

GLADSTONE PLANNING COMMISSION MEETING MINUTES of January 20, 2015

Meeting was called to order at 7:00 PM.

ROLL CALL:

The following city officials answered roll call: Commissioner Kirk Stempel; Commissioner Les Poole; Commissioner Kevin Johnson; and Chairperson Tammy Stempel

ABSENT:

Commissioner Michele Kremers; Elliott Veazey

STAFF:

Jolene Morishita, Assistant City Administrator; Heather Martin, City Attorney; Clay Glasgow, City Planner; Scott Tabor, Public Works Supervisor; Mike Funk, Fire Marshall

SWEARING IN OF NEW PLANNING COMMISSIONERS:

Assistant City Administrator Jolene Morishita administered the Oath of Office to Planning Commissioner Les Poole and Commissioner Malachi de AElfweald. They did so swear. Commissioner Poole and Commissioner de AElfweald were seated on the panel.

Chairperson Stempel read and reviewed the Duties of the Planning Commission.

CORRESPONDENCE:

None

CONSENT AGENDA:

1. Minutes of October 21, 2014.

Commissioner Kirk Stempel made the motion to approve the minutes from October 21, 2014. Commissioner Johnson seconded the motion. Yes: 4; No: 0; Abstain: 1.

2. Resignation Letter from commissioner Steve Johnson (a verbal resignation was received by the City Administrator for Pat McMahan)

REGULAR AGENDA:

3. Appoint a Member of the Planning Commission to Serve as a Planning Commission Representative on the Park & Recreation Board: Commission Chair Stempel appointed Commissioner Les Poole as the Planning Commission representative on the Park & Recreation Board.
4. Public Hearing: Z0435-14-PDR. Co-Locate Wireless Communication Antenna On Existing PGE Utility Pole in the Right-of-Way for Portland Avenue (Extend Pole Height From 60' to 80'.) Ground-Mounted Equipment Boxes to be Located on Adjacent Private Property. The Subject Property is at and in Front of 725 Portland Avenue.

Commission Chair Stempel – The time is 7:08 pm.

The procedure we would like to follow is; planning department report; applicant testimony; proponent testimony; opponent testimony; applicant rebuttal; decision to continue or close the hearing; planning commission discussion and decision. Does any commission member wish to disqualify himself or herself for any personal or financial interest in this matter before us tonight, or does any commission member want to report any significant ex parte or pre-hearing contact? Please indicate if you've visited the site in connection with the application. Commissioner Poole – I have not. Members having visited the site: Commissioner Johnson, Commissioner Kirk Stempel. Commission Chair Stempel – I work for a company called Adapt Engineering that does environmental and engineering consulting for the telecommunications market. We work for every major carrier and Verizon happens to be one of them. Normally for Verizon we work on raw land, we site build sites so this isn't one we would normally do any work on at all and I had never heard of this site before this application and I know our company will not be doing anything on it. I don't think it will sway my decision on it at all. Does any member of the audience wish to challenge the right of any commission member to hear this matter? None. Is there any member of the audience who wishes to question the jurisdiction of this body to act on behalf of the City Council of this matter? None.

Oregon Land Use laws require that all issues be raised if the issues are to be appealed. Failure to raise the issues at this hearing may invalidate their further appeal to the Land Use Board of appeals also called LUBA. Any party has the right to request a continuance to this hearing or any alternative to have the right to be left open for seven days. Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the commission to respond to the issue will preclude an action for damages in Circuit Court. If you're going to testify, please try to address the applicable criteria. Will the staff please present the report?

Clay Glasgow, City Planner - I work mostly with the County but work with some of the City's like Gladstone. This is an application for what's called a co-location. The proposal is to locate antenna on a power pole along Portland Avenue, it's about two blocks north of here on the same side of the street, and they want to extend the height of that pole by 20 feet and they want to add an antenna towards the top of it. The ground mounted equipment cabinets that you see with cell facilities, will be on private property adjacent to the east, where there is currently a residence on that property. Going up and down Portland Avenue, it's mixed use of residential and commercial property, sometimes both on the same property. The private property portion of this is on C2, community commercial, and the use that's proposed is allowed outright in the C2 zone, subject to Planning Director review. I opted to bring this to public hearing simply because cell towers usually bring out some questions and I thought this would be a better venue for it rather than just doing it by staff, it might eliminate an appeal if nothing else. I went through the staff report and the attachments, the site plans and the maps, I went through the code criteria to apply to this use and I found that this proposal meets all of the criteria for approval. Both for the co-locate and the ground mounted equipment on the private

property. I did have a question about some of the screening on the ground mounted boxes, regarding landscaping.

I received one telephone call about this asking some questions and I believe that person is in the audience. I also received one email listing concerns, and I will go through them quickly. The proposed structures do not appear to have any setbacks; concern regarding the separation between the cellular equipment and the power lines; the three upper lines are from the old trolley and are 115,000 volts so don't ever touch that; 20 feet additional height; power radio frequencies relative to the frequencies being bounced off these antenna and other emergency services radio. I believe this person is in the audience and can expand on that further. This is a co-locate and I think it's a little bit new for Gladstone, you have one tower on the other side on the big road of I-205 that's kind of hidden in the trees, but this type of co-locations is not new, but it's new for you folks. I've seen these things hidden in church steeples, I've seen them made to look like fir trees or cactus, and the goal of co-locating is to avoid the need to put up another big tower. You use some existing tall feature, in this case a power pole with 20 feet added to it, is going to be tall enough, it is amongst a line of other poles, so from that standpoint, visually, yes you are going to see it, it's going to look different, but frankly it's going to be much less of an impact than a standalone cell tower.

Do you have any questions? Commissioner de AElfweald – I do have one question. There was a comment about an application having being submitted to PGE, was there any response from PGE? Clay Glasgow, City Planner – Not to me, the applicant should be able to respond to that. Your code does react very well to this kind of proposal. There's language in there that, me and City Attorney David Doughman did discuss it and your code seems to be just waiting for this type of application to come in. It is provided for, frankly and I believe the philosophy or intent of that is to avoid new monopole towers popping up all over the place, when we can use existing high things to put these antenna on.

Mike Funk, Fire Marshal for City of Gladstone – I am not an expert on this but I do have some concerns. I am concerned that many in the city are going to think that is an inappropriate eye sore on Portland Avenue area. My biggest concern is, and I got some feedback from PGE on this, we don't have ordinary electrical lines on the tops of our power poles, we have 115,000 volt lines on the three upper lines and I'm concerned about the higher voltage. I've learned a little bit since then, these cell phone carriers are on very large transmission lines going across some spaces and there are rules and regulations for how far they are from the lines. Public safety uses the 800 MHz (megahertz) radio frequency (RF) range and I know that there are cell companies that also operate at or very close to the range. I didn't know how this would affect having a tower right here on Portland Avenue, so close to where all of our police and fire run. It looked like they were talking about compliance regulations with emissions and RF interference and I'm trying to separate what it is with the safety of the people, to what the FCC, and making sure it's not interfering with the public safety frequency. With the rep here I'm sure they can explain it a lot better but as the Fire Marshal I had to bring that up as a concern for our public safety agency. Is it reasonable to request an actual testing, there is stuff in here that

says that we go by these guidelines, and maybe that means that they don't have to test or prove to anybody and they just go by their guidelines. I definitely want to make sure our interests are protected here, especially as it relates to that. I don't think it's a good fit on Portland Avenue, but that's a personal opinion. I want to make that very clear, it is not from the fire department, although I made a mistake when I put that in the fire department report. And really, it is inappropriate, that is my personal opinion and that should not be in this report. My concerns about the radio interference is appropriate.

Jacob Hamilton, Verizon Representative I'll get right to addressing the concerns the Fire Marshal had. 1. With frequency and interference, we have a dedicated frequency and literally thousands of these throughout the country, right next to and on top of police stations and fire stations. I think we're at the 1,900 AWS (Advanced Wireless Services) frequency and 800 for LTE (Long Term Evolution). I can get back to you with the exact specific frequencies, sometimes it's hard to determine, it's within a range, its completely dedicated and licensed, this isn't like microwave gear which sometimes operates on an unlicensed frequency. It's completely dedicated, there's never had any problems with interference before so as far as testing or not, it's hard to test something that we really don't believe is present. I'm not quite sure how you would do a test for before and after, other than a frequency test. It would be up to, I guess, the fire department or police department if they felt it was like there was some interference and there were concerns post construction after we are on air, and certainly, we would take extremely seriously. Verizon is not here to interfere with public safety in any capacity, obviously. The aesthetics is obviously a very big one anytime we do a presentation, anytime any type of tower is coming into any neighborhood. With this specific type of site and this specific location, we decided against a new tower, and there are locations, theoretically the parking lots that are in the commercial zone that could qualify but we felt, from a code perspective and overall aesthetics perspective, this location is best. It's an existing 60 foot tower, there is a fairly substantial existing tree right there that is about 60 to 65 feet and the way the antennas are positioned above that, will actually be fairly hidden from down below, unless you get to the north or south. The way we've mounted these antennas, we didn't opt for a traditional 12 antenna, 10 foot arm platform or T arm type of build. If you look at any other cell tower you would see what I'm talking about, it's where you have three sectors with an arm that comes out 10 foot and you have four antenna on each of the three sectors. For this we actually went down to a 14 inch arm, so it's three 14 inch arms with two antenna mounted on those, so your overall profile is really close to the pole, which from the aesthetic perspective really matters, as far as the bulk and the scale. So I think we've done everything we can, I wouldn't say aesthetically pleasing, to blend in with the environment as much as possible. We do these in Portland all along, in what would be considered the expensive parts of Portland. They're on high transmission poles and it's favored in virtually every code I've ever worked in. We have an existing agreement with PGE, it's a MLA (Master License Agreement) for us to use poles as a preferred spot.

Questions from the commission:

Commissioner de AElfweald – You had mentioned in the paperwork that you had submitted the plans to PGE. Jacob Hamilton, a Representative for Verizon – They have, I

work with Jim Carver at PGE, he handles most of our applications. I need to revise my existing drawings based on this meeting and provide him the spec sheets. They do it more from the structural perspective, so they still honor all of the code requirements in the local jurisdiction. The way it works is we submit an application to PGE, they come back and ask us about the specifics of the equipment from the loading perspective, and then we give them cut sheets for every single piece of equipment down to the cables that are used, antennas, then they get a pole ordered. They do a structural analysis before this to determine what type of pole would work best, which is generally a galvanized steel pole that they would replace the existing wood pole with, then they order the pole. They do all the work so they can have complete control over all sites in their right-of-way and Verizon pays them to do the work. Commissioner Kirk Stempel – Why there? Jacob Hamilton, Verizon Representative – Our search ring is about four blocks long, it starts about two blocks south of there, and ends about two blocks north of there. There are very few poles that have the ability to provide equipment also, because we want the equipment area associated with tower that powers it to be hidden and placed in an appropriate spot where it's not visible. There's a large tree right there that already blocks it from a visual perspective, it had the most natural screening within the search ring. There are a million statics out there if you want them, the search rings are small because it's all based on the number of cell phones, usage and capacity. The capacity is there and it affects all of our usage, posting, Instagram, Facebook, even texting and calling. It's an expensive site and Verizon is doing it here because the number shows the lack of capacity that requires another site to boost the capacity here and provide the subscribers with a better experience. Which is mostly people of Gladstone. This isn't a high traffic area, often times it's to allow those traveling down a highway or interstate and going through the area to have coverage and this is centered on the residences and businesses in Gladstone.

Commission Chair Stempel – I have a question, you probably aren't aware of our Portland Avenue redevelopment plan that was done in 2009, which is a vision of our downtown core and what we want it to be. It was paid for by Oregon Department of Transportation (ODOT) and was really well received. So we have a vision of what our downtown core is going to be. And as part of that redevelopment plan they did a historic eligible or listed historic property survey of the Portland Avenue core, and there are quite a few properties that, if not listed, are at least eligible. So I have a concern with the cell tower being put there with all of these eligible properties and whether the state historic preservation office would even allow it. So have you done the due diligence there? Jacob Hamilton, Verizon Representative – We did due diligence and we did the normal and we did hire someone to do the historical study, they are still at phase one, ongoing and we are still involved in the State Historic Preservation Office (SHPO) but it hasn't come back yet to my knowledge. Commission Chair Stempel – So there may be mitigation requirements? Jacob Hamilton, Verizon Representative – It could be, you know how those things work, we'll do the section 106 if we have to. They usually catch things that are eligible, that is usually on the report. Commission Chair Stempel – I was surprised at how many we had, I knew we were a pretty historic little city but I didn't realize just how many structures would qualify. There were quite a few residences as well. Jacob Hamilton, Verizon Representative – Again we will doing all of the proper filings, doing the SHPO section 106 report as needed. As you know we can't get avoid that.

Commission Chair Stempel – That’s why I was surprised that if that had been started, that a red flag hadn’t come up. Jacob Hamilton, Verizon Representative – Started but not complete. We still have a little bit of time left, particularly on the PGE side. Clay Glasgow, City Planner – I worked for the SHPO for many years doing inventory for Clackamas County. It did cross my mind and I did consider the Hendrickson property itself and that’s not going to be eligible for anything. This is in a right-of-way and the only possible thing that may come up might be archeological, maybe somebody finds a burial ground or a campground there from a long time ago. That’s something we simply can’t know at this time until it’s done. Regardless, what they are doing on the Hendrickson property will not be impacting anything that is SHPO eligible or anything, even if it was designated, the house and property by the SHPO it’s a state registry that is really just that, frankly, a registry and you need to be on the nation registry before it really start limiting things. If it’s in the right-of-way, and for some reason that exists and the pole is sitting on some significant cultural resource, it shouldn’t be there anyway and it will have to be moved. Commission Chair Stempel – SHPO will even stop things when there is a visual impact on properties that are eligible, it isn’t just the Hawthorne house or the McLoughlin House, it goes beyond that and I just want to make sure that that’s a part of this and being covered.

Clay Glasgow, City Planner – What color are you going to paint this thing, I’m sure you’re not just adding to the top of the existing pole? Jacob Hamilton, Verizon Representative – It will be a new galvanized steel pole. Commission Chair Stempel – Is there anything you guys have done to make something more stealth? I’m asking because I’m sure every neighborhood and every place you put these are concerned about how it looks, and with us, Portland Avenue has the potential to really be something for us and whatever can be done to make it more stealth would be greatly appreciated. I don’t know if there is anything else. Jacob Hamilton, Verizon Representative – We can paint it brown so it blends in with the other poles. It may cost a little bit more but I don’t think that would be a deal breaker with Verizon. The other thing we can do is, particularly on a utility pole, what we’ve done by not putting in a traditional sector is, per code, we’re were allowed to put up a 12 antenna, large sectored type of build but we didn’t, we scaled it down. We’ve done these before and I know, some other PGE places anyway, mandate how it’s allowed to be attached to the pole, so we went with a much smaller profile to where it’s two feet from the pole, which in my experience does matter quite significantly, particularly from an aesthetic perspective, and again with the natural screening. Anything you try to do, adding a cone or anything there, which in our experience, just adds bulk and adds more visual blight. With a slim line build like this and you paint it to match. Commission Chair Stempel – For me, for some reason, when I was looking at the cut away it just looked like it was farther away from the pole. Commissioner Johnson – So is there one of these slim line towers close by? Jacob Hamilton, Verizon Representative – There are some in Portland, I live in Portland so I’m a bit biased there, and not that it’s a better place, just about knowing more about the towers. I know on Glisan, in the northeast, there’s a couple of them, if you go down Division, between I-205 and 39th or Cesar Chavez there are a couple of them and those are high transmission poles that are similar. After technology changes and then per carrier, the configurations all look a little bit different. There’s T-Mobile and Clear Wire, what they did, at least years ago, they

attached the equipment right to the pole, they go 20 or 30 feet up and have pretty substantial boxes, and this won't have anything like that. The equipment will be hidden away, it will be just the extended pole and the antennas and the cabling runs interior to the actual pole and then would pop out underground so you wouldn't see any cabling either.

Commission Chair Stempel – So the screening was something that wasn't part of your report that we need to talk about. Clay Glasgow, City Planner – So it showed ground mounted equipment on the private property, your showing it landscaped on the south and the west and then a six foot fence on the other two sides. You've got some boxes showing about seven feet tall, so I wasn't sure if you wanted to make the fence a couple of feet taller or add some vegetation.

Commission Chair Stempel – Now is the time for public testimony. Please approach the podium, state your name and address. We will first hear testimony from proponents, those in favor, and those that support the application, then we will hear from the opponents. Would proponents like to come up and address the commission? None came forward.

Commission Chair Stempel – Are there any opponents?

David Catto, 130 E. Fairfield Street, Gladstone – I am the property 11 on the diagram and the property directly to the east of this proposal. We have a few concerns, and I'm not speaking for the rest of my neighbors at all, with the aesthetics you have been talking about directly out of my back yard, where we spend a lot of time in the summer, would be right where that tower is, behind the tree. I agree it doesn't fit the aesthetics of Portland Avenue. My family has lived in Gladstone since the 1880's, my great grandfather built the house on the property where the tower is going in, as well as the house I live in. And probably 20 houses here in Gladstone, we've been here a long time. This doesn't fit in the Gladstone area in my opinion. But more importantly, the area that they have to get into to put in the cabinets and the generator, is a 12 foot span from the back of the existing house and my house, right to the wall, 12 feet. That's how they're going to get in and out to do all of their construction while this goes on. And also, by the diagram you see there, they're proposing putting in a generator up against our back fence, which is literally 15 feet from my bedroom. I understand that it will only run when we have a power outage. I work a lot of off shifts. I don't work 8 am to 5 pm and most of my neighbors don't either. We are sleeping during the day, we're raising children in that area. And that generator, even if it only runs occasionally, is going to run, or it is going to have to be tested from time to time to make sure that it runs. That is really not a nice thing to have in our neighborhood. Those are my main concerns. We have power surges here in Gladstone, if you live here you know all about that. It is going to be an ongoing problem for those of us that live directly around this proposal. These are concerns I have and many of my neighbors have and I hope you would take that into consideration too.

Everett White, 150 E. Fairfield Street, Gladstone – I agree with David, I've lived here for almost 19 years. Our street loses power constantly during the winter time. So I'm not sure

what grid that generator is going to be on, because the way the grids work here is really strange. We lose power a minimum of three to four times a year on our street so that's a concern with that generator running. I also work off hours and different days. The biggest concern I have is this is for one entity, Verizon cell phone users, it doesn't benefit the whole neighborhood, only one group of people. So if you have AT&T the cell service is horrible, so are we going to allow cell phone towers for all different carriers, so we have them popping up everywhere and many generators? There are other places that are better for things like that where there is noise going on all the time, they shouldn't be going in a neighborhood, especially not 15 feet from someone's bedroom window.

Philip Jaeger, 140 E. Fairfield Street, Gladstone – I am number 12 on the diagram. If they're going to replace that pole, they should be able to find an industrial location to put it in, as opposed to a residential location. There's going to be a lot of noise from the generator. It doesn't feel like it's going to be a very good fit for the residential area. And if we're trying to beautify the downtown Gladstone, I don't think a large silver tower is going to be appropriate for the aesthetics of the area. He was talking about how all of the components will be close to the pole, but who's to say they aren't going to add on to different parts onto the pole in the future and make it look like a large boxy look or whatever. They may be adding parts on in a year and we'd have no control over that.

Levi Mancelle, 129 E. Fairfield Street, Gladstone – I am directly across the street from the property where the proposed tower would go. I'm concerned about a plethora of issues, not just the aesthetics or that it will be an eye sore, or not just the noise pollution and air pollution caused by a diesel generator, I'm concerned about grumpy neighbors too. But in all reality, I'm more concerned about the property value of my home that I bought about 10 years ago I've put money into it. I know, in terms of, if the market is hot it's easy to sell, if the market is low it's very difficult to sell. It's going to be much more difficult to sell with a cell tower directly across the street. I don't think it's going to do anything for the value of Portland Avenue or Fairfield, or any of the local properties. I also have concerns about the RF energy, in terms of RF, those waves they are longer waves so they will heat up tissue but not cause your DNA chemical bonds to breakdown and deteriorate. It's not proven that it can cause cancer, but there haven't been a lot of studies done of the health concerns of RF. When it comes to technologies progressively, every single year exponentially multiplying, in terms of capabilities. What generally happens is you take a 700 or 800 MHz transmission you end up doubling it to 1700 or 2100 MHz to get more data transmitted over a faster frequency. The problem is it doesn't have quite the range of a longer wave, so you have to add in more and more towers. If you open up Pandora's Box to Verizon, what's to stop T-Mobile, AT&T, Sprint, and all the other carries that could enter the market? Verizon, whether they're an ILEC (incumbent local exchange carrier) or operating under FCC rules, so they're looking for a new location or co-location, regardless, this is an area that is mostly residential, the house where this proposed tower would be was a residence that was converted to a commercial building. It still looks like a house, they're meetings like Narcotics Anonymous and Alcoholics Anonymous, multiple times a week there. They do weddings, they do just about anything to make a buck. I just don't agree with one more thing going in and causing property valuation issues. There's also an elementary school a half a block away

from where I live and there are hundreds of kids that go there. There have been many other cell towers proposed in other areas near elementary schools and because of the potential health hazards they've been shot down. The international agency for research on cancer classified RF as possibly carcinogenic to humans and the Environmental Protection Agency (EPA) has even agreed that high levels of RF from cell towers is dangerous. So when in close contact or in the immediate area it can cause health issues. The other concern is that this isn't a 200 foot tower, it's a 73 or 78 foot tower which is closer to the ground which could potentially cause more health concerns in terms of how close it is to me and my children and wife and my pets. Not to mention my neighbors, so I strongly encourage you not to approve this, to do everything that you can to prevent this cell tower from going in. It would deteriorate my neighborhood, it would deteriorate my property value and potentially my children.

Commission Chair Stempel – No one else? Now is the time for applicant rebuttal.

Jacob Hamilton, Verizon Representative – The comments are certainly ones that have all been heard before. They are very legitimate concerns. We understand that anytime a big company comes into a nice neighborhood and wants to provide coverage, they often see it as something they don't want. It's a C2 zone and I know there are residences, it's a nice commercial area, but it is a commercial zone, that's favored for wireless use. It's commercial behind where it's proposed, it's commercial across the street, and those areas where it is specifically zoned commercial. The build that we've chosen, the pole that we've chosen, are the least intrusive means of providing coverage, which is an essential element to providing coverage. It's a co-location, which is a much better than a standalone wireless facility, it's a slim line design. Every measure has been done to make sure this is the most compatible design possible for this area. Property value has come up before and there has never been any credible evidence that has ever suggested that wireless facilities actually degrade the property values. Many have tried and there's a lot of arguments for that, it's been brought up many a time, and I've been involved with many of those projects and there've been many studies on both sides and nothing has ever been proven and I can't really make a comment about that anyway, one way or the other. As far as emissions go, from the RF standpoint, that is regulated by the Telecommunications Act of 1996 and the Federal Communications Commission (FCC). Local jurisdictions, and correct me if I'm wrong, the regulating authority has to do with whether or not it does comply or it doesn't. We've submitted a non-ionized emission report that shows that the site is very clearly passing. Commission Chair Stempel – And that's the Hatfield and Dawson report? Jacob Hamilton, Verizon Representative – That is correct. And from the least intrusive means test, I think per the code, most importantly, this complies very strictly with the code, it's exactly what a co-location entails if you read the code and what would be favored by the code. We've chosen a sight that complies with the code, and I would respectfully request that the Planning Commission would consider that.

Questions from the commission:

Commissioner de AElfweald – One of the people brought up how it would get used just by Verizon. Is the facility you are proposing building a Verizon only or would other

competitors be able to use it as well? Jacob Hamilton, Verizon Representative – It is Verizon only, PGE only allows one carrier per pole. As far as what the other carries would do, I can't speak on their behalf. For competitive reasons it's probably a good thing overall, that's for everyone individually to judge.

Commission Chair Stempel – At this point we need to decide if we want to close the public hearing or continue it to a date certain.

Commissioner Johnson made the motion to close the public hearing. Commissioner Kirk Stempel seconded the motion. Motion passed unanimously.

Commission Chair Stempel – I have a question for Clay. If there's co-location, if there's any potential for co-location on that or any other tower, that has to come before the planning commission correct? Clay Glasgow, City Planner – Yes. Commission Chair Stempel – On this one no, it's not going to happen, but I'm thinking in the bigger picture? Clay Glasgow, City Planner – In fact, when we work on the code review, we're going to put stronger language in regarding a requirement for co-location. In unincorporated Clackamas County if you were to come in with a proposal to put in a new antenna, you would first have to show you could not put that on an existing pole regardless of who owns it. It's because of the proliferation of poles, those days are over. Commission Chair Stempel – Ok, that's what I thought, I just wanted to clarify that.

Commissioner Johnson – So it would appear to me that we really aren't going to have a choice but to approve this, so my comments are that we should do all we can to make it more aesthetically pleasing. Commission Chair Stempel – So we can put in a requirement that it be painted brown for example. Clay Glasgow, City Planner – There are a lot of things you can do but if you're talking about the pole, don't do anything but brown, it's been tried.

Commissioner de AElfweald – There were several comments about the noise of the generator, is there anything we can do to reduce the noise level? Commission Chair Stempel – I think vegetative screening is more effective than a chain link fence so we can add something like that. Commissioner Johnson – Or can they be put in some sort of structure? It would only have to be big enough for the generator. Jacob Hamilton, Verizon Representative – It will be inside the equipment structure with soundproofing. Commissioner Johnson – Could the generator be moved away from that fence and be moved to the other side of the closure area? Jacob Hamilton, Verizon Representative – It will be inside the equipment structure with soundproofing. Commissioner Johnson – So I assume it runs for about 15 minutes or so? Jacob Hamilton, Verizon Representative – Only in emergencies. Commissioner Johnson – So it doesn't run to make sure it runs? Jacob Hamilton, Verizon Representative – I'll have to check on that. But it is only there for emergencies. Commissioner Kirk Stempel – Right, but I think most of them are on a timer to start up and run for 10 to 15 minutes. Jacob Hamilton, Verizon Representative – I can find out what that is. I think it is diesel, you have to have a blast zone if you use propane. Commissioner Johnson – So we think we can move the generator to a different part of the site. Require additional screening to buffer it even more. Commission Chair

Stempel – And any co-location, not on this one, but we know that any co-location will have to come before the planning commission. Commissioner de AElfweald – To address Fire Marshal, Mike Funk's concern about the possible interference, I would recommend that they do their test after construction so that anything could be addressed as soon as possible. Commission Chair Stempel – There was a Hatfield and Dawson report included and it seemed very thorough to me and it seemed like if there was any interference that showed up they would be addressed immediately. I have worked on the Clackamas County 800 MHz towers, as part of the paperwork process, and I haven't come across any trouble with any of it.

Commissioner Poole – What is the decibel level of a typical generator for the one that would be installed? I've done some work in the past in the west hills where we were able to muffle or actually change the exhaust system slightly on a generator in the direction you point the exhaust and in how well you enclose that, as you probably know. All of those factors should be considered because if this thing goes in, we have to do everything we can to make it as quiet as possible, and not having the exhaust pointing at anyone's window.

Commission Chair Stempel – I know there was some concern about RF and cancer causing and the health ramifications from this kind of a tower and the last time we had a tower come before us I was very, very concerned about that. And as I mentioned, I work with a company that does cell towers and it's not something I had ever had to look into before. My degrees are in chemistry and environmental studies so I'm not ignorant when it comes to potential, and I had found a really good report from the World Health Organization on this and I came away from reading that report feeling much better about it. I did a lot of digging and made a lot of phone calls to try and find something to prove to me that this is as dangerous as some people were saying and I personally couldn't find anything to support that. Everything I found was very subjective and I'm very analytical and I wanted hard facts and I couldn't find those hard facts. That doesn't mean I'm not concerned, I'm obviously very concerned about it.

Commissioner Kirk Stempel – It would have been nice if there had seen an elevation of the equipment cabinets, because that just doesn't show me what I would like to see. Also an actual picture of the antenna itself, setup would have been nice to see because this elevation just really doesn't do it. My concern is the information you found. Commission Chair Stempel – They're doing their due diligence, it is part of the process. But if they find something that is a red flag, then it has to be dealt with. Other towers where there has been stuff they've had to do mitigation, they had to do something to offset the impact or had to change it completely. It isn't something that gets brushed under the rug, SHPO not going to allow that to happen if it is truly an issue. Commissioner Kirk Stempel – We've had too many things get brushed under the rug. Commission Chair Stempel – This couldn't be brushed under the rug, it's regulated by the FCC, and it is their requirement, it is not something that would be just ignored. Commissioner Poole – I'm visualizing, because there's a certain amount of infrastructure we're going to have to deal with and change is never fun. I've had a lot of it in my neighborhood, at one point they parked a prison near my house in Wilsonville, and believe me, the spotlights from those towers in

your face are not pretty. We as a Planning Commission have to make a decision based on codes and zoning and obviously, we have to take your input and do everything we can, so if this thing does come and makes it to fruition, to where you're not disregarded, and you get the noisiest, cheapest generator, you get the least in coverage, you don't even get any paint on it. So I'm not going to take this thing lightly and it does sound like there is some diligence and some things that need to come together first, but I also hope you all realize that as a Planning Commission I can't just make a decision based on what I would like for my neighbors or what would be convenient, I hope you understand that.

Female audience member – But what we don't understand is that if it follows the ordinance then this was really for nothing. Commission Chair Stempel – No we still have some leeway on what we can require. Female Audience member – But you can't say it's not going to happen. Commission Chair Stempel – Not if it's an allowed use in our commercial zone. There are times we wish that weren't the case. Male Audience member – So if the land owner wouldn't allow the cabinet, it wouldn't go in, correct? Female Audience member – He's making money off of it. Commission Chair Stempel – That's not the issue. Female Audience member – If it's going to require a new pole then why does it have to go in there? Commission Chair Stempel – PGE has set places where they put their poles, so if it's not that pole, it's going to be another PGE pole. And like he said, their search rings are four blocks. That means it went from a quarter of a mile to four blocks. They have to saturate the areas because so many people are using cell phones, that's just the way this works. Male Audience member – So if it's a four block ring, why can't they do it at the Clackamas County voting office right down the street. It's a vacant lot, nobody is using the building. Commissioner Johnson – I'm not sure there is a pole there. Commission Chair Stempel – Is there a place to put the cabinets, it's a parking lot, I mean who knows. This happens to be the one before us. A male audience member – We have enough problems we have to deal with, with that property and now this is just one more we're going to have to deal with now. A male audience member – Either way, it's not directly benefitting any of us right now. Commission Chair Stempel – I'm sure the people who have Verizon will appreciate it, unfortunately. This wasn't our call on where this was placed, this is what comes before us, and we have to look at it the parameter of our codes and ordinances and what we can do to make it better for our community within those codes and ordinances. A male audience member – I have one more question, you said that anyone within 250 feet of the tower would get a notice, but that's not true. I didn't get one, the people down the street didn't get one, and the guy right across the property didn't get one. Clay Glasgow, City Planner – I've got a list of everyone who got sent one. I didn't hand deliver these of course, but I've got a set of duplicate labels to be used to send out whatever decision happens here, which is appealable by-the-way. I've got a mailing list that was generated by the computer. A male audience member – Is there a way of reviewing the city ordinances? Commission Chair Stempel – They are all online on the city website. A male audience member – No, I mean the council reviewing and possibly updating the codes and ordinances? Commission Chair Stempel – You mean changing the codes and ordinances? Actually, I know this is out of turn and I'm sorry for everyone's time, but we are just starting the process of reviewing all of our codes and ordinances as a Planning Commission. So it would have been a perfect time for people to apply for Planning Commission because this is going to be a lot of fun in the next year.

But yes, we are in the beginnings of revamping the whole thing. It hasn't been done for a very long time, like the 70s or 80s. But for now, this is what we have, unfortunately.

Commissioner Johnson – So we're concerned about the looks of everything, what's on the pole and the equipment, and we're concerned about the noise, and the operation of the generator. So my question is, can we get more detail, pictures, specifications, whatever else they can provide us and hold the decision over till next month? Clay Glasgow, City Planner – Yes that is certainly within your purview. My only concern in holding it over, and it wouldn't be on this one but it would ultimately be that you do have a clock, so in order to have the time for the final decision, you have to leave enough time for an appeal, and to get that decision out is 120 days and we're well within that. I got this here pretty quick. And yes, there is time for you to put this ahead for a month to gather additional information.

Commission Chair Stempel – What exactly do we you want?

Answers: Commissioner Johnson - I think Commissioner Kirk Stempel's idea on a photo simulation of what the pole is going to look like. A picture and specifications of the generator and possibly a new location. Jacob Hamilton, Verizon Representative – I can get you a photo simulation. Commissioner Johnson - More vegetation for screening, like a green wall screening, and sound buffer. Scott Tabor, Public Works Supervisor – Decibel level at operation level. Commissioner de AElfweald – Specifically of the whisper one you mentioned. Commission Chair Stempel – Ok we're writing this down so, photo simulation; generator specifications and relocation; screening; the color. Are you going to be able to put all of that together in time for next month's meeting on February 17th? Jacob Hamilton, Verizon Representative – Yes.

Commissioner Johnson made the motion to hold over Z0435-14-C awaiting further information and we will review February 17th, 2015. Commissioner de AElfweald seconded the motion. Motion passed unanimously.

Commission Chair Stempel – Do we need to send him a list of all of the things we are asking for? Clay Glasgow, City Planner – We just did, but I will send that in the morning.

Mike Funk, Fire Marshal – For all of the concerned citizens who testified, is there another opportunity to for them to give input? If not the opportunity, can they submit their concerns in writing for the record? Commission Chair Stempel – How do we do that, do we reopen the public hearing? City Attorney Martin – If you want additional information from the applicant you can ask them to present that information. So do we reopen the hearing or do we just continue it for the specific information? City Attorney Martin – At the next meeting? Commission Chair Stempel – Yes. City Attorney Martin – You can reopen the public at the next meeting and basically make sure you consider the additional information. Commission Chair Stempel – So we would reopen it to consider the additional information from the applicant. If someone submitted letters, email, would that then be considered? City Attorney Martin – It should all be considered, any additional information should be considered. Commission Chair Stempel – Ok, so correspondence would be brought in and the additional information from the applicant.

But I would encourage you all to look at the codes and ordinances closely. And if you are going to send us something, address those codes and ordinances, it would be very helpful. Thank you!

5. Public Hearing: Z0442-14-SS. Subdivide Property Into Five (5) Lot, One For the Existing Residential Use and the Others For Future Use. Subject Property is Zoned R-7.2, Single-Family Residential and Located at 320 Beverly Lane, Between Harvard Avenue and Amonson Court.

Commission Chair Stempel - The existing property is approximately 50,000 square feet in size (1.12 acres). Proposed lot sizes range from approximately 8,000 square feet to over 10,000 square feet. Will the staff please present the report?

Clay Glasgow, City Planner – This is something you folks don't get to see very often, it's for a subdivision. Gladstone is the most plattable city I've ever seen because it's old, it's been around for a long time. There aren't many pieces left to subdivide, this is one of them. It's on Beverly Lane, I just handed out a kind of a location thing for you, and it's an aerial view. It's about an acre and a tenth. As you can tell from the aerial view it's off to the northeast of the high school, between Harvard and Amonson Court. It's zoned R7.2, single family residential. It is planned for residential use and has a house on it. This proposal involves dividing the property into five new lots, one to include the existing house, the rest of them for future residential use. This is a single family residential area and would not be available for duplexes because Beverly is not collective or higher classification. The potential is for four additional houses on these four new vacant lots. I went through the approval criteria as I always do and came up with finding here and there. The most interesting thing here, from an infrastructure standpoint would be that it would require finishing Amonson Court. Half of it was constructed because of what was on the east side of it and now the other half. The only question I would have is if sidewalks would be required on both sides, we can talk about that. We had frontage improvements along Beverly. I think you're going to be hard pressed to justify frontage improvements along Harvard just from a Dolan standpoint, but we could talk about that also. Otherwise you basically have a piece of ground here that has been waiting to divide. It is in now to divide. I recommend approval on this or if I didn't I should have. I've got a variety of suggested conditions, we can certainly go through those. I sent comments out to the usual suspects. I got something from Gary Floyd, from Oak Lodge Sanitary, he has taken a look at this and sent me a map showing me where the existing lines are, how they'll work, and yes they'll work. The other thing, there's a little slope there but that can be dealt with. I believe those are the only comments I received, although Mr. Tabor as well as Mr. Tonkin can tell me if I'm wrong on that. I know that the applicant has or is talking with Scott Tabor, Public Works Supervisor regarding the roadway, sidewalk and surface water and we can talk about that. Any questions? Commission Chair Stempel – No. I kind of did this backwards. I need to do the little spiel where "does any commission member", I'm sorry, I did this backwards. We never do two things, it's always one so this is kind of a new thing for us.

Commission Chair Stempel – Does any commission member who wish to disqualify himself or herself for any personal or financial interest in this matter before us tonight, or does any commission member wish to report any significant ex parte or pre-hearing contact? None. Please indicate if you've visited the site in connection with the application. Members having visited the site: Commissioner Johnson, Commission Chair Stempel, Commissioner Kirk Stempel. Members not having visited the site: Commissioner Poole; Commissioner de AElfweald. Does any member of the audience wish to challenge the right of any commission member to hear this matter? None. Is there any member of the audience who wishes to question the jurisdiction of this body to act on behalf of the City Council of this matter? None.

Commission Chair Stempel – Now going back to where we were before. Any questions for Clay Glasgow, City Planner? Clay Glasgow, City Planner – This is actually a fairly straight forward application. Commissioner de AElfweald – One question, you said that we could discuss whether or not the sidewalks would be needed on both sides. I'm assuming there was a reason you were debating that? Clay Glasgow, City Planner – It comes from my background and what I do, my main job, I'm still sort of insurgent into the sustainability effort there and any opportunity to limit hard surface, is an opportunity worth thinking about as far as I'm concerned. You've got this tiny little cul-de-sac, and this is one where I would question, is it really necessary to have sidewalks on both sides? You know what I think but others might think otherwise. Commissioner de AElfweald – So you think a half circle would be sufficient? Clay Glasgow, City Planner – Yes, or just walking on the street, but that's just my opinion. Anytime you start lying down concrete, it has a lot of impact, so aside from creating storm water issues, you're also limiting filtration, there's just a variety of things going on there just putting in a sidewalk. With regards to Beverly, this is in the vicinity of the high school, I don't live in Gladstone, I'm a couple of blocks north, but I presume there's movement along Beverly before and after school. I don't know how many kids are in there and this might be an opportunity to get that a little bit safer and better for people. Commissioner Poole – I agree on the sidewalks, you could put a sidewalk on the middle of the street and one on each side and they still wouldn't use them. In an application like this, the more we can do to leave to mother nature and not just create more, and more, and more run off, and cost, frankly. I don't see a big return there. I don't believe there is, but is there any access to the high school on Harvard down there as far as drive access or just walking? Commission Chair Stempel – There is drive access. Commissioner Poole – I always come in from the front, because this sidewalk issue or safety of pedestrians on that street isn't going to be a dramatically affected by this but if there's something that needs to be done there to give them room walk that would be a concern. Clay Glasgow, City Planner – My only thought is you have to be able to justify requirements. Commissioner Poole – Right, and I intend to drive by tomorrow so I'm a little fresh on this one. Clay Glasgow, City Planner – Right, but from a safety of the traveling in this case, from a walking and biking public you can probably say that would be a good place to put a sidewalk. But whether or not the impact of this particular development is enough to justify it, that's what you have to consider. And what's happening, here is the map, there isn't going to be anything really happening here, it's all going to be here, so whether or not this property would benefit is enough from putting sidewalks in there is something you need to discuss amongst

yourselves and be able to justify it. But certainly the Beverly property would be justified. Commission Chair Stempel – We can talk about it a little later after we've heard the public testimony.

Scott Tabor, Public Works Supervisor – I have talked to Mr. Thompson before on site. We have all of our infrastructures in place for water, sewer, stormwater, there is a stormwater line and catch basin at the end of the existing court, or half court I should say, that goes out and then down towards Nelson Lane. My big concern would be the surface water runoff from the houses developed there. I'm not sure if he is going to build that area up that would be behind the curb but it slopes away from the curb on that one. I'm not sure we could get a gravity feed up to drain the houses out through a curb outlet into the street for surface water runoff. I would like to suggest that with our new master plans for surface water that we encourage the development of rain gardens in those areas so that we can absorb that water and disperse it in a timely manner. There is a lot of ground water movement through those areas. Commission Chair Stempel – Isn't there a wetland area there? Scott Tabor, Public Works Supervisor – If you go down around the corner there, of the older house on Harvard, you'll see a screen coming out there all year round. So development of those houses, I would highly encourage, I'm not sure I can demand the rain gardens in those housing developments, but I would highly encourage that any more development in the City of Gladstone, we will be eventually wanting those in as a requirement instead of just pushing it out to the street. Commission Chair Stempel – Can we do, like where the sidewalk would normally be on Amonson, can we say bio swales in lieu of sidewalks? Commissioner Johnson – You can't get the water to it. He's talking about roof water. Commission Chair Stempel – You can drain it into a bio swale. Scott Tabor, Public Works Supervisor – As long as we can get the perking out down into the ground basically, and eliminating it from getting into the street. Clay Glasgow, City Planner – Can I ask a question? Stormwater treatment, detention, retention, shall be design installed accordance with the criteria, outlined in City of Gladstone stormwater treatment and detention standards. Is that something that really exist? Scott Tabor, Public Works Supervisor – Yes, I believe it does. I'm not really good at it yet, I'm working on it. Clay Glasgow, City Planner – I've never seen it because it's not something I normally do. I'm presume that daylighting stormwater, whether you want to call it a rain garden, a swale or whatever you want to call it, is not prohibited? Scott Tabor, Public Works Supervisor – No, we want to encourage that. Commission Chair Stempel – That's why with the new codes and ordinances, I would love to have your feedback because I would love to have more of that written in. Scott Tabor, Public Works Supervisor – Our master plans for the surface water would be very beneficial for everybody to look at too, from the planning commission on that standpoint. Commission Chair Stempel – It's so important with our stormwater. Scott Tabor, Public Works Supervisor – That would be the only thing I have to add to this body right now would be the surface water on that. Everything else is in place. They would have to pay for water service of course, we would run those out to the new development on that. Commissioner Johnson – Are the utilities already in Amonson or just in Beverly? Scott Tabor, Public Works Supervisor – All of the utilities are surrounding that corner so we have it on Beverly and we have it on Amonson. Clay Glasgow, City Planner – The same thing with sanitary, it kind of

surrounds the property on even up Harvard. Commission Chair Stempel – It sounds like it's prepared.

Mike Funk, Fire Marshal – I apologize that I don't have some comments made and available for you, I missed this somehow. I had made some previous comments when I saw this come up and I want to say when it first surfaced about five years ago, and I had made some comments then. Briefly, all they were about the positioning on the houses on the lots. And it was my reminder to them when they complete the other half of the cul-de-sac, that from where the fire engine stops on the street, you need to be able to get within 150 feet around to the furthest corner of the house. So they can't build on, let's just say, lot three or lot four, by the depth of the lot they can't build their house all the way to the back of the lot and still meet the needs of my fire code. And I want them, as they go forward with the development of this to know and understand that. By fire code, all portions of the first floor of the building have to be within 150 feet where I can get my fire engine in. Commissioner de AElfweald – So that would be at the end of the court right? Mike Funk, Fire Marshal – Yes, would be within the curb line of the court. We don't run down people's driveway to meet that, it's from the curb line or the court. Or there's another whole new set of rules. Clay Glasgow, City Planner – But you would go up Amonson Court? Mike Funk, Fire Marshal – Absolutely! Yes sir, we would go all the way to the end of the turnaround there and the radius of the turnaround meets our requirements as well. That was one of the things, if it was to be developed any further, I think my comments were, to require the completion of that, which Scott Tabor, Public Works Supervisor has already taken care of, but we want the full 80 foot size cul-de-sac. My comments were to make sure that when we look at this as a subdivision, and the houses go in, we're able to meet that fire department requirement of 150 feet. Clay Glasgow, City Planner – So anything you can reach with your hose, so 150 feet is the magic number? Commission Chair Stempel – So can we just say must be compliant with fire and life safety requirements? Mike Funk, Fire Marshal – Absolutely! Clay Glasgow, City Planner – I would just as soon put a building envelope, there so it's sketched on there, then the words of the condition is there. Mike Funk, Fire Marshal – I've got a fire code guide that has a picture of that and I can send electronically to Clay Glasgow, City Planner if he wants to include that in there. Commission Chair Stempel – That would be great.

Commission Chair Stempel – Is the applicant or his representative present? Would you like to come forward and add anything to the staff report? Please state your name and address.

Jessey Cerghino, 13931 SE Matilda Drive, Milwaukie, Oregon 97267 – The only thing I wanted to add for Scott Tabor, Public Works Supervisor and Clay Glasgow, City Planner, who is probably familiar with them. Typically for the driveway or added asphalt, the runoff is controlled by going through bio swells, or some kind of cleaning before they go into the system. The houses runoff usually go into, like a soaker's trench, which allows the water to be dissipated into the ground from the house into its own lot slowly, to not add impact. So that's how Clackamas County has actually started having us do almost everything, rather than going into, over capacity storm systems. That would be the way I

would suggest because they do slope away, so getting it out to the street is not only difficult, but why add more water to your system when we can take care of it with an approved system through Clackamas County. Then just do swales for the driveways so you have very small impact of added asphalt water or added driveway water to those swales. I just wanted to mention that because of the concerns mentioned. Clay Glasgow, City Planner – Through the building permit process we're going to get the roof water, believe me the County is very much into either daylighting it or doing the underground detention retention, and just let it slowly go into where it's supposed to go anyway. And it's completely doable. Try building something in the City of Portland now and say I want to hook into your storm sewer, so it's completely doable. At the larger level, the infrastructure level, for the roads and driveways, that going to go through Scott Tabor, Public Works Supervisor so I think we're all on the same page. The other issues on Beverly, we've got the curbs and sidewalks there are required and that is actually the trickiest part there, those are not hard to handle with inlets through the sidewalk with some kind of bio swale on the property. So they are all very manageable, we've dealt with Clackamas County doing these same types of things. Commission Chair Stempel – Any questions? None

Commission Chair Stempel – Now is the time for public testimony. Please approach the podium, state your name and address. We will first hear testimony from proponents, those in favor, and those that support the application, then we will hear from the opponents. Would proponents like to come up and address the commission? State your name and address please.

John Figini, 1645 Amonson Court, Gladstone – I live in the house where the fire engine will go to if he went straight in there. So anxious to have something done there, looks very bad the way it is, but would like to see the continuation of sidewalks and that kind of work done, and also a sidewalk up at least one side of Beverly Lane and the street widened. I'd like to see that, I think that without sidewalks all the way around the cul-de-sac it would maybe diminish the value of the homes around there. I didn't even know that would be considered to not have sidewalks completely around the cul-de-sac, so I was a bit shocked when that was suggested. So that would be my only input, to make it wider and safer, there is a lot of traffic, a lot of kids of all sizes and ages running through there, and a lot of water running down the street too. That's all I have to say, but let's git er done.

Commission Chair Stempel – Any other proponents? None. Alright, we'll take testimony from opponents. None. Now is the time for applicant rebuttal.

Jessey Cerghino, 13931 SE Matilda Drive, Milwaukie, Oregon 97267 – I agree I would like to have the sidewalks all the way around.

Commission Chair Stempel – If there is no further testimony I will entertain a motion to either close the public hearing or put it over to date certain.

Commissioner Kirk Stempel made the motion to close the public hearing. Commissioner Johnson seconded the motion. Motion passed unanimously.

Commission Chair Stempel – Public hearing is closed. Now is the time to hash it out.

Commissioner Johnson – I think we should have sidewalks at least around Amonson Court to Beverly. Commission Chair Stempel and Commissioner Kirk Stempel – And down Beverly. Commissioner Johnson – Well I think it should at least be widened so it's at least the same width as the rest of Beverly. I don't know about sidewalks. Clay Glasgow, City Planner – Your code actually requires that they essentially finish the north half of Beverly. And that would include sidewalks. Commission Chair Stempel – And I guess I'm biased, I have a 14 year old that walks through there. Commissioner Johnson – I guess I misunderstood you. Clay Glasgow, City Planner – Your code, in this instance, a subdivision and development of property, it's essentially required that they finish Beverly, the north half of Beverly, because that's their frontage. It also wants them to finish Amonson Court and Harvard but there is leeway for both of those. Commission Chair Stempel – I think Amonson is a good idea but I don't think Harvard is necessary. Commissioner Kirk Stempel – Harvard not so much. Beverly, because I walked through there this morning coming home and I just don't like walking in the street and it would be nice to have a sidewalk. Commission Chair Stempel – Yes, and our city is growing up and it's time to get sidewalks. Commissioner de AElfweald – I agree that Harvard should be optional. The other two, it sounds like both of them want it so. Commission Chair Stempel – I'm a sustainable person, I'm one of those tree huggers and I agree we don't want impervious surfaces, but I think that safety comes first and I think we need sidewalks. Clay Glasgow, City Planner – You're not going to hurt my feelings, I'm ok with that. Commissioner Johnson – Is that something we do or is that something just done in the building department. Clay Glasgow, City Planner – No I want it as part of this decision, I want a building envelope actually drawn on this plat because I don't know if this gentleman is going to build all of the lots or if there will be other builders coming in and they need to know even before they buy the lot where they can build. Commission Chair Stempel – How would you like us to word that? Clay Glasgow, City Planner – Well we did the same thing with Les Smelser right on the river there. We made a very specific building envelope, it was like 43 feet wide and it was literally drawn on the plat and described through a condition of the approval. I'm going to ask Mike Funk, Fire Marshal to help with that because he knows how those hoses go better than I do. Commission Chair Stempel – So condition Implementation of specific envelope plan to be compliant with fire and safety of life of 150 feet from the curb line. Commissioner Kirk Stempel – I'm assuming for the first plot it will be a little easier since they have the whole front of Beverly. Commission Chair Stempel – So it's really just lot three and lot four. Clay Glasgow, City Planner – Sure, the ones up front can just park in the street. Can you read that again Chair Stempel? Commission Chair Stempel – This will be 12 Implementation of specific building envelope plan to be compliant with the fire and life safety requirement of no more than 150 feet reach from the curb line to all aspects of the structure. Commissioner de AElfweald – So if they had sheds would that also apply? Commissioner Kirk Stempel – No they would let them burn down. Clay Glasgow, City Planner – All of the lots will be easily buildable with this condition.

Commission Chair Stempel – Then there is one other, the bio swale and rain garden issue is going to be addressed. Clay Glasgow, City Planner – That will just happen. I'm going to simply remove any condition that would require that to be put in the public system. Commissioner Kirk Stempel – And then the requirement of sidewalks along Amonson Court and Beverly? That we want to put as number 13. Clay Glasgow, City Planner – We've got, complete north side of Beverly Lane to include sidewalks 14. Finish Amonson Court to include sidewalk.

Jessey Cerghino, 13931 SE Matilda Drive, Milwaukie, Oregon 97267 – Beverly has the existing house, you guys have to proposed map, so you're going up Beverly and there is essentially two lots, the existing house lot and number one, so the new proposed house, that section of sidewalk not super complicated, the one by the existing house could cause some more problems because of the existing house, if I have grading issues, I just don't want to create any problems for the existing house. We aren't buying that one, so the existing house the tenant is staying there, and I really don't want to run it past the fictitious lot line right now. If we go beyond that I'm afraid we could cause egregious problems and they don't want that. Commissioner de AElfweald – So you are attempting to leave the parcel five area untouched? Jessey Cerghino – Yes. Commission Chair Stempel – But that's considered a part of the subdivision. Jessey Cerghino – I guess I just want you to know what is happening there, you guys went by you saw the hole, the house is kind of in a hole. Commission Chair Stempel – That would be kind of ridiculous to say just stop it here. Commissioner Johnson – Except there's not going to be a curb or sidewalk on Harvard and it all slopes that direction. Jessey Cerghino – They just really didn't want to, I just wanted to make sure you have that in your records. Scott Tabor, Public Works Supervisor – We weren't thinking of doing any improvements to that lot. Bob Thompson – We don't own it but we were thinking about that, we were coming around Amonson down to Beverly where the four lots are, that's what we're talking about. Scott Tabor, Public Works Supervisor – Correct me if I'm wrong but Mr. Thompson and I had discussed that, I wasn't sure if we were going to require him to go all the way down to it on that existing property. My brain said, if you don't need to go all the way, if that's not your property or subdivision, then I didn't know where you go, and I thought the possibility wouldn't require that. That was just my thought, not a promise. I just wanted to make sure that we had talked about that. That's your call not mine. Commission Chair Stempel – Can we require it? Clay Glasgow, City Planner – Absolutely! This is private property right now, this just happens to be one of the lots. And you make the improvements before these things get platted and sold off, now it's a property. Now if there's some physical reason, some constraint to continuing the sidewalk there, that is a different issue and that is reality and needs to be considered. I have not walked along there so I don't know. Jessey Cerghino – They don't have any surveys or anything, as the road gets wider, the house, the more hill you're creating. It may not be as huge, I do worry about that with the existing house. Commissioner Poole – I would say it makes sense if it's practical that we put sidewalks all the way. We don't want to put a requirement that ends up, something like happened up on Oatfield here, the house was in the hole and by the time you fill and grade and get a sidewalk in that's safe and meets code you're intruding into the yard and creating runoff issues. But in lieu of

that, I do think that in the close proximity to the school that if it's all practical, we do require a sidewalk all the way. Clay Glasgow, City Planner – I do think that's a good way to put it and then you've got Scott Tabor, Public Works Supervisor in the mix. Commission Chair Stempel – Or if at some point it's not practical, then they can come back. Commissioner de AElfweald – Do we need to quantify what practical is for this? Commission Chair Stempel – No. Commissioner Poole – And there hasn't been a survey yet. As far as having grading or much more, there's a point, and Clay Glasgow, City Planner could probably expound on this, but at some point you're going to have a better design and idea of what it's really going to look like. Clay Glasgow, City Planner – Well I think the idea you mentioned, it's a good example, but it is extreme, that is not this. I haven't walked it, I have driven by it. It's a little goofy, but how goofy, they're not even going to know until they start building it. Commission Chair Stempel – And at that point, if there are issues then they would come back. It's that simple. Commissioner Johnson – so we have road improvements constructed to city standards, does that mean it's a half street improvement? Clay Glasgow, City Planner – Yes, a full half street.

Commission Chair Stempel – Does someone want to make a motion? Commissioner Johnson – Would I have to read all of that into it? Commission Chair Stempel – He has it all written down so you can just refer to it. Clay Glasgow, City Planner – I wasn't actually writing it down, I thought you were. Commission Chair Stempel – Ok, you make the motion and I'll read my writing.

Commissioner Johnson made the move we approve file number Z0442-14-M with the addition of 14 recommendations from the staff. Commission Chair Stempel – To clarify the new 12 through 14.

12. Recommend implementation of specific building envelope plan to be compliant with the fire and life safety requirement of no more than a 150 foot reach from the curb.

13. Requirement of finish sidewalks along the north side of Beverly Lane.

14. Requirement of finish sidewalk on the west side of Amonson Court, the new side.

Commissioner Poole seconded the motion. Motion passed unanimously.

BUSINESS FROM THE STAFF:

- 1 Clay Glasgow, City Planner – This is regarding the big pump at the river. What actually got built, the top of the pump house, got built a bit differently than what you would hope it was going to look like. But in addition to it not being built quite like it was approved, I have a meeting, actually we have a meeting, there is going to be a lot of us there. This meeting is here at City Hall tomorrow at 2:30 pm, with representatives from a couple of cities, the county, and a bunch of other people to discuss what we should do about that. But don't be surprised if you see it next month.
- 2 The Walgreens site, even though it's not called Walgreens, that middle pad, you've got Walgreens and the coffee, that middle pad is going to be coming in so I thought I would have it in for this meeting but didn't quite get the elevations. It's going to be little three, 10 and 6,000 square feet building, it's going to be interesting to look at. It's going to be kind of strange because we've already looked at all of the big things like access and landscaping but it's coming to you guys anyway so we have at least two items for next

month, and we have one that's continued one from tonight, so we have a meeting next month.

Commissioner Poole – Is that going to be the library, we're down to 6,000 square feet? Clay Glasgow, City Planner - That I can say no.

BUSINESS FROM THE PLANNING COMMISSION

Commission Chair Stempel – I have one quick thing. Work session. I know that we're going over codes and ordinances but what I would like, if you agree, is to get on the City Council agenda to briefly ask the new Mayor and the new City Council how they would like us to proceed, because their idea of what we do might be different than the last group. So I would rather not invest a whole lot of effort into something that may be completely different than what they desire. So is that alright with everyone? All agreed. So can I get on their agenda? Jolene Morishita, Assistant City Administrator – Yes.

Commissioner Johnson – Batting cage roof. Clay Glasgow, City Planner – There is a proposal to put a roof on a batting cage at the high school along Portland Avenue. They've got to enclose this thing so they can bat at things in the rain. There's no change in the foot print or in use. I'm of the mindset that you are just adding a roof to an existing structure. I don't see any need to bring it to you, is it ok? Commission Chair Stempel – Yes, that's fine.

ADJOURN:

Commissioner Kirk Stempel moved to adjourn the meeting. Commissioner Johnson seconded. Motion was passed and the meeting was adjourned at 8:55.

Minutes approved by the Planning Commission this 20th day of FEBRUARY, 2015.



Tamara Stempel, Chair