

**CITY OF SILVERTON
PLANNING COMMISSION MINUTES**

7:00 P.M.

MARCH 12, 2019

The Planning Commission of the City of Silverton met at the Silverton Community Center on Tuesday March 12, 2019 at 7:01 p.m., with Chairman Flowers presiding.

8I. ROLL CALL:

Present	Absent	
<u> X </u>	<u> </u>	Chairman Clay Flowers
<u> X </u>	<u> </u>	Vice-Chairman Gus Frederick
<u> X </u>	<u> </u>	Morry Jones
<u> X </u>	<u> </u>	Chris Mayou
<u> </u>	<u>Excused</u>	Rich Piaskowski
<u> </u>	<u>Excused</u>	Tasha Huebner
<u> X </u>	<u> </u>	Peter Matzka

STAFF PRESENT:

Community Development Director, Jason Gottgetreu and Permit Assistant, Kate Schlee.

9I. APPROVAL OF THE MINUTES FROM THE MEETINGS HELD JANUARY 8TH & 22ND, 2019:

Commissioner Frederick moved to approve the minutes of January 8, 2019 as presented. Commissioner Jones seconded the motion and it carried unanimously.

Commissioner Mayou announced that she would abstain from voting on the Minutes of January 22, 2019, but she suggested that they be amended to include the statement, "At a previous meeting," at the beginning of paragraph one under Reports and Communications on page two of the proposed Minutes.

Commissioner Frederick moved to approve the Minutes of January 22, 2019, as amended. Commissioner Matzka seconded the motion and it carried 4-0, with Commissioner Mayou abstaining.

9II. BUSINESS FROM THE FLOOR:

There were no comments.

9III. AGENDA ITEMS:

4.1 Case: 105 North Water Street Design Review Approval Appeal

Filed by: Ben Johnston, Owner of 105 North Water Street, 2262 McGilchrist St SE, Salem, OR 97302

Blake Bural, Representative/Architect, 363 State Street, Salem OR, 97301

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2 **Planning Department File No.:** DR-18-03
3

4 Chairman Flowers reviewed the Public Hearing procedures.
5

6 Chairman Flowers opened the public hearing at 7:07 p.m., and asked for declarations of ex
7 parte contacts and conflicts of interest. No Commissioners declared ex parte contacts or
8 conflicts of interest.
9

10 Director Gottgetreu presented the staff report, which explained the appellant's objections to DR-
11 18-03 criteria 2, 5, 7, 10 and General Design Standard M.3 and presented the staff
12 recommended design review criteria changes.
13

14 Part of the appellant's objection to criteria 5 is that there is not an existing easement for the
15 building to the south and that the criteria need to be more specific. Staff's recommended
16 language, as written on pages 16-17 of the Staff Report for the Appeal of a Design Review
17 Application for Exterior Modifications to 105 North Water Street, clarifies the issue.
18

19 Several Commissioners expressed that they don't understand the purpose of having a right-of-
20 way on the deck.
21

22 Commissioner Matzka asked if the deck is being engineered to handle the load rating to
23 withstand a large crowd. Director Gottgetreu stated that the question would be better directed to
24 the applicant, his representative or the building official. He further stated that the easement is
25 one step closer to achieving the goals of the Downtown Master Plan, which include a creek
26 walk.
27

28 Director Gottgetreu summarized that his recommendation for the commission is the approval of
29 the revisions to criteria 2, 5 and 7 and the removal of criteria 10 and General Design Standard
30 M.3.
31

32
33 **Applicant's Testimony: Ben Johnston**, Owner of 105 North Water Street, 2262 McGilchrist St
34 SE, Salem, OR 97302

35 **Mark Hoyt**, Applicant's Representative, 693 Chemeketa St NE, Salem, OR 97301
36

37 At 7:23 p.m., Chairman Flowers invited the applicants to come forward and provide testimony.
38 Mr. Hoyt stated that the applicant agrees with staff.
39

40 Mr. Hoyt provided a background of the reason for the appeal of the staff report, which is
41 because the funds being granted to the applicant are tied to the staff report and the creek walk
42 laid out in the Downtown Master Plan and they want a solution that can resolve the issues now
43 and prevent them from having to be revisited or resolved later.
44

45 He presented photographs to better demonstrate the decks between 105 North Water Street
46 and the Wine Bar's adjacent deck.
47

48 Commissioner Matzka asked how they would protect the street tree. Mr. Hoyt responded by
49 explaining that due to the placement of the building, no large equipment will be used for the
50 project and so it will be easier to work with staff to design something that works with the
51 construction practices to protect the street tree.

1
2 Commissioner Frederick thanked the applicant for the design.

3
4 Commissioner Mayou had no questions.

5
6 Commissioner Jones asked Director Gottgetreu why the tree couldn't be replaced. Director
7 Gottgetreu responded that it is a 30 year old tree that is nice and big.

8
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10 **Public Testimony:** None

11
12 **Proponent Testimony:** None

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14 **Opponent Testimony:** None

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16 **Neutral Testimony:** None

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18 **Written Testimony:** None

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20 **Rebuttal:** None

21
22 Commissioner Frederick made a motion to close the public hearing and Commissioner Jones
23 seconded the motion. The motion passed unanimously. Chairman Flowers closed the Public
24 Hearing at 7:35 p.m.

25
26 Commissioner Mayou made a motion to approve the application with the revised conditions 2, 5,
27 7 and the removal of 10 and General Design Standard M.3. Commissioner Matzka seconded
28 the motion. The motion passed unanimously.

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31 **AGENDA ITEMS:**

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33 **5.1 Case: Discuss Development Code Amendments related to Broadband Internet**

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35 Director Gottgetreu presented an overhead presentation of the staff report for development
36 code changes related to broadband internet services. He outlined the recommended changes
37 as listed in the Memo, included in the meeting packet, using photos to demonstrate what would
38 and would not fall within the standards. He also addressed some of the concerns that should be
39 taken into account in drafting the code changes.

40
41 Commissioner Mayou stated again that she is not enthusiastic about 5G and that she thinks it is
42 abhorrent that the federal government has stated that municipalities cannot take health effects
43 into consideration when discussing 5G deployment. She informed the commission that
44 tomorrow, Mayor Wheeler of Portland and one of the city of Portland commissioners will be
45 bringing forth a resolution that will be adopted despite Section 704 of TSA1996, which prevents
46 states and local municipalities from considering the health effects of wireless infrastructure.
47 Mayor Wheeler is urging cities to adopt resolutions stating that they will consider the health
48 effects.

49
50 Chairman Flowers responded by stating Commissioner Mayou's points could be issues that
51 need to be addressed in the future, but that he does not think that the 5G topic fits within the

1 purview of what the planning commission has been asked to do by the city council.

2
3 Director Gottgetreu reiterated that the council was not asking the planning commission to
4 address 5G, but equipment that falls into the lower spectrum of frequencies.

5
6 **Public Testimony: Jordan Reed**, General Manager of Adaptive Broadband, 4771 Jones Rd
7 SE, Salem, OR

8
9 Adaptive Broadband provides wireless internet to about a 50 mile radius around the Salem
10 area, including Jefferson, Monmouth, Independence, Stayton, Silverton customers outside of
11 the city limits near the Pratum area.

12
13 Mr. Reed started out by explaining that 5G and 5 gigahertz are different things. Adaptive
14 Broadband uses equipment that is the same as what most people have in their house right now.
15 The FCC sets strict limits on how powerful radios are allowed to be depending on what
16 configuration of antennas you have attached to them. For example, a cell phone could pick up
17 signal from a tower 5 miles away, but the antennas used by Adaptive Broadband would not
18 work if you were standing in front of it because your body alone can block out the signal
19 because it is not strong enough to go that distance. He further explained the pictures that were
20 previously shown by Director Gottgetreu along with an explanation of how Adaptive Broadband
21 would set up their equipment, if allowed to operate in Silverton.

22
23 There was a discussion regarding the scenarios that would require Conditional Use
24 applications.

25
26 Commissioner Matzka suggested that Mr. Reed provide physical examples of the antennas and
27 radios that he is proposing to use.

28
29 Chairman Flowers received affirmation that the members are willing to move forward with a
30 public meeting.

31
32
33 **VI. REPORTS AND COMMUNICATIONS**

34
35 The broadband topic will be on the April public meeting agenda. The meeting notice will be a
36 public notice in the newspaper because notice by mail is only required when limiting what
37 people are doing.

38
39 Director Gottgetreu does not have an update on the James Street property appeal.

40
41 Director Gottgetreu announced that the City hired a new City Engineer, Mike White. He comes
42 to the city from the east coast and has about 30 years of experience both on the public side and
43 running his own engineering firm.

44
45 Chairman Flowers requested that Karl Berkey provide training to the commission members on
46 traffic impact analysis reports. Commissioner Mayou reiterated that she would like to know more
47 about them.

48
49 Commissioner Mayou suggested that the city review the Dark Sky Program. Commissioner
50 Frederick stated that the city is compliant. Director Gottgetreu stated that the new street lights
51 are compliant and Chairman Flowers stated that it applies from the date that city council

1 adopted the program moving forward and there is nothing that they can do for the older lights.

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VII. ADJOURNMENT

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6 Chairman Flowers adjourned the meeting at 8:27 p.m.

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8 Respectfully submitted,

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11

12 /s/ Kate Schlee,

13 Planning and Permit Assistant

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