

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
April 2, 2009

SUBJECT: Addition of antenna and increase in height for stealth wireless tower, addition to surrounding mechanicals and screening, and landscaping improvements at 19200 Willamette Drive

ATTENDEES: Kevin S. Provance (applicant)
Staff: Tom Soppe, Chris Kerr (Planning)
Neighborhood: Kevin Bryck (Robinwood NA), Lynn Fox (Hidden Springs NA)

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any “follow-up” items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Project Details

The applicant proposes an additional wireless communications facility (WCF) within an existing “stealth” tower already housing other WCFs on the grounds of Emmanuel Presbyterian Church on the triangular block surrounded by Willamette Drive, Cedaroak Drive, and Old River Drive in the Robinwood neighborhood. The WCF will be placed within the existing tower, but this requires a 10-foot increase in the height of the stealth tower due to the height of the WCF. This application would also involve an increase of the size of the fenced mechanicals area at the base of the tower, the planting of new vegetation to screen the new fencing area this requires, and other landscape improvements. The 10-foot extension will involve lifting the current cupola atop the tower 10 feet and inserting under this a 10-foot tall set of architectural panels that are similar to the panels that already surround other parts of the tower. This is considered a “stealth” tower due to the panels and cupola. All increases to structures and equipment will take place within the footprint of the current lease area of the WCFs within the Church property. Structural calculations from the applicant show that this is the last WCF tower that the facility will be able to house.

The tower and surrounding WCF support system were originally applied for as a Conditional Use Permit at this location in 1997 as file CUP-97-05/DR-97-23. This file was denied by the Planning Commission but was appealed to the City Council (as file MIS-97-53), who overturned the Planning Commission’s decision and approved the Conditional Use Permit and design review in early 1998. CDC 60.050(B), in Chapter 60 Conditional Uses, states, “Any change in the conditional use plan or conditions of approval shall require a new application and hearing pursuant to the provisions set forth in this Chapter and Section 99.120(B).” Therefore a new Conditional Use Permit is required. CDC 60.070(B) states, “An approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 55.” Chapter 55 is the Design Review chapter. This is an alteration of an existing conditional use, therefore a Design Review application is also required.

Also, per Table 57.040 in CDC Chapter 57 (WCFs), stealth designs inside buildings require Class I Design Review in the R-10 zone, where the site is located. Note 2 for Table 57.040 says “Additions to buildings such as cupolas, clock towers, dormers, are permitted to accommodate stealth WCF. No new freestanding buildings may be built exclusively or primarily for the purpose of concealing stealth WCF and support equipment.” This is not a new freestanding building, but is an addition to an existing stealth tower (and surrounding existing building) that will add height to the cupola/clock tower and will result in more oblique architectural panels beneath the cupola.

The expanded fencing and equipment area will be built partly within the dripline of the existing tree to the north. Depending on the city arborist’s conclusions as to whether the tree is significant or whether this would damage the tree, mitigation or alternate construction methods might be needed to comply with 55.100(B)(2).

File CUP-97-05/DR-97-23 has only one piece of citizen correspondence, which is from the Robinwood Neighborhood Association (RNA). The RNA wanted a moratorium on new WCF installations until it was clearer where other towers would be proposed, due to their desire to maximize collocation opportunities. The RNA also was concerned as to whether the City was taking advantage of any power it had left to regulate these facilities under the then-recent Telecommunications Act of 1996. Public comments in the appeal file MIS-97-53 voice concerns about the following:

- Whether this should have been classified as a Communications Service or Major Utility use
- Location in residential zone
- Architectural and height compatibility with the surrounding neighborhood
- Vegetation and buffering
- Small leasing area footprint
- Safety of cell tower transmissions
- Fire hazard from tall wooden structure
- Stability of structure- would it fall?

Process

A neighborhood meeting is required for any Conditional Use application per 99.038, and the applicant should schedule and conduct a neighborhood meeting pursuant to CDC Section 99.038 before making the application. Follow the requirements exactly. The Robinwood Neighborhood Association meets on the second Tuesday of each month. Contact the NA president, Kevin Bryck, at 503-675-7301 or KevthePres@comcast.net.

The next step is full and complete response to the submittal requirements and approval criteria of CDC chapters 60 (Conditional Use Permit), 55 (Design Review), and 57 (WCFs). N/A is not an acceptable response to the approval criteria. In addition to the criteria listed in 55.090 for the Class I Design Review application, the applicant should respond to CDC 55.100(A)(10) regarding Chapter 54 Landscaping, since landscaping improvements are to be proposed as part of the application.

Particular submittal requirements may be waived, but the applicant must first identify the specific submittal requirement, request in letter form that it be waived by the Planning Director, and must identify the specific grounds for that waiver. Prepare the application and submit to the Planning Department with deposit fees.

The deposit fee is \$3,650 for Conditional Use Permit and \$850 for Class I Design Review.

The City has 30 days to determine if the application is complete or not. Most applications are initially incomplete, usually due to inadequate responses to approval criteria or lack of sufficient engineering information on the drawings. The applicant has 180 days to make it complete, although usually it is complete within three months of the original submittal. Once complete, the City has 120 days to exhaust all local review and appeals. Staff will schedule the Planning Commission hearing about 4-6 weeks after completeness determination. In the event of an appeal, the review body is the City Council. Subsequent appeals go to LUBA.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed.

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