



City of McMinnville
Planning Department
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EXHIBIT 2 - STAFF REPORT

DATE: October 19, 2017
TO: McMinnville Planning Commission
FROM: Ron Pomeroy, Principal Planner
SUBJECT: G 4-17 Wireless Communications Facilities – Proposed Zoning Text Amendment – Chapter 17.55 (Wireless Communications Facilities)

Report in Brief:

This is a public hearing to review and consider a proposed zoning text amendment to Chapter 17.06 (Definitions) and Chapter 17.55 (Wireless Communications Facilities) of the McMinnville Zoning Ordinance. The proposed zoning text amendment is related to achieving a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.

Background:

McMinnville's first Wireless Communications Facilities ordinance (Ordinance 4732) 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.

In February, 2017, the Planning Department presented the Commission with an overview of a three-year Department work plan to accomplish a number of projects along with estimated calendar targets of when you might expect to see those work products. One of the first-year identified projects is an update to the Wireless Communications Facilities chapter (Chapter 17.55) of the McMinnville zoning ordinance.

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.

Attachments:

Attachment A - Decision, Findings of Fact and Conclusionary Findings for G 4-17

In our review of this chapter, we considered the wireless facility requirements of other jurisdictions. In that review we found that, while many cities had not updated their wireless requirements for seven or more years, the City of Wilsonville's code was updated in 2016 and addressed many of the areas that have been a concern to the McMinnville Planning Department and has provided guidance for these proposed amendments. 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 – Burden 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, and is contracted with the City of McMinnville to provide legal counsel. Staff incorporated the resultant comments and recommendations from legal counsel in the draft amendments that were provided to the Planning Commission at their regularly scheduled July 20, 2017 work session. Following review and discussion of the draft, the Commission requested that this matter be presented for Commission review at a public hearing during their regularly scheduled August 17, 2017 public meeting.

Notice of the August 17, 2017 public hearing was published in the August 8, 2017 edition of the News Register newspaper. At the August 17, 2017 meeting, the Commission opened the public hearing on this item and received testimony. A memo from Community Development Director, Mike Bisset, and dated August 11, 2017, was submitted into the record (Decision Document: Attachment 4). The memo relayed a concern related to the City's continued ability to install and utilize Supervisory Control and Data Acquisition (SCADA) systems that remotely monitor and control pump stations. Modified code language was suggested during the staff presentation to address this concern. Written testimony (Decision Document: Attachment 5) and verbal testimony were also received from Patrick Evans, a representative of Crown Castle, relative to the proposed text amendments; Crown Castle is the nation's largest provider of shared wireless infrastructure. Following discussion, the Commission elected to keep the record open and continue the hearing to the October 19, 2017 Planning Commission public meeting.

Staff initiated additional conversation and review of the proposed amendments with Mr. Evans and incorporated some of that resulting dialogue into the draft code amendments now before you. Additionally, staff reached out on August 18, 2017 to the other two largest national wireless communications purveyors, SBA Communications and American Tower Corporation, inviting review and comment on the proposed code amendment. No response from either of those two companies has been received to date.

Recommended Text Amendments:

Attachments:

Attachment A - Decision, Findings of Fact and Conclusionary Findings for G 4-17

The amendments being proposed to Chapter 17.06 (Definitions) are provided as Attachment 1 and the Amendments being proposed to Chapter 17.55 (Wireless Communications Facilities) are provided as Attachment 2 of the Decision Document with the existing text of Chapter 17.55 recommended to be repealed is provided as Attachment 3 of the Decision Document; the intent of this recommendation, if approved, is a full replacement of the existing Wireless Communications Facilities chapter (Chapter 17.55) 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.

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 THAT THE CITY COUNCIL APPROVE G 4-17 AND THE ZONING TEXT AMENDMENTS AS RECOMMENDED BY STAFF.

RP:sjs