



City of McMinnville
Planning Department
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Exhibit 5 – STAFF REPORT

DATE: August 17, 2017
TO: McMinnville Planning Commission
FROM: Ron Pomeroy, Principal Planner
SUBJECT: **G 4-17 Wireless Communications Facilities** - Zoning Ordinance Text Amendments – Chapter 17.55 (Wireless Communications Facilities) of the McMinnville Zoning Ordinance

Report in Brief:

This is a public hearing to consider proposed text amendments to the McMinnville Zoning Ordinance (Ordinance No. 3380) specific to Section Chapter 17.55 (Wireless Communications Facilities) to achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.

Background:

McMinnville's first Wireless Communications Facilities ordinance was adopted in June, 2000, as Chapter 17.55 of the McMinnville Zoning Ordinance. This is the first proposed amendment to that chapter in the 17 years since its original adoption.

Discussion:

Currently, wireless communications towers located in Industrial zones have no height limitation. This has resulted in some towers being constructed into the 140 to 150-foot height range; the most recent being the towers intended to serve telecommunications companies are currently being installed near the maintenance shop at the Yamhill County Fairgrounds and on property located south of Highway 18, north of the Airport hangers.

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.

Other comparable cities' codes were evaluated and the key proposed modifications occur in the following areas:

- Height limitations
- Visual Impact

Attachments:

Exhibit A: G 4-17 Wireless Communications Facilities - Proposed Zoning Text Amendments
Exhibit B: G 4-17 Decision Document, Findings of Fact and Conclusionary Findings

- 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

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.

Staff provided an overview of this recommendation and a copy of the draft text amendments to the Planning Commission at their regularly scheduled July 20, 2017 work session.

At the work session, commissioners requested the following additional amendments:

- Delete 17.55.030(D), exempting wireless communications facilities owned by or operated solely for the City of McMinnville. The commission felt that the city should not exempt itself from its own regulations.

Following review and discussion, the Commission requested that this matter be presented for Commission review at a public hearing during their regularly scheduled August 17, 2017 public meeting.

Recommended Text Amendments:

The amendments being proposed are provided as Exhibit A to this staff report. The Decision Document with the Findings of Fact, Conclusionary Findings and Decision is attached to this staff report as Exhibit B. The intent of this recommendation, if approved, is a full replacement of the existing Wireless Communications Facilities chapter of the zoning ordinance.

Fiscal Impact:

None

Commission Options:

- 1) Close the public hearing and recommend that the City Council **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Attachments:

Exhibit A: G 4-17 Wireless Communications Facilities - Proposed Zoning Text Amendments

Exhibit B: G 4-17 Decision Document, Findings of Fact and Conclusionary Findings

Recommendation/Suggested Motion:

The Planning Department recommends that the Commission make the following motion recommending approval of G 4-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE CITY OF McMinnville, THE PLANNING COMMISSION RECOMMENDS APPROVAL OF THE LEGISLATIVE ZONING TEXT AMENDMENTS (G 4-17) TO THE McMinnville City Council AS RECOMMENDED BY STAFF.

RP:sjs

Attachments:

Exhibit A: G 4-17 Wireless Communications Facilities - Proposed Zoning Text Amendments

Exhibit B: G 4-17 Decision Document, Findings of Fact and Conclusionary Findings