

**City of Talent**  
**Planning Commission Meeting Minutes**  
Talent Community Center  
206 East Main St. Talent, Oregon  
February 28, 2013

**I. Call to Order/Roll Call**

Chair Wise called the meeting to order at 6:35 P.M.

**Members Present:**

Commissioner Wise  
Acting Commissioner Heesacker  
Commissioner Moody  
Commissioner Steyskal

**Members Absent:**

Commissioner McDonald-Gibson  
Commissioner Schmidt  
Commissioner Walker

**Also Present:**

Council President Diane Glendening  
City Planner Mark Knox  
Betsy Manuel, Minute-taker  
David Maynard, Assistant Planner

**II. Brief Announcements**

There was a brief discussion regarding the appointment of officers for the Planning Commission. It was noted that Commissioners Steyskal and Wise had applied for the open Council position and the results were not yet known.

*Commissioner Moody moved to table the election of the Chair and Vice-Chair until the next regularly scheduled meeting. Commissioner Steyskal seconded and the motion passed.*

**III. Consideration of Minutes**

*Commissioner Moody moved to approve the minutes dated 1/17/2013 as presented. Commissioner Steyskal seconded and the motion passed.*

**IV. Public Comments on Non-Agenda Items**

Mr. Pyles was called forward. Pyles declined to give address for the record, noting that it was on file in Jackson County.

He stated that he was present to talk about the Talent Clearview project, particularly during the years 2009, and 2010. Pyles stated that he was investigating actions taken during the project with regard to his employment with the Oregon Department of Transportation (ODOT) and the consequential loss of his career.

Pyles thanked the Talent City Manager for granting his requests for documents related to the project. He noted documentation obtained from ODOT as well. Pyles referred to a

specific component of the project; namely the pedestrian crossing at the junction of Clearview Drive and Highway 99. Pyles also referred to the access modification compatibility portion and to statements within the documentation that were, in his opinion, questionable. He stated his opinion, that there were various conflicts of interest that influenced the outcome and added that there remained issues regarding public safety in that area.

Pyles noted statements in a reprimand regarding his personal job performance that highlighted the southbound turn access onto Highway 99 and other matters that eventually led to termination of employment.

V. **Public Hearing (legislative) for consideration of amendments to the City of Talent's Zoning Code, Title 8, Chapter 3, Division G, Section 160 (8-3G), specific approval criteria for Communication Transmission Facilities.**

Chair Wise read the opening statement. He noted that the Planning Commission would review the amendments and make recommendation to the City Council for final approval of the revised zoning code.

**Staff Report:**

Planner Knox noted that this particular code was adopted in 2007. He stated that there had been two study sessions – in August 2012 and in December 2012, regarding possible changes to the code, and that the revised statutes incorporated some of those ideas. The changes are part of the Public Lands and Facilities section of the Public Facilities Zoning Ordinance or PLF. Knox highlighted the addition of a map with a public lands overlay, and a table detailing the lands available for transmission facilities as well as descriptions of the procedures necessary for approval.

Knox noted the new title Wireless Communications Facilities (Page G-2.)

*Page G-5:* New language was added concerning the standards for a transportation tower or antenna permit. Planner Knox reviewed standards 1 (one) through 7 (seven) noting additions and subtractions from the existing codes.

Discussion focused on the process as it applied to existing facilities. Commissioner Moody inquired about a possible trigger that would identify a “substantial” change. Knox answered, noting that changing batteries on a tower, for example, would not constitute a substantial change, because no change is made to the footprint of the facility.

*Page G-6:* Knox highlighted the sections that apply to antennae, noting that they were permitted on all privately owned properties designated as Commercial or Industrial zones. He stated that the applications for such are subject to site plan review. (type 2), and must demonstrate compatibility, blending in architecturally with the building. He stated that the City would request a photo montage for a pictorial view prior to installation as well as a map indicating land uses surrounding the facility up to 250 feet. Article D details a requirement for a co-location feasibility study, that identifies existing wireless facilities within a 5-miles radius.

In response to a question from Commissioner Moody, Knox indicated that Type 2

hearings were applications that required approval by planning staff with an appeal process, if necessary, to the Planning Commission. A Type 3 proposal, on the other hand, would be subject to a review by the Planning Commission directly.

Knox noted height restrictions of 75 feet, and setbacks from any residential zone of at least equal to 200% of the height of the tower. Knox also noted that facilities 60 ft. or higher must be designed to accommodate at least two providers, with taller facilities of 75 ft. requiring the accommodation of at least three providers.

*Section E:* details definitions appropriate to a wireless communication facility. In response to a question, Knox reiterated that towers are permitted only on public lands. Antennae are permitted throughout the City as long as they are located in Commercial or Industrial areas.

Commissioner Wise asked about the feasibility of locating an antenna on a telephone pole. There followed discussion about telephone poles because of their location in the public right-of-way and/or with easements granted by private property owners. Steyskal noted the provision for 200 ft. setbacks from residential land would direct placement.

Commissioner Moody suggested that antennae be given more flexible standards because of the low profile. Commissioner Heesacker noted potential difficulties with permitting antenna too close to residential properties because of citizen objections. Commissioner Steyskal pointed out another example that might lead to difficulties, such as the location of a tower on a large privately owned commercial property where the 250 ft notification process would notify only the applicant. Commissioner Heesacker noted that more relaxed requirements have the potential to become more contentious. Commissioner Steyskal indicated his agreement with limiting towers to public lands because of the continuity of purpose. He stated that private lands tend to change hands more frequently, and a permitted tower might be undesirable for the new owner, whereas public land tends to change owners less frequently resulting in fewer disputes.

Commissioner Wise stated that he would like to add a provision to require applicants to demonstrate a need for the proposed antenna or communications tower. Commissioner Moody, noted that technological advances might mean *more* not *less* facilities as the facilities develop into less intrusive designs. Planner Knox noted that the application itself demonstrates at least a perceived market need.

Wise asked about limiting the number of towers permitted in new sub-divisions. Knox noted that planning staff inspections would be sufficient to prohibit excessive facilities in a given area.

Commissioner Heesacker noted some inconsistencies in the language such as *will* for *shall*. He inquired about the process (page G-5 section 6) for collecting fees that would pay for removal of a facility. He suggested that the last sentence read "... and the owner /operator shall forfeit the deposit and *will be billed* for the remaining balance."

Wise suggested changing G-5 section 3 to read "... that requires such illumination is prohibited." eliminating the words "in this zone". Heesacker suggested that the required feasibility study should be completed by a third party. Knox noted the high cost of such

reports, stating that he wanted to encourage less use of towers in favor of antennae, with incentives such as minimal cost and a quick turnaround process.

Commissioner Heesacker asked about mandating changes to newer technologies. Commissioner Steyskal replied that companies are incented to upgrade to remain a market force, so the upgrades would occur naturally. Heesacker also asked about the requirement for property owners to maintain the landscaping – when a third party could be leasing the property. It was concluded that the best recourse, if it became necessary, would be the property owner.

Commissioner Wise questioned the need for fencing. After discussion, it was agreed that fences added to the safety of the site.

*Commissioner Steyskal moved to continue the public hearing to March 21, 2013 at the next regularly Planning Commission meeting. Commissioner Moody seconded and the motion passed.*

#### VI. February 20, 2013 Planning Commissioner Training Review

Commissioner Heesacker reported that the training was a good refresher, with interesting perspective from an expert in the field. He stated that the key note speaker reviewed the appeals process to LUBA, and the difference between LUBA and LCDC as well as other procedural matters.

Knox noted that it is particularly important in meeting deadlines for public noticing, and other types of disclosures.


#### VII. Commissioner's Open Discussion

Commissioner Wise asked about the drive-through modifications. Knox acknowledged the need to update each of the Planning Commissioners Handbooks, now that the ordinance has been codified.

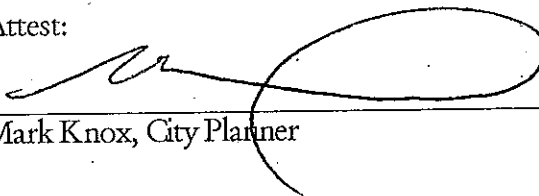
Wise announced that the next meeting would be held March 21, 2013.

#### VIII. Adjournment

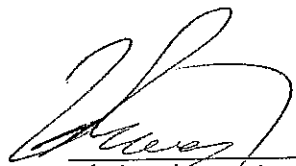
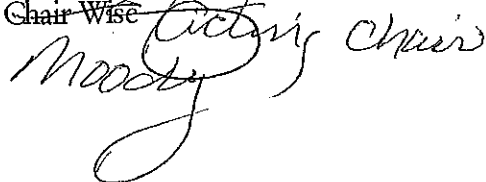
There being no further business to come before the Commission, the meeting was adjourned at 8:40 PM.

Submitted by: 

Date: 4/25/13

Attest:  


Mark Knox, City Planner

  
Chair Wise  
  
Moody, Chair