



City of Tualatin

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OFFICIAL

TUALATIN PLANNING COMMISSION

MINUTES OF January 18, 2018

TPC MEMBERS PRESENT:

Alan Aplin
Janelle Thompson
Mona St. Clair
Angela DeMeo
Travis Stout

STAFF PRESENT

Aquilla Hurd-Ravich
Sean Brady
Jeff Fuchs
Lynette Sanford

TPC MEMBER ABSENT: Kenneth Ball, Bill Beers

GUESTS: E. Michael Connors, Alan Sorem, Reid Stewart, Nick Caezza

1. **CALL TO ORDER AND ROLL CALL:**

Alan Aplin called the meeting to order at 6:30 pm and reviewed the agenda. Roll call was taken.

Motion by DeMeo, SECONDED by Thompson to appoint Mr. Aplin Pro Tempore Chair. MOTION PASSED 5-0.

2. **APPROVAL OF MINUTES:**

Mr. Aplin asked for review and approval of the December 7, 2017 TPC minutes. MOTION by DeMeo SECONDED by Thompson to approve the minutes as written. MOTION PASSED 5-0.

3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):**

Jonathan Taylor, Economic Development Manager, introduced himself to the Planning Commission. He stated that he previously worked in Trinidad, Colorado.

4. **ACTION ITEMS:**

A. Elect a Chair and Vice Chair to Represent the Tualatin Planning Commission.

MOTION by DeMeo, SECONDED by Stout to postpone the election of a Chair and Vice Chair to our next meeting. MOTION PASSED 5-0.

B. Continued Public Hearing to consider a Variance to the Wireless

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

Communication Facility (WCF) Separation Requirement for the POR Durham project in the Light Manufacturing (ML) Planning District at 10290 SW Tualatin Road (Tax Map/Lot 2S1 23B 000800) (VAR-17-0001) (RESO TDC 609-17).

Mr. Aplin, Pro Tempore Chair, opened up the record and read the script for Quasi-judicial hearings. Mr. Aplin asked the Commission members if they had a conflict of interest, bias, or ex parte contact with the applicant. No members expressed ex parte contact.

Ms. Hurd-Ravich, Planning Manager, entered the staff report and attachments into the record. Ms. Hurd-Ravich stated that she is here to present the revised staff report and presentation based on the revised findings from the applicant.

Ms. Hurd-Ravich stated that the applicant is requesting to construct a new unmanned wireless communication facility (WCF) to be located within 1,500 feet of an existing WCF at 10699 SW Herman Rd. Tualatin Development Code 73.470(9) requires that WCFs are separated by 1,500 feet. The applicant, Acom Consulting, seeks a variance to this code requirement. The Planning Commission must find that the applicant can demonstrate compliance with Tualatin Development Code (TDC) 33.025(1)(a) or 33.025(a)(b).

Ms. Hurd-Ravich noted that the first public hearing began on November 16, 2017. At that hearing, a request was made to leave the record open. The Planning Commission granted this request and reconvened on December 7, 2017. At that hearing the applicant requested a continuance "to enable the Applicant to provide additional information regarding compliance with TDC 33.025(1)(b).

Ms. Hurd-Ravich went through the PowerPoint slides, which detailed the proposed site located on the southwest corner of 10290 SW Tualatin Rd. as well as the existing facility, which is located on City property. The other slides detailed photo simulations that showed the proposed tower location includes tall, dense, evergreen trees that will screen at least 50% of the proposed monopole from adjacent residential areas. In addition, the proposed support tower is sited in the least intrusive location possible to cover the gap in coverage and capacity.

Ms. Hurd-Ravich acknowledged that based on the photo simulations, the applicant has demonstrated that 50% of the monopole will be screened by tall, dense, evergreen trees from the RL (Residential Low Density) Planning District. The Planning Commission's options are to:

- Approve VAR17-0001 as drafted;
- Deny VAR17-0001 and cite which criteria applicant fails to meet; or
- Continue discussion to a later date.

E. Michael Connors, Hathaway Larson LLP, 1331 NW Lovejoy St, Suite 950, Portland, OR

Mr. Connors noted that he is representing the applicant, Acom Consulting. Mr. Connors stated that he believe the applicant complies with both of the approval criteria.

Mr. Connors noted that additional photo simulations were submitted from five different vantage points. He believes the photo simulations prove that the 50% screening requirement satisfies the criteria

Mr. Connors addressed a letter submitted by American Tower. Mr. Connors noted that the letter states that the subject property does not contain "tall, dense evergreen trees". Mr. Connor disagrees. The subject property is long and there are many trees to the north which provide screening and one very large evergreen in photo simulation 1. Mr. Connors also acknowledged that the code does not state that the trees have to be on the same site; tree screening can be adjacent to the site. Mr. Connors added that the pictures were taken in the winter and that greater screening will be provided throughout other seasons.

Reid Stewart, ACOM Consulting, 4015 SW Battaglia Ave, Gresham, OR 97080

Mr. Stewart stated that he was present when the photo simulations were conducted and acknowledged that they were taken at the correct height and location.

Ms. St. Clair inquired about the current tree ordinance and if there is a limit on how many trees can be removed without a permit. Ms. Hurd-Ravich replied that commercial properties have been through an architectural review process and a landscape plan has been identified. In order to remove trees after the architectural review process, a tree removal permit is required along with an arborist report. Ms. Hurd-Ravich noted that there is a process to save certain trees by identifying them in the review process. Furthermore, site visits are conducted before the removal of trees.

Mr. Connors noted that in order for American Tower to use the existing tower, a variance application would be required to increase the height of the tower and for the removal of trees. Mr. Connors stated that in the year 2000, the Council was clearly relying on the screening of trees for the justification of approving the existing height of 130 feet. American Tower has not demonstrated that they have filed for a variance to increase the tower height or for a tree removal permit. He added that the majority of trees subject to removal are not on City property.

Mr. Connors added that there is no evidence that American Tower will be able to extend their lease with the City by 2020 and they fail to demonstrate that the existing tower will be able to satisfy the necessary coverage and capacity.

Alan Sorem, Saalfeld Griggs, 250 Church Street SE, Salem, OR 97301

Nick Caezza, American Tower Corp. Boston, MA

Mr. Sorem stated that the existing tower could provide adequate coverage if the tower was extended to 146 feet from 130 feet and if trees were removed. Mr. Sorem added that under federal law, the tower could be extended to 166 feet and a variance would not be required. Mr. Caezza added that federal law is on their side for the extension of the tower height.

Ms. DeMeo stated they she researched FCC requirements for towers and heritage trees and was curious if Mr. Sorem knew the specifics. Mr. Sorem replied that part of the process will be to review the FCC's requirements and they will be met. Ms. DeMeo asked about approximate age of trees and if they qualify as heritage trees. Mr. Sorem responded that he is uncertain.

Mr. Sorem added that does not believe the photo simulations demonstrate that there are tall, dense evergreen trees that will screen at least 50% of the proposed monopole on the subject property. Mr. Sorem added that there is a reason for the limitation of new towers being built, which benefits the community.

Mr. Connors reiterated that American Tower would not be able to remove the trees due to FCC rules. Furthermore, they have not attempted to file a variance. Mr. Connors added that the applicant has proven there is sufficient screening on the site.

Mr. Aplin closed the public hearing.

Mr. Aplin stated that the he feels the applicant meets the technical requirements of part A and B.

Ms. DeMeo agrees and is in favor of the variance. Ms. DeMeo believes that Tualatin is a tree city and is in favor of retaining older trees.

Ms. Thompson also agrees that the applicant meets the requirements of part A and B and there is no evidence that American Tower is moving forward with an application for a variance.

Mr. Stout agreed that the applicant has met the criteria of both A and B and the photo simulations confirmed that.

Ms. St. Clair agreed that the application meets the requirements of A and B.

MOTION by DeMeo, SECONDED by Thompson to approve the proposed variance on the criteria of 1A and 1B. MOTION PASSED 5-0.

C. A Resolution for the Variance Request to the Wireless Communication Facility Separation Requirements

MOTION by DeMeo, SECONDED by Thompson to approve the resolution as written. MOTION PASSED 5-0.

5. **COMMUNICATION FROM CITY STAFF**

A. Capital Improvement Plan Update

Jeff Fuchs, Public Works Director and City Engineer, presented the Capital Improvement Plan (CIP) Update, which included a PowerPoint presentation.

Mr. Fuchs stated that this is the third year of the Capital Improvement Plan, which looks ten years into the future. The project categories include:

- Facilities and Equipment
- Parks and Recreation
- Technology
- Transportation
- Utilities

Mr. Fuchs noted that priorities include Council goals, health and safety, regulatory requirements, master plans, and service delivery needs. Funding sources include system development charges, water, sewer and storm rates, gas taxes, general fund, and grants and donations.

Mr. Fuchs went through the slides, which detailed the CIP Summary and the individual projects listed for Facilities, Parks and Recreation, Technology, Transportation, Utilities (storm), and Utilities (water).

Mr. Aplin inquired about how the Basalt Creek area will affect the CIP. Mr. Fuchs responded that all of the master plans have all taken into consideration the Basalt Creek plan.

Mr. Fuchs noted that they are going to Council January 25, 2018 to present transportation analysis for \$14-\$28 million in congestion relief and safety projects.

Ms. DeMeo asked for clarification of the transportation relief presentation going to Council on January 25th. If the bond measure is passed, how will the CIP be affected? Mr. Fuchs answered that the bond measure will provide a new revenue stream and projects will be funded earlier.

6. **FUTURE ACTION ITEMS**

Ms. Hurd-Ravich stated that at our February meeting, elections will be held for a Chair and Vice Chair. The annual report will also be presented. Ms. Hurd-Ravich added that a variance may be on the agenda in March.

7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**

None.

8. **ADJOURNMENT**

MOTION by Aplin SECONDED by DeMeo to adjourn the meeting at 8:24 pm.



Lynette Sanford, Office Coordinator