

MINUTES

I. CALL TO ORDER: Chair Arthur Babitz called the meeting to order at 5:37 p.m.

PRESENT: Commissioners Arthur Babitz (Chair) Sue Powers, Tina Lassen and Megan Ramey

ABSENT: Commissioners Mark Frost and Billing Irving

STAFF: Senior Planner Kevin Liburdy, Associate Planner Jennifer Kaden and Temporary Planning Assistant, Judy Christensen

II. PLANNING DIRECTOR'S UPDATE: Senior Planner Kevin Liburdy announced the new city website is live and can be accessed at <https://cityofhoodriver.gov>. He added that Commissioners email addresses have all been updated. The new domain is cityofhoodriver.gov.

Liburdy said Planning Director Dustin Nilsen asked him to tell the Commissioners they should have received the Downtown Parking Study from Annika. If the Commissioners have questions regarding the study, see Commissioner Megan Ramey. Ramey added that she expects to have strategy recommendations at the next meeting.

Liburdy said the Commissioners should have also received an email from Nilsen regarding upcoming training for Planning Commissioners. The training is September 23rd from 5 p.m. to 7:30 p.m. in the Dallas. He asked if anyone was interested in attending. Babitz, Ramey, Commissioner Tina Lassen and Sue Powers expressed an interest in attending. Tuition to be covered by Nilsen.

Liburdy reported interviews for a new Planning Commissioner have begun. City Council will be discussing this topic on Monday.

III. PUBLIC HEARINGS:

A. FILE NO. 2019-22 – Verizon Wireless

PROPOSAL: Modification of an existing Site Plan Review Permit for Verizon Wireless affecting wireless communication facilities located on the penthouse of the Hood River County Administration Building. The proposal features replacement of three cylinders that are used to screen wireless antennas with a 10-foot-tall by 12-foot-wide by 12-foot-long screen wall, as well as to replace and relocate associated wireless communication facilities including antennas.

APPLICANT: Verizon Wireless c/o Anna Lee-Thomson and Patrick Evans, Lynx Consulting, Inc.

Babitz read the procedural script and asked the Commissioners to disclose any ex-parte contacts, conflicts of interest or bias in this matter.

Lassen said she looked around the Hood River County Administration Building and thinks there is already a lot of equipment on the roof.

Ramey walked by the building and does not think the screen would be a dramatic change.

Babitz disclosed that he lives just a few blocks up the hill from County building and noticed there are many telecommunications devices on the building. He said he has tried not to formulate any conclusions.

No bias or conflicts of interest were declared.

STAFF REPORT: Babitz said the Commission has held a series of legislative discussions recently, but this evening they do not get to decide whether the referenced code is good or bad. Instead their focus should be on the interpretation of the code as it applies to the applicant.

Liburdy said the Verizon proposal is modifying the previously issued Site Plan Review Permit. The proposal features replacement of three cylinders that are used to screen wireless antennas with a 10-foot-tall by 12-foot-wide by 12-foot-long screen wall, as well as to replace and relocate associated wireless communication facilities including antennas. He said a total of nine antennas are being proposed inside the screening wall. The application is being processed as a major modification to the existing Site Plan Review Permit as a quasi-judicial action.

The property is located at 601 State Street, Hood River at southwest corner of 6th and State. The legal description is 10N25CD tax lot 10900 and it is zoned General Commercial. The criteria are from the Hood River Municipal Code Section 17.04.040 a quasi-judicial action, 17.16.040 a General Commercial Zone and 17.17.040 a General Exception to Building Height Limitations. The applicant submitted a preliminary plan depicting the existing and proposed improvement (Attachment A1), a written description on how the improvement meets the applicable standards and criterion (Attachment A2) and a photo simulated screen wall (Attachment A3).

Liburdy said the Staff Report dated August 27, 2019 presents how the applicant applied the criteria and standards to the improvement, and where it is not in compliance.

Babitz reiterated that the role of the Commission is to review, take public testimony and determine whether the application meets or does not meet the applicable criteria.

Staff recommended the Commission take testimony on whether the proposed screening wall is a "vertical projection" subject to the building height provision of HRMC Section 17.16.040 (G) and determine if it fits the Equipment Storage and Compatibility criteria.

Liburdy addressed the City's Site Plan Review criteria for Equipment and Compatibility which indicates mechanical storage must be screened from view and include a sound buffer that meets the minimum requirement of the City's noise ordinance. The proposed wall has a top elevation of 20-feet above the perfins main roof and has been found not to comply with this criterion.

The compatibility criterion states the height, bulk and scale of the building shall be compatible with other buildings in the surrounding area. The findings indicate that although the proposed screening was intended to screen wireless equipment, the height, bulk and scale of the wall appears greater than those

on other buildings in the area. The top of the parapet wall surrounding the building's main roof is at an elevation of approximately 38 feet, six inches above the sidewalk grade, and the top of the penthouse is approximately 48 feet, five inches above that same sidewalk elevation. The proposed wall is 8 feet, 5 inches above the sidewalk. The proposed screen has a bulk that does not appear to be in harmony with other buildings.

Staff recommended the Planning Commission take testimony and review criterion standards. If the Commission determines the proposal is consistent with applicable criterion and approves the proposal, Staff will need to prepare a final order on the two conditions to ensure permits are obtained for the improvements.

Babitz asked if the Applicant followed HRMC Section 17.06.30.

Liburdy replied that the Applicant's written criterion just explained the Conditional Use criteria. He added that County operations are considered a Public Facility that started off operating and continue to operate under a Conditional Use permit. Overtime there have been several wireless communications facilities that have been placed on the roof and have gone through similar processes. The most recent was the 50-foot-tall emergency antenna which was considered a Public Facility and provided an exemption under HRMC 17.04.040. The current proposal is a modification to the existing Site Plan Review permit. The Site Plan Review process and the Commission is analyzing the proposed modifications for conformance.

Lassen asked if screening is required and whether it is part of the General Commercial Zone.

Liburdy replied, that the screening standard Staff applied, was from the Site Plan Review permit, not from the General Commercial Zone. He stated that Staff could look at the C-2 zone, but he does not think there are standards that address the screen.

Babitz said there are new standards in the General Commercial Zone, but they only apply to the Waterfront, so they would not be applicable in this situation.

Lassen asked if the City had any provisions for the removal of equipment as technology changes.

Liburdy stated there has been no standards or conditions that mandate the removal of equipment.

Babitz moved to hear testimony from Patrick Evans of Lynx Consulting.

PUBLIC TESTIMONY: Patrick Evans of Lynx Consulting distributed prepared testimony to the Planning Committee and Staff. He stated he was only going to touch on those items where there is a difference in interpretation or a disagreement with the Staff Report. He asked that his written testimony also be part of the permanent record.

Evan does not think the Compatibility language is applicable to this matter as the Verizon's installation is not part of the building, it is an appurtenant to it. Verizon has a lease that calls out a specific location which was the result of a 12-year process with the County. He explained that the antennas are positioned at the front of the building because radio frequencies travel with line of sight. There must be clear corners on the building for the antennas to work effectively. If Verizon were to move the antennas

further back on the roof, they would experience what is called Airfield Blocking and signals would be cut off.

In response to the Staff Report's statement that the Applicant did not provide any information to demonstrate the screening wall has a height elevation that is similar to other buildings in the area, Evan said the change Verizon is proposing is very small relative to the overall area. In addition, he disagrees with three areas of the Staff Report:

- Whether or not there is a requirement for screening
- Whether or not there is an impact on the surrounding buildings and
- Whether the screen meets height requirements

Evan thinks there is a divergence of opinion between Staff and the industry. Staff has said the proposed screen is a "substantial change" because the previously approved cylinders were 8-foot tall and the proposed screening wall is 10-feet tall.

Evans said the change falls within federal guidelines of Section 6409 and is not subject to the Hood River Municipal Code. The FCC's intent at the time they developed the law was to expedite the roll out of wireless communications across the country. Every jurisdiction had its own approach which was holding up the entire process. To speed up the process, the federal government drew a line in the sand, and said if the change was not greater than 10 percent or 10-feet tall it must be approved by local municipalities.

With respect to Staff Report's reference that the modification is not compatible with other buildings in the surrounding area, Evan said his interpretation of the code is that applies to the building, not appurtenant itself.

Powers asked what the terms are for the Verizon's lease agreement.

Evans replied he did not know as he does not have access to that information.

Powers thinks the compatibility issue explicitly indicates the site must fit in with other buildings in its surrounding area.

Evans said the code as written applies to the building, not the appurtenances.

Powers asked if the increased in the number of antennas is the reason Verizon is proposing a new wall screen.

Evans said previous antennas were screened within cylinders, but as technology changes they become more difficult to conceal.

Powers asked if other carriers will be doing the same.

Evans said the antennas change all the time.

Lassen asked what it would look like if there was only the nine antennas and no screening. Evans referred her to the drawing in RF1.

Lassen asked if there was any other reason for the screen such as weather protection.

Evans responded no.

Lassen asked about the height of the antennas.

Evans said they are just over 6-feet in height and 6 to 15 inches in width.

Babitz asked if Section 6409 means Verizon does not have to screen the antennas.

Evans replied no. If the antennas were screened initially, they need to continue to be screened.

Babitz asked Evans if his interpretation Hood River's Compatibility code is that it applies to the building itself, not what has been placed on it.

Evan said that is correct.

Babitz asked if Section 6409 did not apply and Verizon could not adhere to Hood River code what would the company be expecting the Planning Committee to do.

Evans said Commissions typically defer to city attorneys at that point.

Powers asked why the screen is not an obstacle to air signals.

Evans responded that the screen is fiberglass reinforced plastic which is radio translucent.

Kristen Godkin, 621 State Street in Hood River, lives above the County building and the cellular towers' health affect.

Liburdy said the FCC says municipals are not allowed to use radio frequency potential health affects in their evaluations of the wireless installations.

Evans said Liburdy is correct. The FCC has said review of applications based upon electromagnetic radio frequency is outside the preview of local governments. He added that Verizon typically evaluates each of antennas to federal thresholds to ensure they are not exceeding those standards. Radio waves also decrease 100 percent at 10 feet which is reason this equipment is not placed on the ground.

Babitz asked where individuals like Godkin go if they disagreed with the findings.

Evans said to the FCC.

Babitz disclosed he has a degree in Electrical Engineering that he does not plan to apply to the deliberations. There were no objections to him continuing.

Ramey asked what must be done if the Commission were to approve the application. Liburdy responded if the Commission finds that the applicant meets the Hood Rivers criterion, and Section 6409 supersedes the site plan review criteria, then the findings become very streamline. If the Commission decides the local standard applies, then he is going to need to write something up to explain how Verizon has met

the compatibility and equipment screening criteria and why the screen wall is exempt from height regulations.

Babitz said if local code does not apply then the Commission is not the body to considering this matter.

Liburdy responded that according to Evans, Section 6409 states that screening materials used at the time adoption would have to continue to be used, so there is a role for the Commission to review the proposal.

Babitz said if the Commission does a review and determine the modifications are subject to municipal code and are not in compliance, he would presume it is at that time that the City's attorney would get involved.

Liburdy said that was correct.

Evans said if the Committee is deciding strictly on Hood River code than Verizon would like to attest that decision. If the Commission defers a decision, he would like to hold the records open to allow Staff and the City Attorney to look at the FCC regulations and language.

Liburdy recommended the Applicant submit a Continuous in order to submit the additional FCC information and give the Committee an opportunity to review the information before deliberations.

Evans requested a Continuous to October 7, 2019 and to keep the record open for testimony. It was agreed that written testimony must be submitted by September 23, 2019 at 5 p.m.

MOTION: Powers motioned to Continue File No. 2019-22 to October 7, 2019. Lassen seconded. Motion passed unanimously.

RECESS: The Planning Commission called a 5-minute recess at 6:55 p.m. so Staff could have an opportunity to touch base with Evans. Commission was back in session at 7 p.m.

B. FILE NO.: 2018-07 – Westside Area Concept Plan Report, Zoning, and Comprehensive Plan Amendments – *continuation of hearing from August 19, 2019*

PROPOSAL: Amendments to the Hood River Comprehensive Plan and the Hood River Municipal Code (HRMC) based on the Westside Area Concept Plan Report, Housing Needs Analysis and Housing Strategy. Amendments may apply outside the Westside Area Concept Plan study area and may include updates to various sections of the Comprehensive Plan including the Transportation System Plan, Zoning Maps, Zoning Ordinance, and Subdivision Ordinance.

The commission will take testimony and consider updating their recommendations to the City Council regarding land use and housing development before future hearings are scheduled and deliberation begins over the Westside Area Concept Plan Report's Land Use Framework.

APPLICANT: City of Hood River

Babitz read the procedural script and asked the Commissioners to disclose any ex-parte contacts, conflicts of interest or bias in this matter. There were none.

Babitz opened the hearing and asked for Staff's Report.

STAFF REPORT: Liburdy explained the hearing is being continued from August 19, 2019 which focused on the Commission's recommendations for the Streets and Transit, Pedestrian and Bicycles and the Parks and Open Space Frameworks. During the meeting the Commission recommended several updates to the memo that will go to the City Council describing their recommendations, excluding recommendations for the Parks and Open Space Framework in order to first hear from the Parks District and talk about how the concept plan is reflected in the Parks Master Plan updated. The Commission also discussed approaching the City Council to verify if a discussion of the zoning map and zoning changes applying more broadly throughout the city prior to deliberation on the land use scenarios in the concept plan report.

Liburdy recommended the Commission take testimony and consider updating their recommendations to council regarding land use and housing development before hearings are scheduled on the land use framework. He also recommended the Commissioners continue discussions on Parks and Open Space framework to October 16 when Mark Hickok of the Hood River Valley Parks and Recreation District is available to attend.

Babitz said at the last meeting focused on how the commission would like to proceed on Land Use Framework. He said there appears to be consensus to go back to City Council and work on the Land Use Framework without the restriction of limiting discussion to the westside. Based on the Housing Needs Analysis the Commission would focus on both zoning and codes changes pursuant to the goals in the HNA. It is recognized this is something the public had not had a chance to comment on this so it was publicized we would have the discussion today and make a decision on an approach after taking testimony.

Chair Babitz opened the hearing and the procedural script.

PUBLIC TESTIMONY: Linda Maddox, 3018 Dana Lane in Hood River, agreed with the idea of updating zoning and code changes for the entire city, but does not agree with all the proposed changes. She does not support lot sizes of less than 5,000 square feet. She would like to see the lot size code remain as it is but maybe a smaller lot size in the R-1 Zone, and she would like to see a variety of housing types.

Babitz noted there was not further testimony and the commission can deliberate.

DELIBERATION:

Powers asked about the scope of the evening's discussion.

Babitz suggested the Planning Commission wants to recommend that City Council look at zoning and code updates city wide, not just on the Westside.

Lassen asked if the Commission would consider zoning map changes on developed land.

Babitz explained this may include legislative changes to, for example, create a new R-2.5 Zone, and to change the zoning map in any place. Areas to be considered for changes to the zoning map might be areas that have significant expectation for future development, are more undeveloped, and that have a

lower overall density if the goal is to add more high density land to the map. Yes, zoning could be changed on existing developed property to allow more possibilities for the owners but not force owners to remove their current use. The character of neighborhoods could change and a lot of people will care about that. In general that is done in areas where developed hasn't happened yet but you're not restricted from considering other areas and the City has considered such changes in the past, often at the request of a land owner.

Ramey asked how the commission would take a system wide land use framework without tackling existing historic buildings and barriers to redevelopment such as the old Hotel Oregon. Salem has an exception for historic buildings that allows redevelopment without adding parking.

Babitz noted that parking standards have been noticed and there is a discussion about getting more housing downtown in the C-2 Zone. This should be discussed further.

Liburdy responded that there are several efforts happening simultaneously including code changes through File Numbers 2018-05 and 06 for the zoning and subdivision ordinances to address housing needs and other code refinements. By working on the parking issue, that may result in the ability of some property owners to redevelop and create some additional housing.

Babitz suggested the current code defines and restricts the number of doors on a lot rather than the intensity of development. As an example in the R-3 Zone the code allows townhouses with two doors and the result is only two expensive homes. He spoke to Kristi Chapman about this who agreed and who asked why we don't see garden apartment style of development.

Ramey agreed.

Lassen suggested there is a lot to unpack here and would approve moving this to city council knowing that it's going to come back to the commission for further discussion.

Powers asked if, in the meantime, some of the commission's recommendations will be forwarded to the council.

Liburdy confirmed the memo that was refined at the commission's last meeting included recommendations for the Streets and Transit Framework, and Pedestrian and Bike. The Planning Director has been working with the city manager and DLCD staff to figure out how to move recommendations for the TSP forward while we work on other components of the plan.

Kaden noted that these two frameworks are on the council's agenda for September 9.

Babitz explained that the concept plan's frameworks are high level thoughts that will kick off a process for explicit changes to the TSP including street cross sections.

Liburdy responded that there may be an effort for nearer term TSP updates and a separate larger scope, system wide evaluation.

Babitz briefly summarized the commission's discussion.

Powers asked about testimony submitted about Kelowna's linear parks.

Babitz noted that the Parks District is moving forward with a separate process to update their master plan, and we want to hear from them.

Ramey noted the absence of the emerald necklace concept.

Babitz suggested forwarding specific questions to be addressed by the Parks District.

Liburdy mentioned that the Parks and Open Space Framework in the westside area concept plan report should not be looked at in isolation, but in conjunction with the Streets and Transit Framework and the Ped and Bike Framework because they're layered to create that network.

Babitz asked for any further discussion. There was none. He suggested voting on sending himself and any other commissioners interested to the upcoming council meeting, hopefully on September 9, to request the commission expand the discussion of the land use framework to the city as a whole consistent with the Housing Needs Analysis.

MOTION:

Powers motioned to have Arthur to speak to the council at their earliest convenience and present the commission's agreement to consider the code and zoning changes that have been discussed for the westside to be considered on city-wide basis. Ramey seconded. Babitz repeated the motion. There was no further discussion. Motion passed unanimously.

**C. FILE NO.: 2018-05 and 2018-06 – Amendments to the Hood River Municipal Code –
*continuation of hearing from August 19, 2019***

PROPOSAL: Amendments to the Hood River Municipal Code (HRMC) as follows: 1). Amend the Subdivision Ordinance Chapter 16.08.010 to include the approval process for Expedited Land Divisions pursuant to 197.360 of the Oregon Revised Statutes, 2). Amend HRMC Chapter 17.01.060 Definitions for Dwelling Unit, Kitchen, Lawfully Established Unit of Land, Multifamily Dwelling, Non-Transient Rental, and Transient Rental, 3). Amend Chapter 17.03.040 O(G) Parking Regulations Office Residential Zone (C-1), Chapter 17.03.050 (H) Parking Regulations General Commercial Zone (C-2), Chapter 17.03.060 (G) Parking Regulations Light Industrial Zone (LI) to eliminate parking exemptions. 4). Amend Chapter 17.04.040 General Exceptions to Building Height, to allow and limit parapet and mechanical screen heights as permitted exemptions; 5). Amend Chapter 17.04.070 General Exceptions to Lot Area Requirements Limitations to allow legally established lots to be used for permitted uses, 6). Amend Chapter 17.04.120 Maximum Lot Coverage to clarify reductions in area calculations for pervious surfaces and rear and side loaded garages; 7). Amend Chapter 17.16.10 Site Plan Review and Applicability to include subdivisions and exclude minor site modifications and single lot partitions for townhomes, 8). Amend Chapter 17.23 Accessory Dwelling Units to eliminate principal occupancy requirement, and 9). Amend Chapter 17.24 In Lieu Parking Fee to create a single calculation to determine required parking.

APPLICANT: City of Hood River

MOTION: Lassen motioned to Continue File No. 2018-05 & 2018-06 & 2018-07 to September 16, 2019. Powers seconded. Babitz repeated the motion. There was no further discussion. Motion passed unanimously.

IV. APPROVAL OF MINUTES

None.

Babitz explained the commission has a request to get time on a future agenda for Commissioner Ramey to discuss the downtown parking study. The commission suggested Ramey work with staff to find an appropriate time.

V. ADJOURN

Babitz adjourned the hearing at **7:27 p.m.**



10/28/2021

Arthur Babitz, Chair (acting Chair Mark Frost)

Date



11/22/2021

Dustin Nilsen, Planning Director

Date (Approved)