

**RESOLUTION NO. 991**

**A RESOLUTION DISMISSING MENTOR GRAPHIC CORPORATION'S APPEAL OF THE PLANNING COMMISSION'S DECISION REGARDING CASE FILE NO. 92 PC 24 (GTE MOBILNET) AND VACATING THE COMMISSION'S DECISION APPROVING A CONDITIONAL USE PERMIT FOR TAX LOT 700, SECTION 11, T3S-R1W, CLACKAMAS COUNTY, OREGON.**

WHEREAS, the Wilsonville Planning Commission, after providing public notice and holding a public hearing, approved a Conditional Use Permit to allow GTE Mobilnet to construct a cellular telephone station and an antenna tower on property identified as Tax lot 700, Section 11, T3S-R1W, Clackamas County, Oregon; and,

WHEREAS, by his letter dated October 28, 1992, Mr. Steven L. Pfeiffer, attorney for the Mentor Graphics Corporation, appealed the Planning Commission's decision to the Wilsonville City Council; and,

WHEREAS, the City Council accepted the appeal, specified that the hearing would be on the record and set a hearing date for December 7, 1992; and,

WHEREAS, GTE MOBILNET OF OREGON and MENTOR GRAPHICS CORPORATION notified the City of Wilsonville that they had reached an agreement on an appropriate design and location for the GTE Facility and requested that the City stay further processing of the Planning Commission's matter 92 PC 24 and that 92 DR 34, a contemporaneous application to the Design Review Board be subject to the appeal result, while new applications were resubmitted; and,

WHEREAS, the Planning Commission and Design Review Board subsequently reviewed and approved GTE's applications 93 PC 05 and 93 DR 02 which allow GTE to construct its facility at another location with the favorable support of Mentor Graphics.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council finds that the parties involved have resolved their dispute and the Council hereby dismisses the Appeal filed by Mentor Graphics in 92 PC 24.
2. The City Council finds that the GTE facility may be constructed by the

approvals of Case files 93 PC 05 and 93 DR 02 and, therefore, the previous Case files and any approvals or applications in No. 92 PC 24 and 92 DR 34 are no longer needed or necessary and the Council hereby declares any approval or application therein to be null and void.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 19th day of April and filed with the City Recorder this date.



GERALD A. KRUMMEL, Mayor

ATTEST:



VERA A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>
Councilor Carter	<u>AYE</u>
Councilor Hawkins	<u>AYE</u>
Councilor Lehan	<u>AYE</u>



Mentor Graphics Corporation  
8005 S.W. Boeckman Road  
Wilsonville, Oregon 97070-7777  
(503) 685-7000

CITY OF WILSONVILLE

MAR 25 1993

RECEIVED

March 23, 1993

Wayne Sorensen  
Planning Director  
City of Wilsonville  
8445 SW Elligsen Rd.  
Wilsonville, Oregon 97070

Re: GTE Mobilnet - 93PC05/93DR02

Dear Wayne:

Here is the letter we discussed from Steve Pfeiffer to Mike Kohloff outlining steps necessary to close the Mentor Graphics' appeal.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Cook", with a horizontal line extending to the right.

Mike Cook  
Manager, Facilities Planning and Interiors

encl

cc: Jim Pond  
Karen Thomson

STOEL RIVES BOLEY  
JONES & GREY

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March 22, 1993

Mr. Michael E. Kohlhoff  
Wilsonville City Attorney  
30000 SW Town Ctr Loop E  
Wilsonville, OR 97070

Re: GTE Mobilnet - File No. 93PC05/93DR02

Dear Mike:

Pursuant to our recent telephone conversation, this letter will serve to confirm that our client, Mentor Graphics Corporation, supports the decisions of the Planning Commission and Design Review Board in the above-referenced proceedings. To this end, we concur with your understanding that the final approval of these later applications submitted by GTE Mobilnet will serve to resolve the issues which led to our earlier appeal of the decisions in CU92PC24 and DR92DR34 provided these latter decisions are vacated. Absent a decision by the respective review bodies to rescind these earlier decisions, withdrawal of our earlier appeals would have the effect of conferring full approval to GTE Mobilnet for development of the tower at either location.

For the above reasons, we respectfully request that the Planning Commission and Design Review Board take all necessary action to rescind or otherwise vacate the earlier decisions which were the subject of our appeal dated October 28, 1992. If necessary, we would be happy to withdraw our appeal upon completion of such action or otherwise acknowledge that our appeal would be mute at that point.

I hope this correspondence serves to address your concerns regarding the final resolution of this matter. If you have any questions regarding any aspect of our position, please feel free to give me a call. Otherwise, I look forward to receiving documentation of the rescission of the original above-referenced decisions.

Very truly yours,

*Steven L. Pfeiffer*  
Steven L. Pfeiffer

SLP:slp

cc: Mr. Mike Cook

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