



CITY OF
West Linn

PLANNING COMMISSION / COMMISSION FOR CITIZEN INVOLVEMENT

Minutes of May 5, 2010

Members present: Chair Robert Martin, Vice Chair Michael Jones and Commissioners Michael Babbitt, Laura Horsey, Christine Steel and Dean Wood

Staff present: John Sonnen, Planning Director; Peter Spir, Associate Planner; and William Monahan, City Attorney

Members absent: None

CALL TO ORDER

Chair Martin called the Planning Commission meeting to order in the Council Chambers of City Hall at 7:30 p.m.

APPROVAL OF MINUTES

Steel **moved** to approve the Minutes of March 17, 2010. Jones **seconded** the motion and it passed 6:0.

Steel **moved** to approve the Minutes of April 7, 2010. Horsey **seconded** the motion and it passed 6:0.

PUBLIC COMMENTS

Chair Martin welcomed Commissioner Babbitt back to service on the Planning Commission.

PUBLIC HEARINGS

(Note: The staff reports and all related documents for the hearings are available through the Planning Department.)

CUP-09-02/DR-09-07, Conditional Use and Design Review of a Wireless Communication Facility at the Clock Tower of the Church at 19200 Willamette Drive (Continued from March 17, 2010)

Chair Martin opened the public hearing and outlined the applicable criteria and procedure. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contact. Babbitt and Wood had not been at the initial hearing, but they had read the materials and watched the DVD. Wood had visited the site. Horsey acknowledged she could not be objective in the matter of a possible link between cell tower transmissions and leukemia and recused herself. When invited by the Chair, no one in the audience challenged the jurisdiction of the Planning Commission or the ability of any individual Commissioner to hear the matter.

Staff Report

The hearing had been continued in order to allow the applicant time to resolve an issue. Spir confirmed that the continued hearing had been re-noticed and a new sign had been installed on the site ten days prior to the hearing. He reported that two letters in support of the application had been submitted by City residents since the last hearing. He read one letter aloud and reported the second resident had submitted a copy of the first resident's letter. Spir cautioned that a Planning Commission approval should reference the correct site plan, which was on page 56 of the staff report.

Applicant

Vanessa Meyer, Goodman Networks, 7360 SW Hunziker, Portland, Oregon, explained the Church owned the site the tower was on. A change of the proposed footprint layout had created an issue, but the Church and the applicant, Crown Castle, had resolved it since the prior hearing. A mistake on the original application had been corrected when the Church signed it to show it supported the proposal. During the questioning period she confirmed the current proposal was the same as was proposed at the March 17 hearing.

Deliberations

Chair Martin closed the public hearing and polled the Commissioners. Jones agreed that people tended to ignore the tower after the first two or three times they saw it. The first time he saw it he wondered what it was, but did not think about it being good or bad. He noted this would be the last extension allowed on that tower. Babbitt agreed and added it was a very busy intersection where drivers were likely focused on driving, not the tower. When he lived near the site had had not been aware it was a cell tower. Wood agreed with Babbitt and Jones. He suggested imposing a condition of approval to require the applicant to replace trees and arborvitae if they died.

Steel explained she would vote to approve the application, but she questioned why a tower had to be camouflaged. She recalled Gary Hitesman had written to suggest the tower could have a more elegant design. Martin recalled reading a letter submitted by a neighbor who experienced health effects. He explained he would abstain because he felt that legally he had to approve but he could not vote against his conscience.

When asked, Monahan advised the applicant was AT&T. If they agreed to accept the conditions of approval that would burden the property the property owner was ultimately responsible for compliance with a condition to replant vegetation that died. This would likely result in additional negotiations between the applicant and the property owner regarding the lease arrangement. Wood confirmed he was suggesting a condition that would maintain the trees that surrounded the tower, not all the trees on the property.

Martin announced a recess from 8:00 to 8:11 so the staff and the applicant could fine-tune the new condition to specify elements such as which trees and vegetation it addressed. Martin reconvened the hearing and Spir read the new condition aloud:

Condition 4. The applicant shall be responsible for replacement of any dying or diseased trees or plant material within a 50' radius of the tower during construction and through the duration of the lease and shall replace in kind under supervision of the Parks Department's Arborist.

Meyer confirmed the applicant would agree to Condition 4.

Jones moved to approve CUP-09-02/DR-09-07 with the site plan as shown on page 56 of the staff report, subject to the Conditions 1-3 listed in the staff report and new Condition 4 that Spir had crafted. Wood seconded the motion. The vote was conducted and the motion passed 4:0:1. Martin abstained.

ITEMS OF INTEREST FROM STAFF (None)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Monahan clarified for Babbitt that the new cell tower application showed the applicant was AT&T (represented by Goodman Networks) and the property owner had signed on the owner's line to acknowledge it was appropriate for an application to be filed that would encumber the property in some way.

Babbitt had served on the Sustainability Committee. He had promised them he would help the Planning Commission incorporate as much sustainability as possible into City planning policies. The Commissioners agreed to invite the chair of the Sustainability Committee to a work session to brief them. Sonnen related that he had talked to the Committee about the effort to accomplish the City Council goal to incorporate sustainability into the code.

ADJOURNMENT

There being no other business, Chair Martin adjourned the Planning Commission meeting at 8:22 p.m.

APPROVED:



Robert Martin, Chair



Date