

**City of Sherwood, Oregon
Planning Commission Meeting
April 7, 1992**

1. **Call to Order/Roll Call:** Chairman Tobias called the meeting to order at 7:30 p.m. Commission members present were Chairman Ron Tobias, Marjorie Stewart, James Scanlon, Marty Ruehl and Ken Shannon. Marian Hosler and Eugene Birchill were absent.
2. **Approval of February 18, 1992 minutes:** Marge Stewart said that she did attend the meeting, although she was not listed. Ms. Stewart then moved to approve the minutes as corrected. Ron Tobias seconded and the motion carried unanimously.
3. **PUBLIC HEARINGS:** Mr. Tobias read the "hearing disclosure statement".
 - A. **CUP92-1 & SP92-2 Cellular One request for a Conditional Use Permit and a Site Plan approval to install antenna and an equipment building next to the City reservoir on Division Street.** Mr. Tobias asked the Planning Director to review her staff report. Mr. Connell highlighted the Findings of Fact. Ms. Connell reported that there are no plans to use this site as a park as previously planned as it has been deemed not large enough or suitable. The Park Advisory Board reviewed and endorsed this proposal on February 11. They suggested landscaping with Coastal Pine. Ms. Connell advised that this is a City-owned parcel and the City has already authorized the existing tower which is leased from the City by Tualatin Valley Fire and Rescue. Ms. Connell said that the applicant has included with their application some very detailed and descriptive responses. There were no agency responses.

Ms. Connell advised that this would be an unmanned facility which would not require sanitary sewer or water service, nor will it place additional demand on roads, parks or police. The facility will enhance communications in the Sherwood area and improve service to emergency service providers. In addition, in trade of use of the site, Cellular One is going to install an 80 KVA backup well generator at the site. This generator is an identified need in the Water Service Plan and will enhance the reliability of the City's

water supply system.

Division Street is a planned local street in this area, requiring 50 feet of right-of-way. Currently, there is 40 feet of right-of-way. An additional five (5) feet should be dedicated by the City. The applicant projects one to two vehicle trips per week to the equipment building. The planned usage does not warrant Division Street improvements.

The applicant has described the City of Portland's tower standards, and that the emission levels of the proposed facility are far below those allowed by Portland.

Based on the findings of fact and those facts supplied by the applicant, staff recommends adoption of those findings and approval of CUP92-1 Cellular One Condition Use Permit for a communications tower.

Mr. Tobias opened the public hearing and called for proponent testimony.

Spencer Vail, representing the applicant, 4505 NE 24th, Portland, OR 97211 said that Cellular One operates 40-50 cell sites (the antennas and associated transmitters). Each cell site services a particular area. Mr. Vail explained that the solution used to alleviate overcrowding is to build another cell site rather than enlarging existing towers. Mr. Vail explained that there has been shadow areas and overcrowding in the Sherwood area. It was determined that another cell site was needed. Mr. Vail said that a copy of the "search circle" was included as an exhibit in the application materials. Cellular One negotiated with Tualatin Valley Fire and Rescue about leasing the tower. In conjunction with this lease, Cellular One will be supplying a generator for the City and also Cellular One will be allowing TVFR to move their equipment into the storage building which they proposed to locate on the site.

Mr. Vail said that Cellular One has received no complaints about transmission, power complaints, etc. Mr. Vail said they are not a mega-watt FM station that this would only transmit at 50 watts. FCC licensing prohibits interference with existing electronic equipment.

Charlie Desmond, 850 Willamette has been in telecommunications since 1973. Mr. Desmond has been vice chairman of Cellular One and the first General Manager

of the PDX operations. Mr. Desmond said that his concerns are with the potential electromagnetic radiation from 850 - 900 Megahertz which is extremely high. There is little data on the effects of this electromagnetic radiation on people. Mr. Desmond said that the angle of the top of the 50-foot tower to the residences below on top of Division St. is a direct line-of-sight. Mr. Desmond said that he owns land on Division Street and plans to build on it. Even with the buffer of the 6 or so homes between the tower and his future residence, he is concerned about the electromagnetic radiation that will be broadcast from this site. Further, the CUP proposes to place four whip antennae and one M/W antenna with no indication of the power output and there does not appear to be any limitations as to the maximum amount of channels at this location and the maximum amount of power output from this location. Also Mr. Desmond asked if more tower space can be rented.

Bruce Maplethorpe, 485 E. Division Street, said that the second story of his house is in direct line with the tower and is concerned about the effects of the emission.

Edwin Terula 390 E. Division Street who lives across from the water tank is not concerned about the tower but about the change in the status of the park site. Mr. Terula asked about the funds which were set aside to develop this park site.

Harry Lenz 350 E. Division Street said that he built his home the same year as the water tank was constructed in 1972. Mr. Lenz said that \$43,000 was set aside for the Park. The City said at that time that some of the funds had to be used for the tank. Then he heard that \$17,000 was set aside for the park but nothing has been done with it. Mr. Lenz said that originally when TVFR wanted to construct the tower, there was to be no other uses for the tower.

Charlie Desmond suggested the public hearing be continued to provide an opportunity for some of the neighbors to be advised of the potential hazard from the electromagnetic radiation.

Mr. Vail asked the Chairman if a continuance is requested is it automatically given. Mr. Tobias said if the Commission decides it is necessary.

Mr. Vail said that Mr. Desmond mentioned a study by Dr. Norton which has never been substantiated by his peers and numerous publications have refuted that. Mr. Vail said that Cellular One will meet the new standards being considered at Washington County.

Ed Menteer, 409 SW 9th, Portland 97205 said that for the past 6-8 months she has been on a committee relative to the rewrite of the Washington County code as it relates to the tower sitings. The code, as it is coming out, will accept a 200 microwatts per centimeter square. This site will only generate .06, well below any level of concern. Mr. Menteer said that many of their sites are located on residential lots.

Gary Wells, Tualatin Valley Fire & Rescue, said that the lease between the City and TVFR prohibits additional use and restricts equipment and power without first going before the Council.

Mr. Vail said there is an existing antenna and tower which has been operating at 100 watts of power by TVFR with no complaints. Cellular One contemplates 50 watts range at a much higher frequency. The City Code requires land use procedures for any changes or additions. Mr. Vail said that at present they have no plans to increase antennas or power. Perhaps in another 2-3 years cellular phones will be in a digital mode where increased sites and power will be negated. Mr. Vail said that he feels that the documents which were supplied in the applications materials suggest "no impact" findings.

Mr. Tobias referred to Part 5 of the original agreement between TVFR and the City. Mr. Wells noted that the City Council had approved an amended version of the agreement in January of 1992 with the only stipulation to get zoning approval.

Mr. Scanlon asked how many channels would be used? Mr. Vail said 30.

Ms. Stewart asked what would happen if cellular phone usage increased? Mr. Vail said that if the system becomes more popular and this site reaches the maximum 15 channels out of 30, that a new location would be sought to take care of the capacity of increased usage in this area.

- Ms. Stewart asked if they planned to increase the height of the tower? Mr. Vail said the tower is the right height as it stands.
- Mr. Tobias said the new amendment which says that other than what this application specifically is requesting, nothing further can be done without going through the City Council again. Mr. Vail said that this can be a part of the approval of this CUP if needed.
- Mr. Desmond reiterated his concern that the 50 ft tower line of sight is through Mr. Maplethorpe's upstairs and how that might effect those in the house.
- Mr. Vail said that the microwaves they are using are operating at 3 watts of power going directory to a micro dish. Mr. Vail said that a study was just completed on a similar site in Portland and reported no effects.
- Mr. Vail said he knew that the City did not have standards and codes regarding this issue and that is why he included ordinances from other jurisdictions with adopted standards with which this facility is under compliance.
- Mr. Terula asked for a continuance because of the change of this site from a park.
- Ms. Connell said that the Park Advisory Board reviewed this proposal. The more recent Park Plan which has been adopted this as a park site, but states it would be inappropriate to develop a neighborhood park due to slope and site constraints.
- Mr. Terula asked why he wasn't notified about the change of the Park status? It was explained to Mr. Terula that the status change was part of the Comprehensive Plan which involved several public hearings and notifications although not specifically for this issue.
- Mr. Lenz said that he did not feel that the building was compatible with a park site. Mr. Lenz wanted to know who owned it and if it could be removed if the park was developed. Mr. Vail said that the building site is leased from the City.
- As there was no further testimony, Mr. Tobias closed the public hearing at this time and called for a 10 minute

recess at 8:45 p.m.

The meeting reconvened at 8:55 p.m.

Mr. Tobias said that there has been two requests for a continuance and felt perhaps that would be best. Mr. Scanlon said he agreed and he would like to see what the numbers are for emission at the line-of-site. Mr. Tobias said he was puzzled as to whether it is a park or not. He feels that a building and chain link fence would not be appropriate if the site will be used as a park.

Mr. Scanlon said that this park site was downgraded by default, but the Comprehensive Plan is available at City Hall if anyone would like to read about it. However, he is concerned that promises were made in the past and not kept. He would like further information about this.

Mr. Vail said that with this zone, a CUP is allowed for this use. Mr. Vail said that he would have the figures requested before the next Planning Commission meeting.

Glen Warmbier, 140 Hall St. said that he is a former Planning Commission Chairman and remembers that the zoning change to IP was made five years ago. It was determined at that time that in order to provide parking for the park, Division Street would have to be widened. There was so much concern at that time about the widening of Division Street, it was removed as an appropriate park site because of that issue.

Ken Shannon said he would like to see this hearing continued.

Mr. Vail said he would like to be on the next meeting agenda on April 21. Ms. Connell said he would have to have his materials in by Monday, April 13 at the latest.

Ms. Stewart said that she would like to have the width on Division Street checked. She thought it should have a 10 foot dedication. Ms. Connell said the 40-foot width stated in the report is correct.

Ms. Stewart though landscaping should be done. Also she is concerned about the use of this site as the area develops.

Mr. Scanlon asked if the microwave transmitter is directional

or not? Mr. Vail said it was, it has no emission to the rear. Mr. Scanlon asked if the whip antennas could be made directional? Mr. Vail said he did not know but would check.

Marty Ruehl moved to continue CUP92-1 to the 4/21 Planning Commission meeting at which time the Staff will provide information regarding Parks and the applicant will provide technical information. Marge Stewart seconded and the motion carried unanimously.

B. PA91-12 (continued) sixth draft of Code Chapter 9 Historic Resources, provisions for the protection of historic resources.

Ms. Connell reviewed her memo which listed the most recent changes to the draft.

Mr. Tobias opened the public hearing.

Wes Adair, 1315 S. Sherwood Blvd. asked if these changes were new changes. Ms. Connell said no, they were included in the draft.

Glen Warmbier, 140 Hall St., asked for clarification of item #6 of Ms. Connell's memo. Ms. Connell said that #6 of her memo referred to there being no fee for a Landmark Advisory Board review because there would be none needed for an alteration such as roof and paint. However, a regular building permit and fee will be required.

Mr. Warmbier said he would prefer to see a 7-member Landmark Advisory Board or at least a quorum of 4 required.

Ms. Connell said that all other boards are 7-member, so she felt that would be an appropriate change.

Mr. Scanlon said that the Planning Commission now only recommends sites to be considered but is not in the rest of the procedures. The Planning Commission has been taken out of the loop.

Mr. Warmbier was concerned about anyone being able to nominate a site. He felt that someone could cause problems for someone intentionally this way.

Ms. Connell said that because of the fee involved in bringing a site in for Landmarks Board Review, it would dissuade that kind of thing.

Mr. Warmbier said he felt that this draft was a workable document and appreciated the appeal process.

Mr. Adair thanked those people who had put in so much work on the document and feels it is a great improvement over the first draft. Mr. Adair felt that items 4, 6 and 8 in the chart could be rolled into one. Mr. Ruehl agreed.

Mr. Adair asked whether these sites could be compared to historic sites in other areas.

Mr. Ruehl said they could not use other city's criteria because they are not comparable.

Mr. Rux said that the only concern he had was on Page 14 regarding the conservation easements. The Seaside ordinance has been remanded for revisions and felt this may be a factor.

Mr. Adair said that the Seaside ordinance had other problems and may have been turned down because of the other components. Mr. Warmbier agreed.

There being no further comments, the public hearing was closed.

Mr. Scanlon said that he was concerned about looking too closely at the Sherwood community just to try to find something and the site not being historical as compared to other areas.

Mr. Tobias said that he did not feel there is a push to designate just anything. Mr. Scanlon said he did not feel that there is anything in Sherwood comparable to say for instance Iowa. Mr. Ruehl said that there may be a site which is high in certain criteria but low in another which would bring it down. This would prohibit inappropriate sites from being designated.

There was further discussion regarding the language of the motion and what should be included.

Mr. Tobias opened the public hearing to allow any further testimony. There was none and the hearing was closed.

Mr. Scanlon moved to approve Chapter 9 as presented with the following amendments:

1. 9.301 A, the Landmarks Advisory Board shall consist of seven (7) members.

2. Chart (Page 12): Delete #6 and #8 and Amend #4 to read "Portrays distinctive style and/or features, and/or innovation of historic architecture."
3. Ratings (Page 13): Add "specific values for these ratings would be established by the Landmark Advisory Board prior to any hearings on designations."
4. 9.501 (alteration section shall specify) that there is no fee for an alteration review by the Landmark Advisory Board for maintenance such as roof and paint alterations. This will not effect regular building permit fees.

Marge Stewart seconded and the motion carried unanimously.

Mayor Tobias thanked everyone for their participation in the process. Mr. Warmbier asked when it would come to City Council? Ms. Connell said tentatively May 13. Brian Stahl asked if the City Council would have input from LCDC before the meeting. Ms. Connell said they would if there was enough time.

The Commission agreed that if this draft of the Historic Code is rejected by LCDC that be referred directly to the City Council.

Mr. Warmbier said he thought it had to come back to the Planning Commission if it is rejected.

Mr. Tobias said he would like to have the Oregonians in Action give a presentation to the Planning Commission if the draft is rejected

4. Director's Report

Ms. Connell reported that the applicants for the proposed new and used car sales plan amendment have decided to go forward and are scheduled to go before the City Council on May 13. Ms. Connell reminded the Commission that they had recommended denial.

The meeting adjourned at 10:10 p.m.

Rebecca Burns
Secretary