

Oroville Planning Commission
Wednesday, August 7, 2013

Meeting called to order at 4:32 pm by Chairman Steve Shimmel.

Present: Commissioners Judy Dunston, Marc Egerton, Suzi Seger and Steve Shimmel.

Absent: Luis Perez.

Staff present: Chris Branch and JoAnn Denney.

Others present: Aileen Zavales.

Approval of the minutes from the July 17th regular meeting. Motion by Judy Dunston to approve the minutes as written, second by Marc Egerton; motion carried.

Public comment period / Planning Commission inquiries / Staff updates.

No public in attendance.

Agenda item - public hearing on the Zoning Code Amendment / Septic Service Businesses - hearing will not be held; reschedule to another date with additional changes.

Steve questioned the new poles between Oroville and Tonasket with the improvements added to them; equipment is for wireless and fiber optic lines.

Marc questioned if the sewer peaks have continued and if the person responsible was found; Chris stated that the discharge is speculation only and has not been discussed lately.

Sani-Can location discussion.

Chris stated that the Community Development building has new siding and is looking very nice; City Crew has done the improvements.

Judy stated that she had visited with a new owner from the Sandalia development; a few of the units have sold.

Discussed that a few of the Sonora units have been rented.

Judy questioned how the Veteran's Memorial Park is doing; park is doing really well. Chris discussed the improvements planned to install power and water. Discussion on utilities available at River Oaks RV.

Marc mentioned the enforcement that has been taking place on Lake Osoyoos by the Border Patrol and Sheriff's Office; Marc has heard negative comments being made about the enforcement. Discussion on boating regulations and license that is required for driving boats.

Boat launch discussion.

Extended Public Hearing ~ ORO CUP 13-2 / Verizon Wireless WA2 Oroville. July 17th public hearing was extended to the August 7th meeting to get additional information regarding height options and visual graphics of the proposal, including an overhead profile showing depth dimensions. Note: These minutes are a summary and not a verbatim record of the hearing; the hearing was recorded and available for a detailed record.

Steve asked if any Commissioner wished to disclose any communication they may have had since the previous meeting. Marc stated that he had contacted Okanogan County Planning Department to get information regarding the tower on Pickens Mountain; permitting information received had been forwarded to Chris Branch.

Steve would like to state that the agenda order has been changed regarding public hearings; Verizon Wireless hearing will be held prior to discussion on the zoning text amendment, as the hearing for the text amendment will not be held.

Verizon Wireless hearing opened by Chairman Shimmel. Supplemental documents and exhibits for the continued hearing were e-mailed to the Planning Commission on August 1st and are attached to the hearing packet. Items e-mailed included:

- x FCC Local Review Guidance to Implement 2012 Amendment.
- x Cover letter dated July 31, 2013 by Ms. Zavales of Lynx.
- x Orientation Plan showing the concealment cylinders and the location of the proposed MW dish.
- x Structural Design plans of the existing monopole.
- x Photo simulations of the existing monopole with MW dish on it from various viewpoints.
- x Revised MW dish installation plans showing additional dimensions of the MW dish configuration.

Discussion on the FCC - Public Notice, which explains *wireless telecommunications bureau offers guidance on interpretation of section 6409(a) of the middle class tax relief and job creation act of 2012*. The law states *that a state or local government "may not deny, and shall approve" any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station.*

Chris discussed the line of sight determination with Pickens Mountain.

Marc was asked if he was satisfied with the dimensions of the dish configuration; he was.

Discussion on the tower and the concealment cylinders; commission appreciated the plan showing the cylinders.

Discussion on reasonableness.

Chris stated that the plans for the tower at Pickens Mountain are not relevant to the tower in Oroville; obstructions are local and affect the line of sight.

Discussed that any visibility issues are more from Summit Drive than Highland Drive.

Steve asked Aileen if she had any further comments. Aileen has no further comments, present to answer any questions the commission may have; however, would like to state that due to the existing uses within the monopole, there is not an option for an alternate height.

Marc asked Aileen if the technology exists today to conceal equivalent equipment within the pole; Aileen stated that the technology does not exist today.

Clyde Andrews, manager of the Camaray Motel and current Chamber President, would like to state that he has reviewed the drawings and the dish is equivalent to a dot on a pole and he feels that visible impacts are minor. Clyde stated that he does not live in the neighborhood, but none of the adjacent property owners have commented with their concerns of visibility. Clyde feels that it is an error for a committee or commission to be offended for someone else; decisions need to be made on the facts.

No further Planning Commission questions.

Judy stated that she appreciates the additional information submitted to clarify the improvements.

Aileen stated that she had no further comments, but would like to mention that everyone in the wireless industry knows about the act. Chris mentioned that when he initially found out about the act, he contacted Municipal Research and they didn't have any more information than Chris was able to find. Discussed concern about the law being buried within an act that the jurisdictions were not notified about.

Steve commented that the cell tower is visible from his home.

Judy commented that she does not look at the tower, but she looks at power poles; discussed that you have to weigh your options and they are necessary if you want the service.

Marc stated that he does not have a problem with the tower, he has a problem with the line of sight; the tower is needed to meet the needs of the community and there are no alternatives.

Motion by Judy Dunston to adopt by reference the staff finding of facts and conclusions, with the supplemental information received, and recommend approval of the conditional use permit application as recommended by staff to the City Council; second by Suzi Seger. Those in favor: Dunston and Seger; those opposed: Egerton. Motion carried.

Public hearing held July 17th on the zoning code amendment regarding septic service businesses was tabled to the August 7th meeting; hearing will not be held at this time.

Clyde Andrews would like to comment on the zoning amendment. General consensus is that an ordinance restricting septic service businesses that are located within the public view is a good thing; an ordinance restricting them from being placed anywhere is not good. Location needs to be restricted, not a business.

Marc questioned Clyde about location if the pumper truck is full; discussion on what is considered equipment.

Review of draft ordinance; definition only, which would prohibit the use. Need to assign a zoning district for it to be allowed. Discussion on septic storage. Further discussion on zoning districts and possibly allowing in the Industrial-Two district.

Review of current nuisance ordinance.

Next meeting scheduled for Wednesday, August 21st; meeting to be cancelled. Discussed scheduling the zoning code amendment hearing for the September 4th meeting.

Marc would like the City to consider funding for a sidewalk along 16th from Main to Cherry. Discussed the pedestrian traffic from the Housing Authority property on Sawtell Road to stores in town. Discussion on importance of sidewalks and pedestrian access. Concern expressed over the pedestrian safety along 16th.

As there being no further business, meeting adjourned at 6:18 pm.

Next meeting to be held Wednesday, September 4, 2013 at 4:30 pm.