

**EXHIBIT B**



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
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**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.55 (WIRELESS COMMUNICATIONS FACILITIES) OF THE MCMINNVILLE ZONING ORDINANCE.**

- DOCKET:** G 4-17
- REQUEST:** The City of McMinnville is proposing to amend Chapter 17.55 (Wireless Communications Ordinance) of the McMinnville Zoning Ordinance to update provisions related to wireless telecommunications facilities to achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.
- LOCATION:** N/A
- ZONING:** N/A
- APPLICANT:** City of McMinnville
- STAFF:** Ron Pomeroy, Principal Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** August 17, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- HEARINGS BODY:** McMinnville City Council
- DATE & TIME:** September 26, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; and Northwest Natural Gas. No comments in opposition have been received.

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 4-17) to the McMinnville City Council.

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**DECISION: APPROVAL**  
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City Council: \_\_\_\_\_ Date: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Planning Commission: \_\_\_\_\_ Date: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: \_\_\_\_\_ Date: \_\_\_\_\_  
Heather Richards, Planning Director

**Application Summary:**

The City of McMinnville is proposing to amend Chapter 17.55 (Wireless Communications Facilities) of the McMinnville Zoning Ordinance to update provisions related to wireless telecommunications facilities to achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.

McMinnville's first Wireless Communications Facilities ordinance was adopted in June, 2000, as Chapter 17.55 of the McMinnville Zoning Ordinance. That chapter of the zoning ordinance has not been updated in the 17 years since its adoption. As currently written, current regulations allow towers being constructed into the 140 to 150-foot height range. In addition, while the current code requires telecommunication antennas in residential zones and the historic downtown area to be obscured from view from all streets and immediately adjacent properties, there is little guidance as to how this should be accomplished. The current chapter also allows 20-feet of additional height to be added to antenna support structures in all zones except for the Agricultural Holding and Floodplain zones. Additionally, while co-location of antennas is required prior to the installation of new towers, there is little required to demonstrate the inability to co-locate and the need for a new tower to be installed.

Staff is proposing modifications to Chapter 17.55 to achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.

As a result of staff's review of this chapter, the resulting recommended modifications are extensive and staff is recommending a full replacement of the existing Wireless Communications Facilities chapter of the zoning ordinance. Staff provided a copy of the proposed amendments to the legal team of Beery Elsner & Hammond, LLP, for review and current FCC compliance; BEH specializes, in part, in Municipal Law & Governance, and Land Use & Development Review. The proposed attached text amendments include any and all resultant recommendations from legal counsel.

The key proposed modifications occur in the following areas:

- Height limitations
- Visual Impact
- Screening and Landscaping
- Color
- Signage
- Limitation on equipment building storage size and height; exceeding these standards would require the facility to be placed in an underground vault.
- Lighting
- Setbacks and Separation
- Co-Location – Burdon of proof required
- Application submittal requirements
- Noise
- Abandoned Facilities
- Review process and approval criteria

**CONDITIONS OF APPROVAL**

None.

**ATTACHMENTS**

## Chapter 17.55 – Wireless Communications Facilities

**COMMENTS**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; and Northwest Natural Gas.

**FINDINGS OF FACT**

1. McMinnville's first Wireless Communications Facilities ordinance was adopted in June, 2000, as Chapter 17.55 of the McMinnville Zoning Ordinance. The City of McMinnville is proposing to amend Chapter 17.55 (Wireless Communications Facilities) of the McMinnville Zoning Ordinance to update provisions related to wireless telecommunications facilities to achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.
2. In concert with legal counsel, staff has drafted the following proposed amendments to McMinnville Zoning Ordinance (Ordinance 3380) specific to Section 17.55 (Wireless Communications Facilities) for consideration by the McMinnville Planning Commission and the McMinnville City Council.
3. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; and Northwest Natural Gas. No comments in opposition have been received.
4. Public notification of the public hearing held by the Planning Commission was published in the August 8, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.
5. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

**Economy of McMinnville**

GOAL IV 1 TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

**Commercial Development**

GOAL IV 2 TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

## Industrial Development

GOAL IV 6 TO INSURE INDUSTRIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USES, THAT IS APPROPRIATELY LOCATED IN RELATION TO SURROUNDING LAND USES, AND THAT MEETS NECESSARY ENVIRONMENTAL STANDARDS.

General Policies:

48.00 The City of McMinnville shall encourage the development of new industries and expansion of existing industries that provide jobs for the local (McMinnville and Yamhill County) labor pools.

## Economic Development

132.34.00 Supportive of the mobility needs of business and industry, the McMinnville transportation system shall consist of the infrastructure necessary for the safe and efficient movement of goods, services, and people throughout the McMinnville planning area, and between other centers within Yamhill County and the Willamette Valley. [..]

Finding: Goals IV 1, IV 2, and IV 6, and Policies 48.00 and 132.34.00 are satisfied by this proposal in that the proposed modifications would support the continued opportunity for the provision of wireless communications facilities in McMinnville. While requiring wireless communications facilities to physically blend in more cohesively with our local urban environment, this proposal will also lend support to job creation and retention, and aid in enhancing business and industry communications options. While not actual employment or manufacturing centers, wireless communications facilities will continue to provide for the digital transfer of information which is directly supportive of and enabling to the commercial and industrial sectors.

## Community Facilities and Services

GOAL VII 1 TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT [..]

## Police and Fire Protection

153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.

155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Finding: Policies 153.00, and 155.00 are satisfied by this proposal in that in that the proposed modifications would continue to support the efficient operation of a wireless communications network that would, in some part, enable the rapid movement of fire, medical, and police vehicles throughout McMinnville's urban area. These amendments were provided to the McMinnville Police and Fire Departments for review and comment and no concerns or objections were provided.

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

Policies:

188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed Staff Report and Decision Document prior to the holding of advertized public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

6. The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

General Provisions:

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

Finding: Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

RP:sjs