

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 187

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF TUALATIN RURAL FIRE PROTECTION DISTRICT FOR A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A MICROWAVE DISH AND TOWER AT THE CITY RESERVOIR SITE ON S.E. DIVISION STREET, GRANTING APPROVAL OF SAID APPLICATION WITH CONDITIONS, AND FIXING AN EFFECTIVE DATE. (CU 82-02)

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. The council adopts as its findings of fact the findings set forth in the Staff Report dated August 4, 1982, a copy of which is attached hereto marked Exhibit A, under headings "Basic Facts" and "Findings". The council finds the relevant criteria to be those specified in the Staff Report.

Section 2. The council further finds that the application for conditional use permit was the subject of review and public hearing held on August 17, 1982 by the Planning Commission. Subsequent to that hearing the Planning Commission voted to recommend approval of the application, a copy of said recommendation being attached hereto marked Exhibit B.

Section 3. The council further finds that after due and legal notice a public hearing was held on August 25, 1982 before an impartial council, and at said hearing all interested parties were afforded an opportunity to be heard and to present and rebut evidence. At said hearing the Council received in evidence the Planning Commission's decision, Exhibit B.

Section 4. After due consideration of the application, the action of the Planning Commission, the Staff Report, and evidence adduced, the council finds that the facts and findings set forth in the Staff Report should be adopted as the findings of the council and that the following conditions to approval are reasonable and necessary to carry out the purposes and policies of the Comprehensive Plan.

- a. The tower or pole supporting the transmitting dish shall be of a compatible color and design to blend with reservoir improvements.
- b. The pole shall be so constructed that it cannot be climbed.
- c. The ground line to the Sherwood Fire Station shall be installed in accordance with City of Sherwood public improvements approval process.
- d. Emission standards shall not be greater than those allowed in Multnomah County Ordinance No. 330.
- e. The City of Sherwood and Tualatin Rural Fire Protection District shall execute an agreement covering the ongoing operation, maintenance and liability resulting from the facility being on the site.
- f. Tualatin Rural Fire Protection District shall enter into a lease agreement with the City of Sherwood with respect to the site.

- g. Tualatin Rural Fire Protection District shall provide a channel for city police communication use.

Section 5. The application is approved, subject to the conditions set forth in section 4 for a conditional use permit to construct and operate a microwave dish and tower at the city reservoir site on S.E. Division Street

Section 6. This ordinance shall become effective on the 31st day after its enactment by the city council.

PASSED:

By the council by unanimous vote of all members present after being read by caption three times this 9 day of March, 1983.

Polly Blankenbaker
Polly Blankenbaker, City Recorder

APPROVED:

Mary L. Tobias
Mayor

EXHIBIT A

STAFF REPORT

August 4, 1982

CASE NO: CU-82-02
SUBJECT: Conditional Use, Microwave Facility, LDR Zone
APPLICANT: Tualatin Rural Fire Protection District
LOCATION: Adjacent to Sherwood Water Tank, in proposed Neighborhood Park N.E. Division St.

APPLICABLE STANDARDS FOR REVIEW:

Chapter 1, Section 4 of the Community Development Regulations.

BASIC FACTS

Land Use - Existing City Water Reservoir and Proposed Neighborhood Park.

Plan Designation - LDR.

Topography - Hilltop, Elevation 358'

REQUIRED FINDINGS

- A. "Adequacy of Service."
Not Applicable
- B. "Conformity with Planning Designation Area Standards"
Radio and television towers are permitted by Conditional Use in LDR zones.
- C. "Public Need"
The applicant cites two proposed benefits of the microwave facility - increased public safety and greater economy.

The present communication system is hampered by poor quality, unreliable radio communications which endanger firefighters' and civilian lives and properties. Emergency Medical unit teams face similar communication problems. Applicant claims that the proposed microwave facility would greatly increase communications and save public money at the same time through decreasing the fees paid to telephone companies for leased lines. Estimated savings for the next 10 years could exceed \$250,000.00

- D. "That the public use is best served by allowing the conditional use for the particular piece of property in question as compared to other available property."

The applicant's feasibility study points to the Sherwood water tower site as the best based on two main factors:

- 1) Since microwave facilities require lines of sight pathways between transmitter and receiver, the transmission facilities must be elevated sufficiently to beam signals over the surrounding terrain. The Water Tower site is an elevation that permits line of sight to the receiver facility on Cooper Mountain.

ATTACHMENT C
REQUIRED FINDINGS

CONDITIONAL USE

No conditional use request shall be granted unless each of the following is found.

- A. That all public facilities and services to the proposed development, including but not limited to sanitary sewers, water, transportation access, storm drains, electrical distribution, park and open space and public safety are adequate or that the construction of any required improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the developer and the City.
- B. Approval is in conformity with applicable planning designation area standards.
- C. There is a demonstrable public need for the use of the type and kind in question.
- D. That the public need is best served by allowing the conditional use for the particular piece of property in question as compared to other available property.
- E. That surrounding property will not be adversely affected by approval of the request, or that the adverse effects of the use on the surrounding uses, the neighborhood or the City as a whole, are sufficiently ameliorated by the conditions imposed. Air, land or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare must meet the environmental performance standards contained in Section 4.02. of this Chapter.

- 2) The Sherwood facility requires a high grade communication line (a hard line) between transmission site and the Sherwood Fire Station. It is important to minimize the length of the hard line to ensure a high quality signal. The proposed Water Tower Site is the nearest facility to the Fire Station that also meets #1, above.

E. "Proposed Conditional Use will not adversely affect surrounding property nor be injurious to public health."

While it is generally accepted that exposure to microwave radiation can be harmful to human health, it is not evident that the proposed facility would present a health danger.

A microwave transmission produces signals aimed at a specific receiver, as contrasted with AM, FM, and television towers that broadcast signals to many dispersed receivers. The transmitter dish at the Water Tower will be pointed up at a fifteen degree angle above the horizon. It will send a concentrated signal to the receiving facility on Cooper Mountain. The signal will not exceed 15 feet in diameter and then only at several hundred feet above ground. Most of the potentially harmful radiation will be concentrated in a very narrow beam high above tree level although a small amount of dispersed emissions can occur. The public health and safety question revolves around the amount of dispersed emissions that can occur from the Sherwood dish.

On July 23rd, 1982, the Multnomah County Board of Commissioners amended the County's zoning ordinance to regulate radio, television, and microwave towers and transmissions. This ordinance is the most restrictive in the country in limiting microwave radiation remission. Based on the performance criteria submitted by the Tualatin Rural Fire Protection District and on phone conversations with Multnomah County personnel who had researched and drafted the ordinance, the emissions from the proposed Sherwood microwave facility will be well within the Multnomah County standards.

STAFF RECOMMENDATION

Based on the above facts and findings, the staff recommends approval of the request subject to the following conditions:

- 1) That the proposed tower or pole that will support the transmitting dish be of a compatible color and design so as to blend in with reservoir improvements.
- 2) That the proposed tower or pole be non-climbable.
- 3) That the groundline to the Sherwood Fire Station be installed in accordance with City of Sherwood public improvements approval process.
- 4) That the applicant test emissions from the microwave facility and present same to the Sherwood Planning Director for approval prior to system implementation.



P.O. Box 167
Sherwood, Oregon 97140
625-5522 625-5523

TAX LOT: 32D : 401

CASE NO: CU-82-02

NOTICE OF DECISION

DATE: 8-18-82

To: City Council

Tualatin Rural Fire Protection District
P.O. Box 127
Tualatin, Ore. 97062
Attn: Ken Morss

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a microwave antenna and tower on 8/17/82.

The decision was based on the following major findings:

The findings contained in the attached staff report dated August 4, 1982

The following conditions were placed on approval of the application:

1. That the proposed tower or pole that will support the transmitting dish be of a compatible color and design so as to blend in with reservoir improvements.
2. That the proposed tower or pole be non-climbable.
3. That the groundline to the Sherwood Fire Station be installed in accordance with City of Sherwood public improvements approval process.
4. That the applicant test emissions from the microwave facility and present same to the Sherwood Planning Director for approval prior to system implementation.
5. That the applicant and City reach an agreement on the ongoing operation, maintenance and liability resulting from the siting of the facility on City property.

Gene Stewart *JS*

STATUS OF PLAN COMPLIANCE REVIEW

X Additional Required Action

X City Council

Meeting date August 25, 1982