

## GLADSTONE PLANNING COMMISSION MEETING MINUTES of April 21, 2015

Meeting was called to order at 7:01 PM.

### ROLL CALL:

The following City officials answered roll call: Commissioner Kirk Stempel, Commissioner Michele Kremers, Commissioner Malachi de AElfweald, Commissioner Les Poole, Commissioner Kevin Johnson, Chairperson Tammy Stempel.

### ABSENT:

None

### STAFF:

Jolene Morishita, Assistant City Administrator; David Doughman, City Attorney; Clay Glasgow, City Planner

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Chairperson Stempel made a few comments regarding the duties of the Planning Commission.

### CONSENT AGENDA:

Chairperson Stempel asked if anyone had any comments or discussion on the consent agenda. *Commissioner Johnson made a motion to pass the consent agenda. Commissioner de AElfweald seconded the motion. Passed unanimously.*

### LETTER OF RESIGNATION FROM COMMISSIONER VEAZEY:

Chairperson Stempel asked when they would be advertising to fill the vacant position. The information will be included in the newsletter and listed on the City's website, along with the application.

### CELL PHONE TOWER:

City Councilor Steve Johnson thanked the Planning Commission for their work on the cell phone tower. He said the questions they raised were all excellent and made his job easier. The Verizon representative said they will be using batteries and not generators. He'd like to encourage the Planning Commission, as they look at code review for this item, to consider codifying it somehow. Verizon has now set a precedent by saying that it can be done and he expects there to be many more cell phone towers. He hopes to get this into the code very quickly.

City Councilor Kim Sieckmann also thanked the Planning Commission for their hard work on this and he would also like to get this into the code. Commissioner de AElfweald asked if the Council made any changes that they should be aware of. The use of diesel generators was removed from the approval criteria. The other item was the term "mature" plantings. Verizon will be submitting a landscaping plan to the City Planner and it's his understanding that they will use fully grown plants for the buffering.

Chairperson Stempel said that the City Council has asked them for a timeline on when they want these items accomplished. She and Jolene Morishita have submitted two grants. One was a \$175,000 TGM grant to pay for the Portland Avenue refinement plan, which is going to include

code review, revision and a design standard. If we get the grant it could have a big impact on our commercial zone review because we would be able to hire professionals to assist us. The other grant is the Transportation System Plan grant. We are in a good position to receive both grants as long we can show them that we can manage them. There is a plan in place for that. The grants would be available for the next budget, July 1<sup>st</sup>. Chairperson Stempel asked Councilor Sieckmann if the commercial zone piece could be pushed out a little bit more even though that seems to be what we need most desperately. She doesn't want to give up the potential of this money that could help us do it right. Councilor Sieckmann said he didn't believe that would be an issue.

#### **WORK SESSION FOR THE GLADSTONE CODE REVIEW:**

Telecommunications tower – David Doughman, City Attorney, was asked if there was any more that we could do to restrict it. He spoke with some co-workers in his firm regarding the topic of retrofitting the equipment once new technology becomes available. There is a similar case going through the federal courts right now. The ordinance his firm worked on for the City of Salem is about as state of the art as it gets in Oregon. It was met with initial resistance, but they worked through it with the wireless carriers and it was put through without challenge. His co-worker will get back to him on that. Commissioner de- AElfweald asked about the option of upgrading the system you already have. David said he thought that was possible. He also spoke with PGE and their lawyer was very helpful. She was unaware of any exclusivity that PGE has with any carrier on any pole. Commissioner Johnson said the problem is we're only allowing them to go 20 feet taller than the existing poles so another carrier can't come in and want to put antennas on that same pole because it will be too close to the power line. David Doughman said there could be practical limitations – engineering problems or mechanical issues. He said his initial understanding was that Verizon had the exclusive right to put things on any PGE pole – and that is not correct. Commissioner Johnson asked if PGE isn't going to limit them, can we limit them to one company per location? Chairperson Stempel said that we're already saying that we prefer co-location over new tower so that may be contradicting what we're trying to do. David Doughman said if the goal is to co-locate then we want to make sure there are as many opportunities to co-locate as possible. Commissioner Poole asked if we can be more restrictive in certain districts, such as commercial areas. Can we mandate that we have battery back-ups and see how it goes? David Doughman said you probably could, especially if that didn't seem to be an issue for Verizon.

David Doughman asked if the Planning Commission had concerns that there was going to be a flood of requests now. Chairperson Stempel and Commissioner de AElfweald both said that the new technology is requiring a cell tower every four blocks in urban areas. David Doughman said it was a good time to get the code updated. Chairperson Stempel asked which items they needed to change or look into. Clay Glasgow said they may want to clarify the review process. The way the code is written now it is a Planning Director review so if the Planning Commission wants to look at each request the code needs to be changed. Commissioner de AElfweald said that he liked the way Salem did theirs where there are different classes of permits depending on which type of install they were doing. It makes it very clear whether it's an upgrade, a new install, co-locating, etc., and is a lot more comprehensive than ours. David Doughman recommended starting with Salem's ordinance. Chairperson Stempel asked if someone could email the ordinance to all of them so they can review it before the next meeting. David

Doughman will email it to Jolene Morishita and she will forward it to the Planning Commission members. It will be gone over in detail at the next meeting. Chairperson Stempel asked the City Councilors if they wanted the Planning Commission to go ahead and move this particular Title 17 through and get it done or wait until everything else is hashed out as well. Councilor Johnson said his preference would be to get this one done first. Councilor Sieckmann asked what the expense would be. David Doughman said the notice to the State and the public notice would be a minimal expense, but there would be some questions regarding if it would trigger a Measure 56 notice, which is required when you either change the zoning on property or you limit uses that were previously allowed on the property. Chairperson Stempel suggested they wait until the next meeting to discuss these issues.

**COMMERCIAL ZONE:** Clay Glasgow thought it would be a good idea to have a combined work session with the Planning Commission, the City Council, and the grant people. He said that Mayor Jacobellis has a lot of ideas. They have applied for a grant for façade improvements along Portland Avenue. The Portland Avenue plan will require undergrounding of all utilities, which will affect cell phone towers. He doesn't feel that the Planning Commission is ready to look at Portland Avenue yet because it may be different than what the Mayor and the City Council wants. Chairperson Stempel said a joint work session may be the perfect idea so that we're moving forward on the same path. Commissioner Johnson suggested the professionals that are paid from the grant be involved in this meeting. Chairperson Stempel said that they need to find out from City Council if they want the Planning Commission to do this and to what extent and then they can make that determination. She will contact the Mayor and City Administrator to schedule a joint work session. Commissioner Stempel suggested having Code Enforcement Officer Sean Boyle attend any meetings that would apply to him.

**BUSINESS FROM THE PLANNING COMMISSION:**

Clay Glasgow had a pre-application involving the piece at Arlington and Portland Avenue. He said it's a gateway piece to the actual downtown. There will be a roof garden and greenhouse on the second floor balcony. The top floor is one apartment occupied by the owners, the second floor will be three apartments, and there will be two or three commercial tenants on the bottom floor. The zone limits the height to 35 feet. They have under-structure parking. They want to cantilever the balconies over the property line/right of way. The way the code is written the property line is horizontal and vertical and it allows zero setbacks in the C-2 zone along Portland Avenue, but doesn't allow negative setbacks. His question is would you be willing to pursue a text amendment to allow that? There were no objections. There was a discussion.

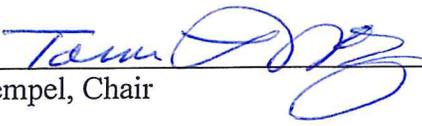
Commissioner Stempel asked if anyone had any objections to meeting earlier, like 6:30. No one had any objections.

*Commissioner Stempel made a motion to change the meeting start times to 6:30 PM. Commissioner Poole seconded the motion. Motion passed.*

The new meeting time will begin next month.

**ADJOURN:** *Commissioner Kremers made a motion to adjourn the meeting. Commissioner Poole seconded. Motion was passed and the meeting was adjourned at 8:10 PM.*

Minutes approved by the Planning Commission this 21 day of July,  
2015.

  
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Tamara Stempel, Chair