

**Planning Commission Meeting  
City of Sherwood  
April 21, 1992**

1. **Roll Call/Call to Order:** Chairman Tobias called the meeting to order at 7:30 p.m. Commission members present were Chairman Tobias, Marjorie Stewart, James Scanlon, Marty Ruehl and Ken Shannon. Marian Hosler and Eugene Birchill were absent.
  
2. **Approval of March 3 and April 7, 1992 minutes:** Chairman Tobias said that on Page 2, of the April 7 minutes "opponent testimony" should be added and on Page 9, "Mayor" Tobias should be changed to "Chairman". Marge Stewart moved to approve the minutes of April 7 as corrected. Mr. Tobias seconded and the motion carried unanimously. Marty Ruehl moved to approve the minutes of March 3, 1992. Marge Stewart seconded and the motion carried unanimously.

Chairman Tobias announced that the previously scheduled hearing for application PUD92-1 Sherwood View Estates will be continued Until May 5, 1992 due to a notice error and insufficient review time. Sandy Rome rose and strongly objected to the continuance. Chairman Tobias said they had no choice. Mr. Rome continued to strongly object and criticized the City's procedures. Chief Laws had to intervene and escorted Mr. Rome out of the room.

3. **SUB90-1 Robin's Run Final Plat Phase One approval request.**

Ms. Connell reviewed the background report and the Findings of Fact saying that this is a 21-lot single family subdivision on Meinecke Road across from the High School. It is on a portion of the total 7.6 acres. It is being phased both in terms of improvements and the platting and bonding. The Commission approved the preliminary plat in May 1990. There are a total of 33 lots. In November of 1990 the Commission approved the partition of 3 lots fronting on Meinecke. At that time the Commission believed the partitioning was consistent with the original plat and the applicant has extended the sewer and water to those properties. The applicant was not required to do full street improvements on Meinecke until the subdivision went in. All of the five conditions which were listed at preliminary plat approval have been satisfied. The 15-foot wide visual corridor along Meinecke is partly completed. The bonds have been returned and the improvements made. The list of street names on the plat go with an English theme. Staff has been

encouraging the use of historic names, however, this is not required. Minimally, Ms. Connell recommended deleting the apostrophes and "s". Staff recommended approval of SUB90-1 Robins Run Subdivision final plat based on the Findings of Fact and with 5 conditions.

Ray Johnisee, R. C. Johnisee Corp. 5 NW Main St. said that he did not disagree with the conditions except that he would like the City to come to an agreement about the Robin Hood theme versus historical theme in naming the streets. Mr. Scanlon asked what the lot size standard is? Ms. Connell said 5,000 sq. ft.

Mr. Ruehl asked how many lots in Phase 2? Ms. Connell said there were 21 lots in Phase 1 and 10 lots in Phase 2.

Mr. Tobias asked how the storm water was being handled? Ms. Connell said that there are storm sewer pipes going through this property. Ms. Johnisee said there is a catch basin on Lot 20.

Mr. Tobias asked where the water went from there? Ms. Connell said that the final construction drawings and engineering studies have not yet been done.

Marge Stewart moved to approve SUB90-1 with the conditions listed changing #4 to read "the street names shall be changed by deleting the "'s". Marty Ruehl seconded and the motion carried unanimously.

1. Engineered construction drawings for sanitary and storm sewer, water, fire hydrants, streets, lights, landscaping and erosion control for phase one shall be submitted to and approved by the City.
2. Based on the approved construction drawings, the applicant shall enter into a subdivision compliance and maintenance agreement, and a cash bond escrow agreement to secure 100% of the improvement costs for phase one.
3. The landscape corridor improvements shall be completed, or secured by a bond.
4. The street names shall be changed by deleting the apostrophe and (s) on each.
5. The applicant shall bond for the street trees and determine with the City an acceptable method for planting them.



#### 4. Public Hearings

Chairman Tobias read the "hearing disclosure statement".

##### **A.CUP92-1 and SP92-2 Cellular One Conditional Use Permit and Site Plan request continued for antenna and equipment building on Division Street.**

Ms. Connell reviewed the background of this application. At the last meeting on April 7 questions arose which needed to be clarified about the intent of the Park Space, potential health hazards and impact on property values. Because of these questions, the item was continued.

Marge Stewart stated that she has relatives living in the area in question but did not think she has a conflict.

Ms. Connell advised the Commission and public that the City Council, acting as representatives of the City approved the rewrite of the lease agreement with Tualatin Valley Fire and Rescue. This lease agreement has been in effect since 1983. The Council asked that certain things be included in the new lease such as that any changes or additions desired by TVFR must go before the City Council. The City Council did not talk about health hazards or land use issues because it was not appropriate for them to get involved. It was not a public hearing. The Council was acting as the property owner. The lease has been prepared and revised in accordance with the agreement and signed, but is based on the contingency that the Planning Commission approves the conditional use permit. If the Planning Commission does not approve it, the lease agreement will not go forward.

Ms. Connell noted that she met with the Chairman of the Parks Board last Monday to research the status of the park area by the tank and what the history was. Ms. Connell said that there were few references relating to how the reservoir would be built and the cost. In 1972, the consultant suggested that perhaps a children's play area or picnic table be planned around or below the reservoir. But there was no action taken to that effect. There was later no references to that same point. In September of 1972 the consultant reported that bids were too high and some elements would have to be deleted. So the Council agreed to a \$17,000 cost reduction which included postponing the landscaping to

the next year. The next year the reservoir was completed and Gordon Snyder came in and asked if he could plant barley on the reservoir site until the City had funds to landscape and he was allowed to do that. In 1974 the reservoir was still not within the City limits. There were no subsequent budget proposals to do the landscaping at least in the five-year period. It appears that money for the landscaping was never allocated. Reiterating the status of the park, first the Planning Commission granted a conditional use permit for the existing tower and that is when the Council negotiated the original agreement with Tualatin Valley Fire & Rescue. There was no discussion other than the fact that Al Olsen expressed concern that when the water reservoir went in the promised landscaping and a park had not been done. This was in 1982. The Parks Board, Design Review Board, Planning Commission, and City Council all approved the tower within a one-year period and the conditions that were attached were all related to having a safe ladder, making sure it didn't collapse, technical types of things. From 1980 to 1991 the Comprehensive Plan identified this site as a neighborhood park. That is terminology to identify neighborhood greenspace. There were no capital improvement plans relating to when the park might improve. In 1991, the plan was updated and calls it the Reservoir Mini-park and says the park is not large enough or suitable for expansion to neighborhood facilities due to prior development, the topography and slope of the land. There was also concern about adequate access and parking area. Ms. Connell said that the point is that no one is trying to change the status of this park, it is the same as it has been, and may never be any more than greenspace.

Ed Menteer, 409 SW Washington St. Portland, said that three issues were raised at the last public hearing which he would be addressing. Mr. Menteer brought with him charts and graphs which showed the comparison of RAF standards of what was allowable in Portland, Washington County and what would be emanating from the antenna on Division Street. The allowable standard in Washington County is 1000 microwatts per Sq. centimeter and the emission from this cell site would be 8. The average emission standards for a microwave oven lies somewhere between 2,000 - 3,000.

Further Mr. Menteer said that there was a study around Healy Heights in Portland which showed that there was no

degradation of property values as a result of the  
towers

located there. A study in Lake Oswego in the middle of a residential district found there was no impact on property values. Mr. Menteer passed out pictures of the area and a picture of the proposed building structure.

Ken Seymour, Managing Engineer for Cellular One said that he calculated the emission standards which he explained.

Gary Wells, Tualatin Valley Fire & Rescue said that he has been a member of the Washington County Task Force for drafting a new ordinance on microwave tower standards throughout the County. Mr. Wells spoke about the Morton study which the Health Department has not considered valid. Mr. Wells said that emergency response vehicles depend on the Cellular One phones.

Rob Hoag, 17300 Crown View Drive, Gladstone, commercial real estate broker and siting acquisition consultant for Cellular One said that this site was determined as the best after the search began two years ago. More coverage was needed in this area. Mr. Hoag then described why this site was chosen to be the best location after looking at 20-30 sites. Mr. Hoag advised that a property valuation study was done of a residential area in Lake Oswego where a tower is located and no decrease in assessed property values were shown. No comments by the assessor were noted regarding the tower.

Spencer Vail, planning consultant for Cellular One said that the application meets with the Planning and Zoning Code of the City and that this use was permitted as a Conditional Use providing all criteria is met. Mr. Vail feels that all the criteria has been met. Mr. Vail believes that surrounding property owners will not be adversely affected with the Cellular One antenna and he asked that the application be approved.

Sherwood Chief of Police Larry Laws said that the City does need improved communications and having the tower in the City would help. Chief Laws said that a couple of months ago the City tried to change over to the 800 frequency and it was a total loss because the geography in Sherwood does not allow good radio communications. This tower would help, not for the 800 system, but the mobile system which the City uses to augment the police system. Cellular One said that there has been a number of misstatements about police radar systems throughout the region. Chief Laws said that the Cellular One

emissions are considerably lower than the microwaves from the police radar and a lot less than the police radio system. Chief Laws said that he would like to see the tower remain and the Cellular One antenna be approved because it is definitely needed.

At this time, the Planning Commission adjourned for a 10-minute break. At 8:45 p.m. the meeting was reconvened.

Bruce Maplethorpe, 485 E. Division St. brought a video which he played for the audience showing the area of the tower, his home and the reservoirs. Mr. Maplethorpe also brought a petition signed by 37 people requesting denial of the application. Mr. Maplethorpe read from news articles about microwave radiation impacts. Mr. Maplethorpe said that he did not want a precedent to be set in Sherwood that could hurt residential areas elsewhere and that approval could result in lawsuits brought upon TVFR and Cellular One if birth defects should start showing up in the area.

Marty Ruehl stated that he is a member of the Citizens for Quality Living, who were giving testimony tonight, but has had no ex parte contact with the group on this subject.

Renette Meltebeke, 890 SE Merryman read a prepared statement from CQOL which was made a part of the record.

Dr. Tom Stibolt, 18181 SW Kummrow Ave., Sherwood said that he is not a resident in the City limits of Sherwood. He is a physician with Keizer and an electrical engineer. Dr. Stibolt said that the hazard issue is uncertain at this point. However, he referred to asbestos and how for 40 years it was considered safe before it was found to cause cancer. Experts remain divided and uncertain about the damage and effects of radiation. Dr. Stibolt said that they have found that the effects are not linear which makes the experiments difficult to monitor. Linear means that doubling the dose does not double the effect. Dr. Stibolt referred to a graph which he made showing that the radiation from the tower could be reduced by raising the tower up 30 feet. Dr. Stibolt recommended the four whip antennas be mounted higher than the existing tower and be limited to 30 channels.

Wanda McClellan, 470 E. Division Street read a statement written by Helen Messinger of 375 E. Division Street,



who was not in favor of adding the antennae to the tower. Ms. McClellan said that she is concerned about the antenna being a commercial endeavor on public property.

Debbie Smith, 24100 Ladd Hill Road said that she feels that this area should be kept as open space. Ms. Smith generally was not in favor of the additional antennae.

Harry Lenz, 345 E. Division said the shrubs around the proposed building will take 12 years to grow. Mr. Lenz did not understand how a commercial building could be put on a City Park. Mr. Lenz said that there was a sprinkler system on the premises.

Debbie Smith said that there seems to be interferences from these towers and there is noise inside the buildings. Ms. Smith wanted to know what compensation TVFR is receiving from Cellular One for the space on the tower.

Sanford Rome, 1780 E. Willamette apologized for his previous outbreak but said he felt he was a victim. Mr. Rome said that he wanted to be on record as owner of a residence on 780 E. Pine Street and 350 Lincoln and possibly 14 other sites in the immediate core area. Mr. Rome said that Cellular One has a reputation of supporting the cities they are involved in. Mr. Rome said that Cellular One is providing a \$36,000 for an 80 KW generator for emergency back-up of the City wells and pump system. The City does not have the financial capability to provide this power. Mr. Rome said that the noise level could be muffled, but did not think it would be substantial. Mr. Rome said that he wanted to go on record as a proponent of the antennae.

Carolyn Thompson, 280 E. Division St. asked why the tower wasn't located on a higher location.

Edwin Turela said he is completely opposed to the antennae and felt that allowing additional antennae would set a precedent for future larger and more powerful antennae.

David Hess, 400 E. Division said that he would like to go on record as being opposed to the antennae.

Jim Claus Rt. 3, Box 315 said that Cellular One is paying a large amount of in-lieu fees and that if the tax base cannot be increased, the City must look to other sources to provide needs. Mr. Claus said that the health issue is not sustainable. No evidence has shown

there is a health hazard. Mr. Claus said that the safety issue is the communication problem for emergency medical and fire protection vehicles.

Sharon Hess, 400 E. Division St. said that she opposed any use of the park as commercial venture.

At this time, Chairman Tobias recessed the meeting for 10 minutes. At 10:00 p.m. the meeting was reconvened.

Marge Stewart asked if Gordon Snyder's property was developed would the houses be in direct line with the tower?

Ed Menteer said that this parcel is zoned IP and has an existing tower. Mr. Menteer reiterated that all Cellular One wants to do is add an antenna and construct a 2000 sq. ft. storage building. This is an allowable use in this zone. Any expansion of this use or alteration would require another public hearing. Mr. Menteer said that Cellular One would do the landscaping however it would please the City. Mr. Menteer said that if it is determined that the tower should be raised, that could be done. However, traditionally people do not want a taller tower, that is why it was not suggested previously. Mr. Menteer said that the tower was primarily regulated by the FCC. Mr. Menteer said that they have done studies which show that property values are not adversely affected by the towers. Mr. Menteer said that there have never been complaints from residents relative to interference or noise with over 50 cell sites in the Portland metro area.

Mr. Menteer referred to the packet which contained additional materials regarding health issues. Mr. Menteer said that this site would emit levels of microwaves well below levels of concern. Mr. Menteer said that many of the literature relates to 60 cycle AC or high power radar equipment which is not what this use is. Mr. Menteer said this use emits less microwatts than a television.

Rob Hoag said that when he did the property value study in Lake Oswego there were two areas he looked at. There was a condominium project which was full on one side and residential dwellings on the other side. In conversations with residents, he asked if they thought that the tower was offensive. Some did not like to look at it, but it did not bother them. No noise

complaints. Mr. Hoag talked with the Homeowners' Association and they had received no complaints about the tower.

Mr. Tobias asked if that facility was like the one proposed in Sherwood? Mr. Hoag said that the tower was 150 feet taller. The various homes were around \$150,000 in value. The equipment structure was the same.

Mr. Ruehl asked whether other areas had the line-of-sight issue? Mr. Menteer said that he thought the Burlingame homes were in line-of-sight, but perhaps not as close.

Marge Stewart asked how close the tower was to the property line. Ms. Stewart said that it may not be possible to increase the height of the tower because there is a City "fall line" ordinance which designates a certain number of feet must be kept from the property line should the tower fall.

Gary Wells said that the lease document stated that any changes which are proposed to the agreement must be renegotiated and go before the City Council. Mr. Wells said that the tower structure would not support any additional height as it is and the base would have to be increased if the tower was made higher. The lease agreement also says that should the City decide to make this a City Park only, the lease would be terminated.

Mr. Seymour said that the signals emission is extremely low. However Mr. Seymour said that he could erect directional antennae which would reduce the signals in the back however this would sacrifice coverage east of the mountains. Mr. Seymour said that emissions from cordless telephones is ten times greater than the emission from 250 feet from this tower.

Debbie Smith questioned the need for a generator as the City will eventually get an alternative water source.

Chairman Tobias suggested closing the public hearing portion of the meeting and suggested make a decision at the next Planning Commission meeting.

Jim Scanlon agreed, Ken Shannon agreed, Marge Stewart felt that no further testimony should be taken at the next meeting.

Charlie Desmond, 850 Willamette St. said he would not have a problem with the tower if it were not located so close to a residential neighborhood. Mr. Desmond said he feels that there is possible health risks to the Maplethorpe's and Messinger's. Mr. Desmond said that the City should have a study done on the health hazards of the emission from the tower. Mr. Desmond agreed

that Cellular One does do good things for the communities in which they are located.

Sandy Rome said that the in-lieu fees and in-kind services Cellular One is offering are essential to the City.

Ms. Meltebeke said that there is a difference between private interest and public interest and she does not feel that this endeavor is in the best interest of the community.

Jim Claus said that it is absurd to expect the City to be able to do a research study on the health effects of the emission from the tower when no one else has been able to do one. The City does not have the funds. Mr. Claus said the liability of not having adequate communications is of greater importance.

Bruce Maplethorpe objected to the location of the tower. Mr. Maplethorpe also suggested that the old tanks be repaired and used. Mr. Maplethorpe said that he has control over the emission from his home appliances, but would not have control over the emission from the tower.

Mr. Scanlon asked if the directional antennae would protect Maplethorpe's and Messinger's property as well as Gordon's property? Mr. Seymour felt it would make a significant difference.

There being no further public comments, Mr. Tobias closed the public hearing.

Mr. Tobias asked that the public hearing on the street naming policy be continued. Marty Ruehl moved to continue CUP92-1 and SP92-2 until May 5, Marge Stewart seconded and the motion carried unanimously. No public testimony will be heard at the May 5 meeting. Jim Scanlon moved to continue the public hearing on the street naming policy until May 19, 1992, Marty Ruehl seconded and the motion carried unanimously.

Jim Scanlon moved to adjourn at 11:20 p.m., Marty Ruehl seconded and the motion carried unanimously.

Rebecca L. Burns  
Secretary