

# - Wireless Communications Facilities -

## Proposed Legislative Amendments to the McMinnville Zoning Ordinance (G 4-17)

### Ordinance No. 5043 City Council

CITY COUNCIL, 1.23.18



# THE SITUATION

---

- ❖ The City's first Wireless Communications Facilities chapter of the Zoning Ordinance was adopted in June, 2000.
- ❖ Over the last 17 years, the FCC has adopted multiple amendments governing the wireless industry such as:
  - Exemption from most regulations for personal wireless devices (cell phones, iPads, satellite TV dishes, etc.)
  - Exemptions requiring local agencies to administratively approve minor amendments to existing facilities
- ❖ It is timely to consider updating our regulations to maintain FCC compliance and to consider zoning opportunities to achieve a better community aesthetic.

CITY COUNCIL, 1.23.18



# CURRENT REQUIREMENTS

---

- ❖ Adoption of the current regulations provided a good foundation for establishing McMinnville's first wireless facilities code.
- ❖ These regulations have allowed wireless towers in Industrial zones *without* height limits. Current regulations also allow up to 20 additional feet of height to be added by antennas mounted to existing structures in all zones.
- ❖ Landscaping at the antenna base and equipment enclosure requires a six-foot tall fence & sight obscuring plantings.
- ❖ Placement of antennas mounted to existing structures located in the Historic Downtown area require Conditional Use approval.

CITY COUNCIL, 1.23.18



# CURRENT INSTALLATIONS

## ❖ Local examples of wireless communications Towers:

Lafayette Avenue  
≈ 152 feet



Highway 18  
≈ 136 feet



Alpine Street  
≈ 157 feet

CITY COUNCIL, 1.23.18



# CURRENT INSTALLATIONS

## ❖ Local examples of wireless communications Towers:



Hwy 18 – Near Airport  
≈ 140 feet

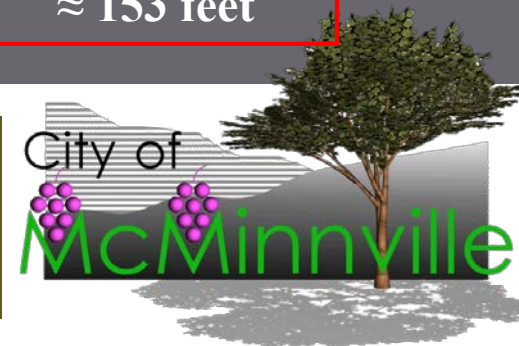


Orchard Avenue  
≈ 156 feet



Fire Department  
≈ 153 feet

CITY COUNCIL, 1.23.18



# CURRENT INSTALLATIONS

## ❖ Local examples of Alternative Support Structures:



3<sup>rd</sup> and Ford



Gallery Theater



3<sup>rd</sup> at RR Tracks

CITY COUNCIL, 1.23.18



# INTENT OF AMENDMENTS

---

**Overall Intent: Allow for the flexibility of an evolving technology that is becoming more and more prolific, but start to require aesthetic standards so that the technology is not only a functional asset but also a built environment asset.**



**CITY COUNCIL, 1.23.18**



# INTENT OF AMENDMENTS

---

**Overall Intent:** Allow for the flexibility of an evolving technology that is becoming more and more prolific, but start to require aesthetic standards so that the technology is not only a functional asset but also a built environment asset.

- **Stealth and Colocation when possible**
- **Minimize Height in Residential and Special Areas**
- **Allow for Small Cell Technology**

**CITY COUNCIL, 1.23.18**





# WHAT WE WANT TO AVOID

## HELP US STOP CELL TOWERS IN RESIDENTIAL NEIGHBORHOODS—SIGN THE PETITION

[Stop Cell Towers in our Neighborhood](#)



CITY COUNCIL, 1.23.18



# PROCESS TO GET HERE

---

- ❑ Identified as a product of the 2017 PC Work Plan
- ❑ Reviewed and evaluated other communities codes
- ❑ Developed a draft and worked with legal counsel for compliance with FCC
- ❑ Planning Commission Worksessions
- ❑ Developed amendments with Crown Castle
- ❑ Recommendation to City Council – November 16, 2017
- ❑ City Council – November 28, 2017
- ❑ Verizon asked for time to review and comment
- ❑ City Council Public Hearing – January 23 2018

**CITY COUNCIL, 1.23.18**



# RECOMMENDATIONS

---

## McMinnville Zoning Ordinance (Ordinance 3380) Chapter 17.55 (Wireless Communications Facilities)

- ❑ As the proposed amendments are extensive, it is recommended that Chapter 17.55 be supplanted in its entirety.
- ❑ Major updated and new elements for wireless communications are as follows:

**CITY COUNCIL, 1.23.18**



# SYNOPSIS OF AMENDMENTS

## □ Exemptions

- Cells on Wheels such as mobile broadcasting vans for event, news or emergency broadcasting.
- Federally licensed amateur radio stations (HAM radio).
- Antennas used by viewers to receive TV or radio broadcasts including satellite TV dishes and TV antennas.
- SCADA (supervisory control and data acquisition) and similar systems used for pump station and similar applications that rely on line-of-sight for communication to the main system hub.
- Federally exempted modifications to towers or other facilities (such as updating equipment or collocating on existing facilities).



**CITY COUNCIL, 1.23.18**



# PERMITTED LOCATIONS

<b>ZONE</b>	<b>ANTENNA SUPPORT STRUCTURES</b>	<b>ANTENNAS (INCLUSIVE OF SMALL CELLS) MOUNTED TO ALTERNATIVE ANTENNA SUPPORT STRUCTURES*</b>
<b>Residential</b>	<b>Prohibited</b>	<b>Permitted - No additional height added</b>
		<b>Conditional Use – Less than or equal to 20 feet height added</b>
<b>Commercial</b>	<b>Prohibited</b>	<b>Permitted - Less than or equal to 10 feet height added</b>
		<b>Conditional Use - Within Downtown Design District</b>
		<b>Conditional Use – Less than or equal to 20 feet height added</b>
<b>Industrial</b>	<b>Permitted outside of the Downtown Design District</b>	<b>Permitted (100-foot maximum finished height)</b>
<b>Agricultural Holding</b>	<b>Prohibited</b>	<b>Conditional – Less than or equal to 20 feet height added</b>
<b>Floodplain</b>	<b>Prohibited</b>	<b>Conditional – Less than or equal to 20 feet height added</b>

**CITY COUNCIL, 1.23.18**



# SYNOPSIS OF AMENDMENTS

---

## □ DEVELOPMENT REVIEW STANDARDS

- **Visual Impact – Antennas, Height, Screening, Color, Signage, Historic Buildings and Structures, Accessory Building Size, Utility Vaults and Equipment Pedestals, Parking, Sidewalks and Pathways, Lighting.**



**CITY COUNCIL, 1.23.18**



# SYNOPSIS OF AMENDMENTS

---

## □ Setbacks and Separation

- Setback equal to or greater than height of the tower
- No WCF of any type, including guyed tower anchors, allowed in a required setback

## □ Co-location

- To encourage co-location of all possible facilities, *no* Conditional Use permit shall be required if:
  - There is no change to the type of tower or pole
  - The addition is visually compatible
  - Co-location in a residential zone provides stealth design
  - Accessory equipment placed within existing enclosure

CITY COUNCIL, 1.23.18



# SYNOPSIS OF AMENDMENTS

---

## □ APPLICATION PROCESS

- Public Meeting
- Residential Siting Analysis
- Geographical Survey
- Visual Impact Analysis
- Design Options and Alternative Site Analysis
- Number of WCF
- Safety Hazards
- Landscaping
- Height
- Maintenance

CITY COUNCIL, 1.23.18





# SYNOPSIS OF AMENDMENTS

---

## ❑ OWNER'S RESPONSIBILITY

- Negotiate in good faith for co-location opportunities
- Maintenance

## ❑ ABANDONED FACILITIES

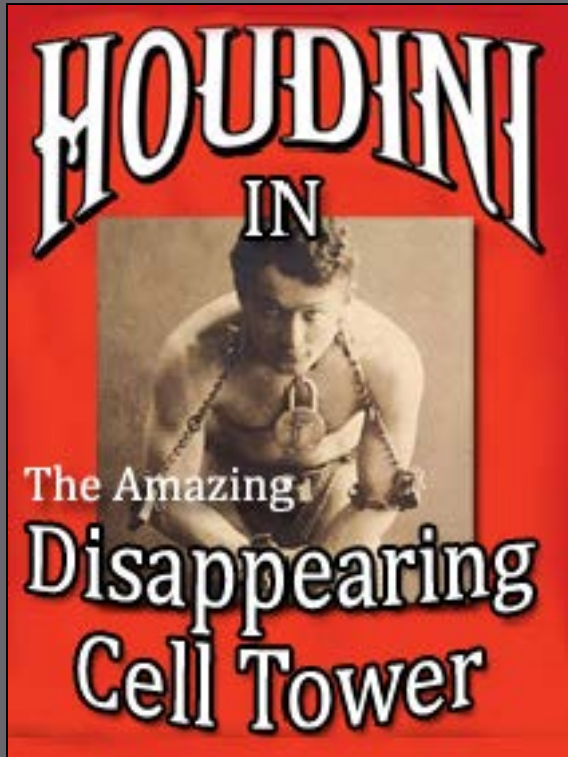
- Need to notify the city of abandonment 60 days in advance.
- Physically removed by owner no more than 90 days following the final day of use
- Restore site to original condition.

CITY COUNCIL, 1.23.18



# STEALTH TOWERS

- ❖ Examples of creative stealth solutions for cell towers and antenna support structures from other jurisdictions:



CITY COUNCIL, 1.23.18



# STEALTH TOWERS



CITY COUNCIL, 1.23.18



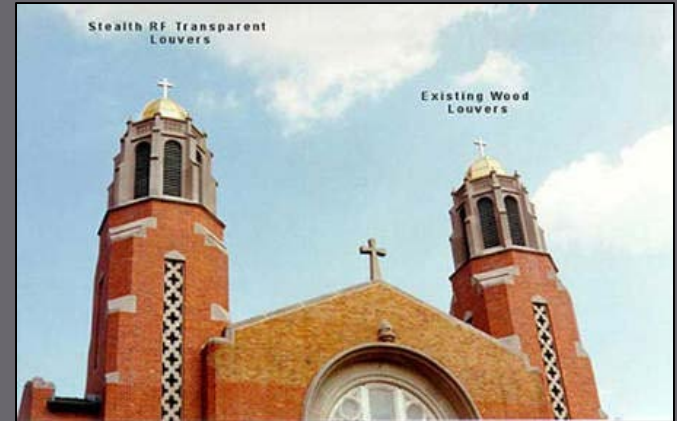
# STEALTH EXAMPLES



CITY COUNCIL, 1.23.18



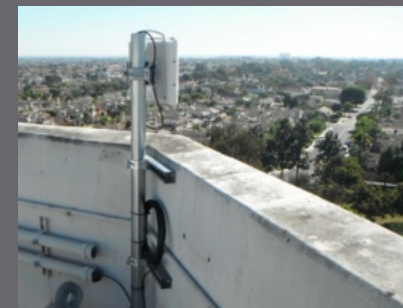
# ADDITIONAL STEALTH EXAMPLES



CITY COUNCIL, 1.23.18



# SMALL CELLS (Distributed Antenna Systems)



CITY COUNCIL, 1.23.18



# SMALL CELLS - STEALTH



CITY COUNCIL, 1.23.18



# ADDITIONAL AMENDMENTS RECOMMENDED

---

- ❑ Delete definition of Radio Frequency Engineer in Section 17.06.050, Radio Frequency (RF) Engineer — ~~A professional engineer licensed in Oregon, with a degree in electrical engineering, and demonstrated accreditation and experience to perform and certify radio frequency radiation measurements.~~

CITY COUNCIL, 1.23.18





# ADDITIONAL AMENDMENTS RECOMMENDED

---

- ❑ Amend Visual Impact – Height, Section 17.55.050(A)(2) from “as demonstrated in a report prepared by a RF engineer” to “as demonstrated in a report prepared by a radio frequency engineer or a licensed civil engineer.”
- ❑ Amend Co-Location Feasibility, Section 17.55.070(T) from “must be presented and certified by an Oregon-licensed Professional Engineer or RF engineer” to “must be presented and certified by a radio-frequency engineer or a licensed civil engineer.”

CITY COUNCIL, 1.23.18



# ADDITIONAL AMENDMENTS RECOMMENDED

---

- ❑ Delete Visual Impact – Accessory Building Size, Section 17.55.050(8), ~~For facilities required to be approved as stealth facilities, no fencing around the wireless or broadcast communication facilities shall be allowed.~~

CITY COUNCIL, 1.23.18



# RECOMMENDED MOTION

---

**“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE CITY OF McMINNVILLE, I MOVE TO ADOPT ORDINANCE NO. 5043 AS AMENDED.”**

**CITY COUNCIL, 1.23.18**



# QUESTIONS



CITY COUNCIL, 1.23.18

