

Rick Hohnbaum moved the Planning Commission continue PA 96-1 OneComm to the June 4, 1996 Commission meeting to allow time to gather additional information. The record will remain open. Seconded by George Bechtold.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

Mr. Evans said he would call his peers and convene an ad-hoc committee for the purpose of helping gather additional information.

4D. SP 96-3 JB Insulation

Vice-Chairman Corrado noted that the applicant had requested that this agenda item be continued to date uncertain.

4E. CUP 96-3 PCS

Vice-Chairman Corrado called for the Staff Report. Carole Connell reported this application is for a Conditional Use Permit to install a 98-foot cellular communications tower on a portion of the site occupied by Sherwood Tractor and Rental. She referred the Commission to the Staff Report dated April 30, 1996, a complete copy of which is contained in the Commission's minutes book. Ms. Connell reviewed the findings of fact and noted:

- With regard to Finding A, the applicant must meet USA and ODOT requirements (i.e., flashing red beacon on top of the tower to enhance visibility for aircraft.
- With regard to Finding B, the tower requires approval of a conditional use permit in the General Commercial Zone. Staff recommends a solid evergreen screen be planted around the equipment area, adjoining the fence.
- With regard to Finding C, Staff is currently recommending that two industrial zones permit wireless communication facilities outright to address the need. Need is based on the individual service areas of each company as described by the applicant.
- With regard to Finding D, it is not evident that this site is the best location for a communication monopole, as compared to other property in the City.

- With regard to Finding E, that surrounding property will not be adversely affected by the use, Staff did not feel this condition has been met.

In conclusion, based on the approval criteria D and E, Staff recommends denial of CUP 96-3 Conditional Use Permit for a cellular communications tower on Pacific Highway. If the Commission makes additional findings to enhance this report, the findings need to be made and conditions would need to be written.

Rick Hohnbaum announced he had a contractual relationship with ACGS, which was listed on one of the maps. This work does not have any affect on this application, nor would he gain financially from his participation. He planned to fully participate in the discussion and vote on this application.

Vice-Chairman Corrado asked if the applicant wished to provide testimony. The previous testimony for PA 96-1 One-Comm would be made a part of the record for this agenda item.

Alison Smith (and Ken Hranicky), representing Western PCS the applicant, 8150 SW Barnes Road, E-204, Portland, Oregon 97225, addressed the Commission. They thanked the Staff for the review of the project. She reviewed the findings of fact contained in the Staff Report.

- With regard to Finding A, Western agreed to all the conditions as stated by USA, ODOT and City of Sherwood. They agree to add a flashing red beacon on top of the tower to enhance visibility.
- With regard to Finding B, Western agrees to the condition of a solid evergreen buffer and that licensing should be a condition of approval. Western does have a license. Western will build to allow co-location.
- With regard to Finding C, there is a demonstrable public need for the proposed use. Western is here to provide the next generation in telecommunication services.
- Western agrees need is based on the individual service areas of each company as described by the applicant. They feel the selected site will allow for the best service possible. Site selection directly impacts Western's ability to provide service to its customers. Sites are not picked randomly. The relationship between sites must also take into account four factors - topography/elevation, present land use and impact on surrounding land uses, landlord acceptance, availability of utilities.
- With regard to Finding D, the comments can be broken into two issues, towers compatibility with residential uses and industrial areas providing better location for this use. There are new residential developments within the City of Sherwood that are located next to high voltage lattice powerline towers. Several examples where shown - Wildflower Village and Cedar Creek Estates.
- Monopoles, as the one proposed, are much less obtrusive with a pole diameter of about 3 feet.
- The second issue is that the City desires cellular facilities to be located in industrial zones as conflicts are unlikely. Western agrees, unfortunately the locations of these zones in the City of Sherwood will not allow the phone system to optimize. She reviewed the two zones.
- Western does not agree with the sentence, "It is not evident that this site is the best location for a communication monopole as compared to other available property."

- With regard to Finding E, the property information is correct. However, Western feels that it does not reflect the layout of the land. The proposed facility is essentially hidden in a pocket, created by the natural meanderings of the creek and forest.

In conclusion, Western believes Staff based their recommended denial on two issues:

- That it was not evident that this is the best location.
- Perceptions of tower by the public.

Western has shown that the proposed location is the best available site, given the site selection process. Western has shown that people do develop areas next to structures even more intrusive than the proposed monopole. There is a public need for this service and it is best answered by the proposed site. Several overheads and maps were shown to support the above testimony.

Vice-Chairman Corrado asked if there was anyone else who wished to speak in favor of the application.

Douglas Pat Evans, 17560 Kelok Road, Lake Oswego, Oregon 97034, addressed the Commission. One of the issues which seems to come up in decisions relating to land use and towers has to do with surrounding property values and the impact the tower may have on the developability. There have been studies in the City of Portland that address whether or not there have been any negative impacts by towers. To date, there has been no evidence that installation of a cellular communication tower has had any negative impact on surrounding property values. He said he would be happy to provide copies of the studies.

Dan Kearns (representing Western PCS), 3200 U.S. Bancorp Tower, 111 SW Fifth Avenue, Portland, Oregon 97204, addressed the Commission. He discussed criteria D and E. The previous testimony addressed these concerns. Criteria D and E are very intertwined. This is the best site when considering the alternatives. Any alternative sites that you can come up with have their disadvantages. With regard to whether housing patterns are affected, he was not aware of any negative impact with the location of these type of towers. With regard to public health effects, he has heard this argument in the different metropolitan jurisdictions. Based on the evidence before Congress, it was determined that this was not something that local governments could deal with and specifically preempted local governments ability to regulate cell sites, either directly or indirectly, based on EMF. Ultimately, based on the testimony, there are plenty of handles to regulate the sites, conditional use and design review. The applicant has suggested findings, if the Commission were to approve the application, dealing with criteria D and E.

Mr. Evans said they would allow OneComm to co-locate on their proposed tower.

Vice-Chairman Corrado asked if there was anyone who wished to speak in opposition to this application.

Clyde List, 21235 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. List said the issue is very complex. He believed the piece of property being referred to is the only high density residential zone remaining. Susan Claus responded that this was not the fact. Mr. List said the Highway 99W corridor lacks an effective sign code. The McDonald's sign is an

eye sore. This is highly visible property. He objected to the lack of control on visible pollution that is occurring on Highway 99W. He did not see that this tower was going to do anything, but make it worse. He would like to see the point proved that a tower could be an asset to high density residential and also see the documentation. The applicant's map showed a broad band of green along Cedar Creek greenway. This band has never been delineated on City maps. He was also aware that these towers can be disguised. If the Commission approved the tower, would it be possible to disguise the tower. He also asked to see the studies regarding the perceived negative impacts of towers which was done in the City of Portland.

As a point of clarification, Vice-Chairman Corrado said the sign at McDonalds will also encompass signs for the balance of the development. There will not be a series of signs.

Mr. Kearns and Ken Hranicky provided rebuttal testimony to answer Mr. List's concerns. The market strategy for this system is catered more toward residential. There are a lot of ways to make the tower less obvious. The greenway is part of the comprehensive development plan.

For the record, Carole Connell entered the response from Tualatin Valley Fire and Rescue District stating they cannot approve the plan at this time because the fire hydrant that was supposed to be at Sherwood Tractor & Rental has never been installed. This would need to be a condition of approval.

Vice-Chairman Corrado closed the public hearing on this agenda item, unless a Commission member ask that it be reopened for additional testimony.

Mr. Corrado stated that after hearing the testimony and Staff report other items have come up which need to be addressed if the Commission were to approve this application, in particular, conditions of approval. The Commission advised Staff to present recommendations which would outline specific items as stipulated, and recommended conditions of approval, assuming the application were approved. Rick Hohnbaum said he felt the applicant had provided additional findings of fact to alleviate the concerns raised by criteria D, but he was not convinced with the findings for criteria E. After further discussion,

George Bechtold moved the Planning Commission continue CUP 96-3 to the May 21, 1996 Commission meeting to allow the applicant the opportunity to provide findings. The record will remain open and this will be the first agenda item. Seconded by Rick Hohnbaum.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

Other Business - Woodhaven Replat Lots 145-148

As recommended by Staff,

Rick Hohnbaum moved the Planning Commission approve the replat of Lots 145 through 148 of Woodhaven. Seconded by Susan Claus.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

There being no further business to discuss, the meeting was adjourned at 11:45 PM.

Respectfully submitted,

Planning Department