



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

EXHIBIT 1 - STAFF REPORT

DATE: January 17, 2019
TO: Planning Commissioners
FROM: Chuck Darnell, Senior Planner
SUBJECT: CU 2-18 – 375 NE Ford Street

Report in Brief:

This is a public hearing to consider an application for a Conditional Use Permit to allow for the placement of three wireless communication antennas on the rooftop of an existing building within the Downtown Design District. The existing building is the Atticus Hotel building, and the rooftop of the building will serve as the alternative antenna support structure for the antennas. The property is located at 375 NE Ford Street, and is more specifically described as Tax Lot 4700, Section 21BC, T. 4 S., R. 4 W., W.M.

Background:

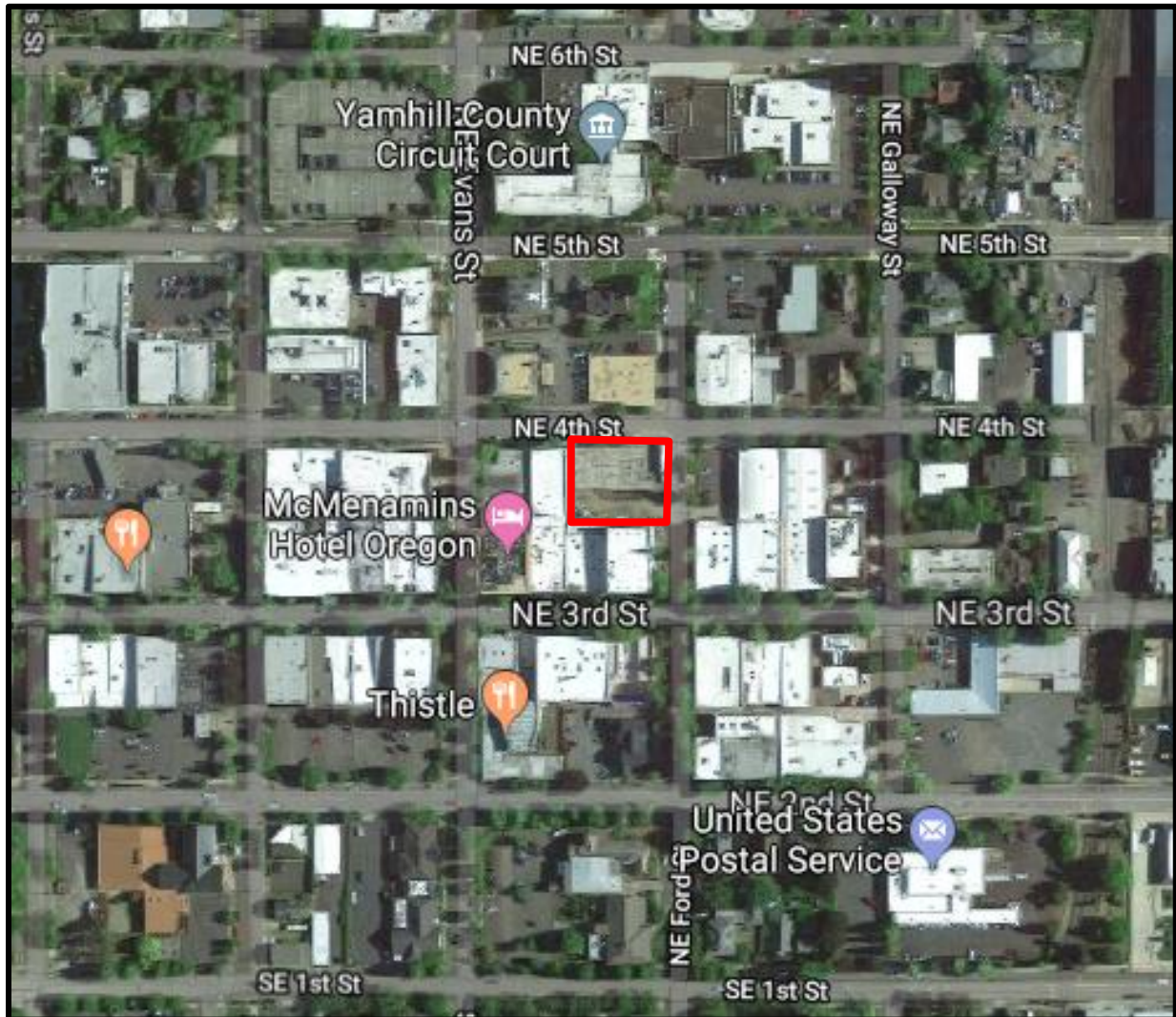
The subject site is an existing commercial property occupied by the Atticus Hotel building. The site is zoned C-3 (General Commercial) and is also located in the Downtown Design District as defined by Section 17.59.020(A) of the McMinnville Municipal Code (MMC). The applicant is proposing to install wireless communications antennas on the rooftop of the existing building on the subject site.

An aerial map of the subject site is also provided below (boundary of the site is approximate):

Attachments:

Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street

Site Reference Map



Discussion:

As discussed in more detail above, the applicant is proposing to locate three wireless communication antennas on the rooftop of the existing building on the subject site. The site is located at 375 NE Ford Street, which is within the Downtown Design District. Section 17.55.040(B) of the McMinnville Municipal Code (MMC) requires a conditional use permit for the placement of wireless communications antennas on properties within the Downtown Design District, and only allows for antennas in the Downtown Design District if they are mounted on alternative antenna support structures. Alternative antenna support structures are defined in Section 17.06.050 of the MMC as follows:

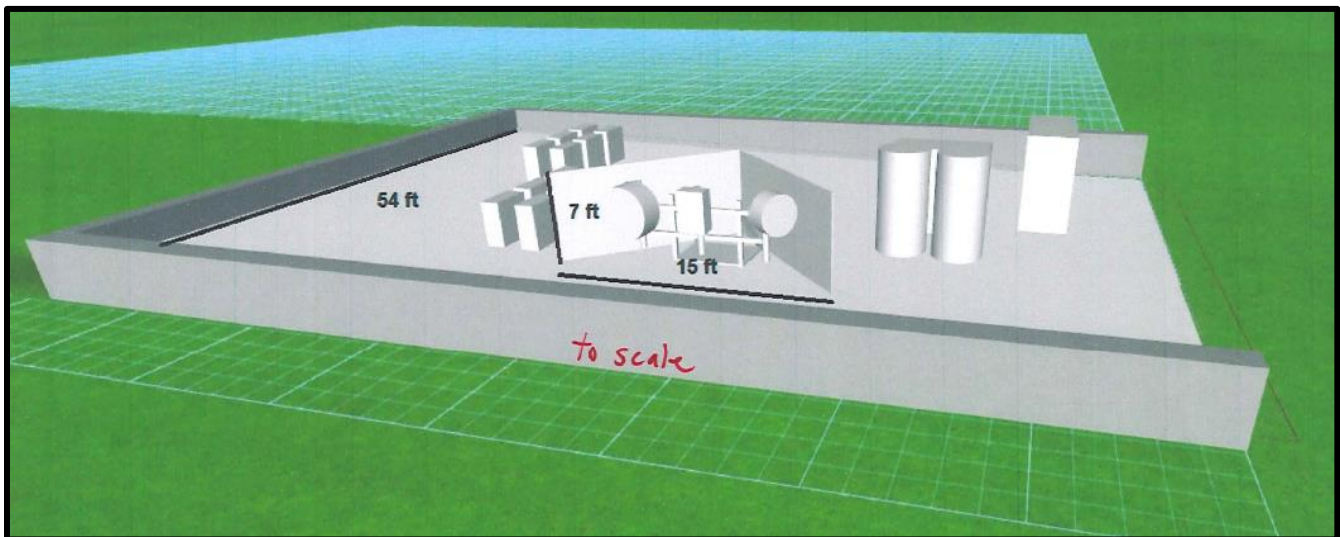
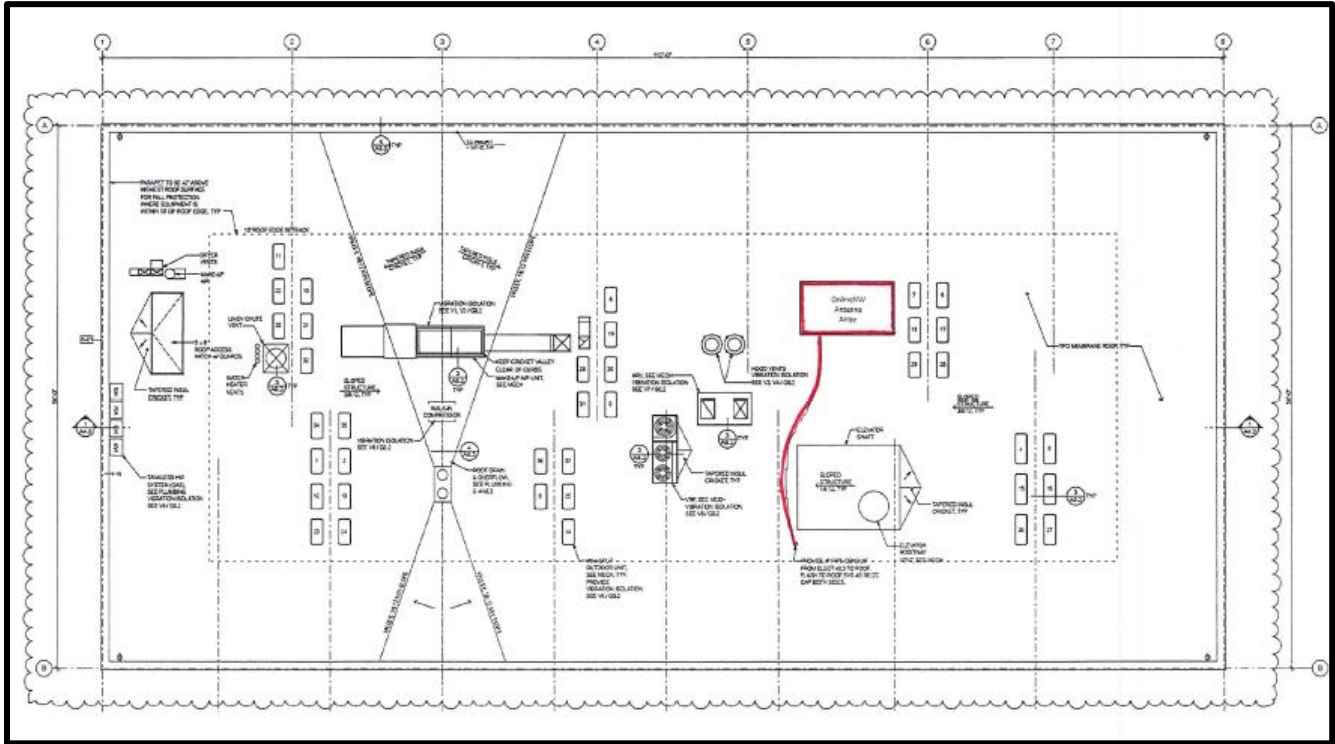
Alternative Antenna Support Structures – Roofs of buildings, provided they are 30 feet or more in height above the street grade upon which such buildings front, church steeples, existing and replacement utility poles, flagpoles, street light standards, traffic light and traffic sign structures, billboards and commercial signs, and other similar man-made structures and devices that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is commercially desirable for wireless communications signal transmission and reception. Antennas cannot serve as an alternative antenna support structure.

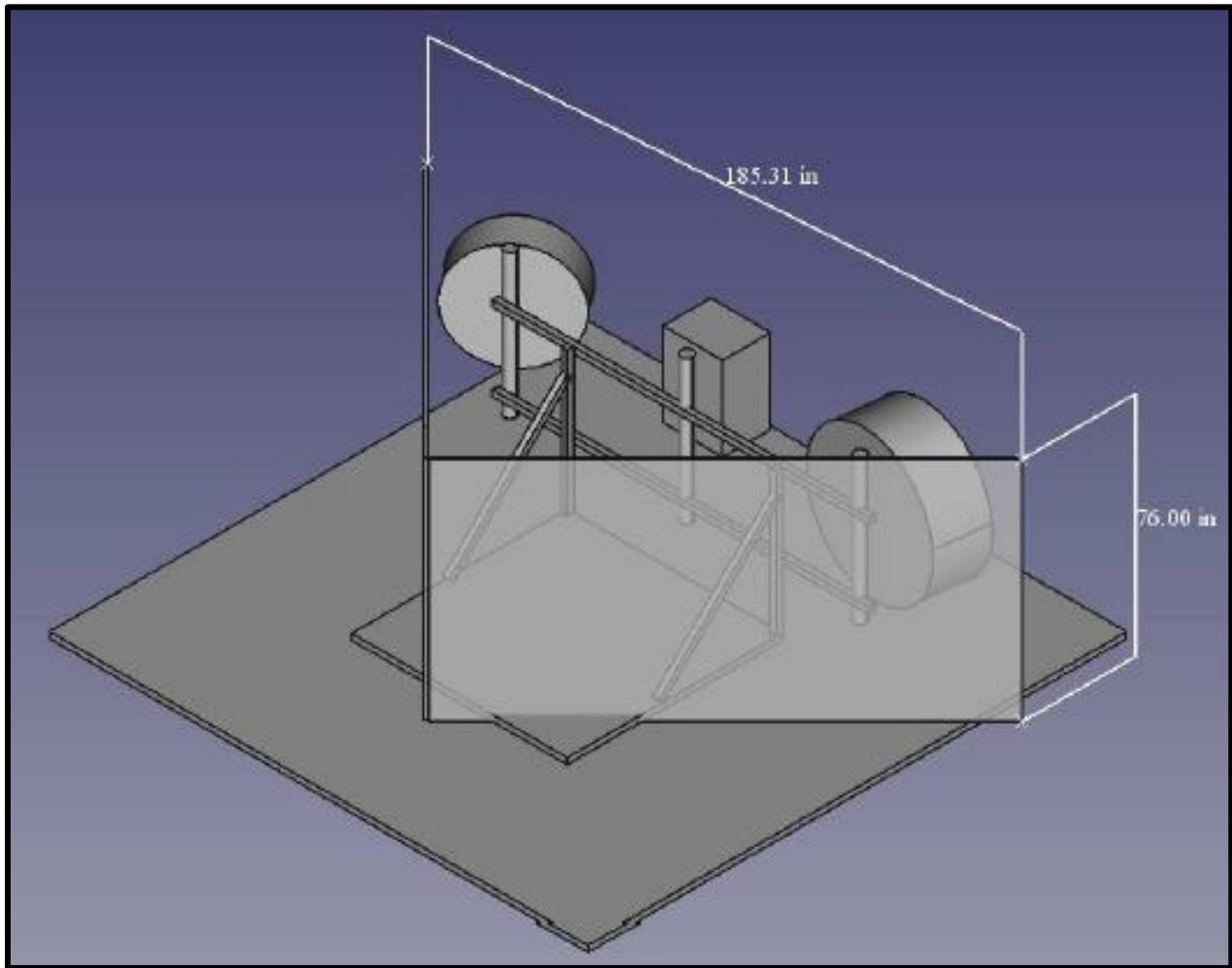
Attachments:

Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street

The existing Atticus Hotel building on the subject site was constructed in 2018, and is approximately 54 feet in height. The height of the building is over 30 feet, which allows for the rooftop to function as an alternative antenna support structure.

The antennas are proposed to be located on the rooftop in the area shown in the roof plan and renderings below:





The Planning Commission’s responsibility regarding this type of land use request is to conduct a public hearing and, at its conclusion, render a decision to approve, approve with conditions, or deny the conditional use request. The Planning Commission should rely upon the criteria of Section 17.74.030, “Authorization to Grant or Deny Conditional Use” of the McMinnville Zoning Ordinance to review the proposal and render a decision.

Evaluation of Review Criteria:

The potential impacts of a proposed conditional use on the abutting properties and surrounding neighborhood should be minimized through the design, location, and operating characteristics of the proposed development. In order to ensure that the proposed use and development is appropriate and has minimal impacts on the surrounding neighborhood, the Planning Commission must find that the following criteria are being met:

Section 17.74.030:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;

The most applicable provisions of the zoning ordinance to this request are the requirements for wireless communications facilities in Chapter 17.55 of the McMinnville Municipal Code (MMC). Specifically, there are a number of development standards for any wireless communications facility, which includes antennas, in Section 17.55.050 of the MMC. Those development standards, and findings for how the applicant believes the proposal is meeting the standards, are provided below:

Attachments:

Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street

Section 17.55.050(A)(1): Antennas. Façade-mounted antennas (inclusive of small cells) shall be architecturally integrated into the building/structural improvement design and otherwise made as unobtrusive as possible. As appropriate, antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than two (2) feet out from the building face. Roof-mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.

Finding: The antennas are proposed to be roof-mounted, and will be 3.5 feet above the top of the parapet walls. The antennas will be set back from the building edge by 15 feet, which the applicant has stated is the minimum height to maintain a line-of-sight for the antennas. The applicant has also provided a line-of-sight analysis detailing the view of the antennas at their proposed height and location from multiple surrounding locations, which will be discussed in more detail below.

Section 17.55.050(A)(2): Height. Freestanding antenna support structures and alternative antenna support structures shall be exempted from the height limitations of the zone in which they are located, but shall not exceed one-hundred (100) feet in Industrial zones unless it is demonstrated that additional height is necessary. Antennas (inclusive of small cells) shall not exceed fifty (50) feet in height in residential zones. This exemption notwithstanding, the height and mass of the antenna support structure shall be the minimum which is necessary for its intended use, as demonstrated in a report prepared by a radio frequency engineer or a licensed civil engineer. A WCF that is attached to an alternative antenna support structure shall not exceed the height indicated in the matrix in 17.55.040(D).

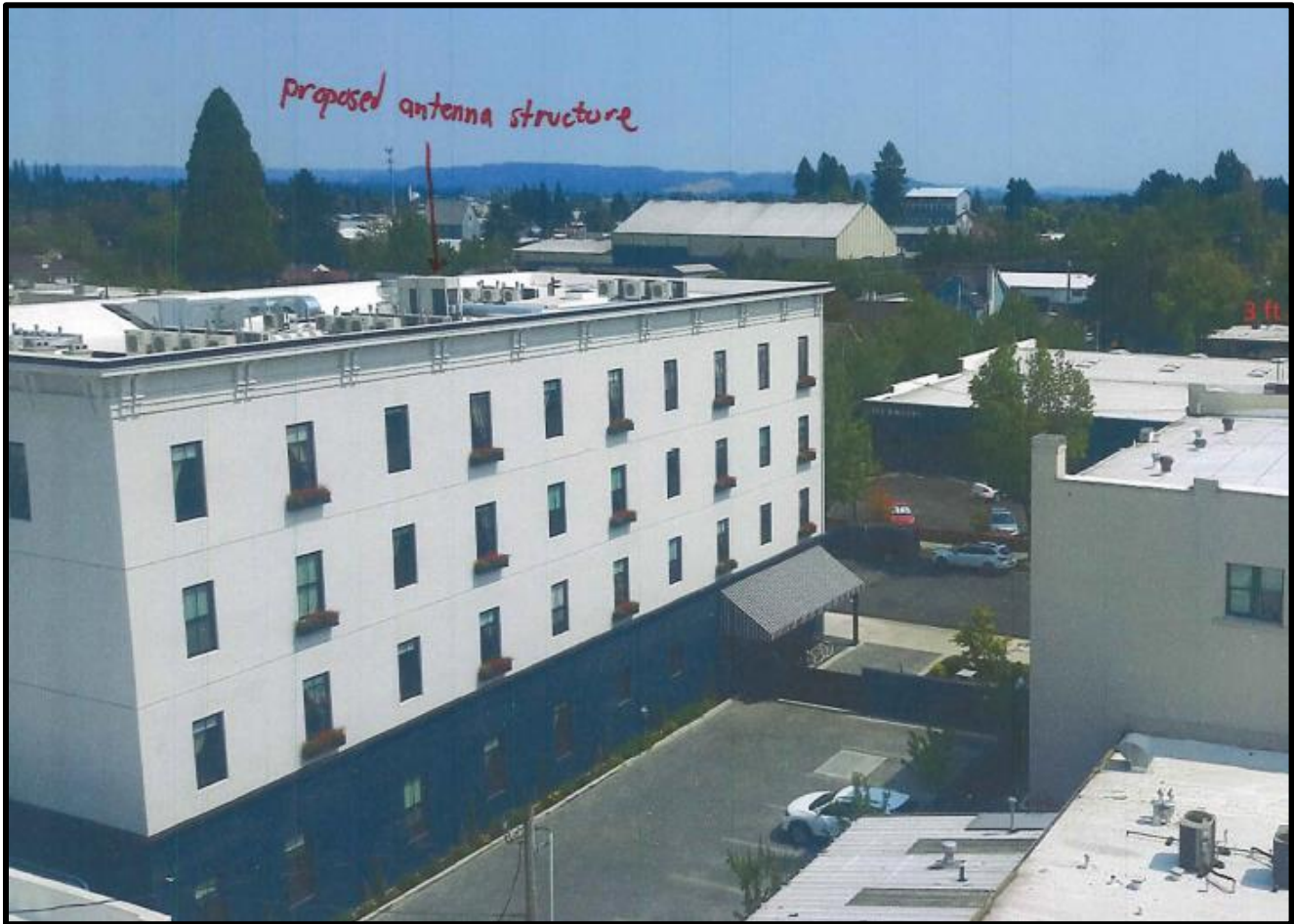
Finding: The antennas are proposed to add 7 feet of height from the rooftop surface, which will be 3.5 feet taller than the parapet wall. The matrix in Section 17.55.040(D) states that antennas mounted to alternative support structures in commercial zones are permitted when the height is an additional 10 feet or less, and also allows up to 20 feet in additional height if a conditional use permit is obtained. The height proposed at 3.5 feet above the parapet wall height would normally be permitted. The conditional use permit being requested is not based on the height, but because of the location of the property within the Downtown Design District.

Section 17.55.050(A)(3): Visual Impact. All WCF shall be designed to minimize the visual impact to the maximum extent possible by means of placement, screening, landscaping and camouflage. All WCF shall also be designed to be compatible with existing architectural elements, building materials, and other site characteristics. All WCF shall be sited in such a manner as to minimize the visual impact to the viewshed from other properties. The use of camouflage technique(s), as found acceptable to the Planning Director to conceal antennas, associated equipment and wiring, and antenna supports is required.

Finding: The antennas are proposed to be placed in a location that minimizes visual impact to the viewshed from other properties. The building in question is one of the tallest in the surrounding area. The Hotel Oregon building at 310 NE Evans Street is the only building in the surrounding area that is taller. The applicant has acknowledged that the rooftop of the subject building would be visible from the rooftop patio on the Hotel Oregon building, and has provided renderings and images of what the view of the antennas would be from the rooftop patio on that building. Those images can be seen below:

Attachments:

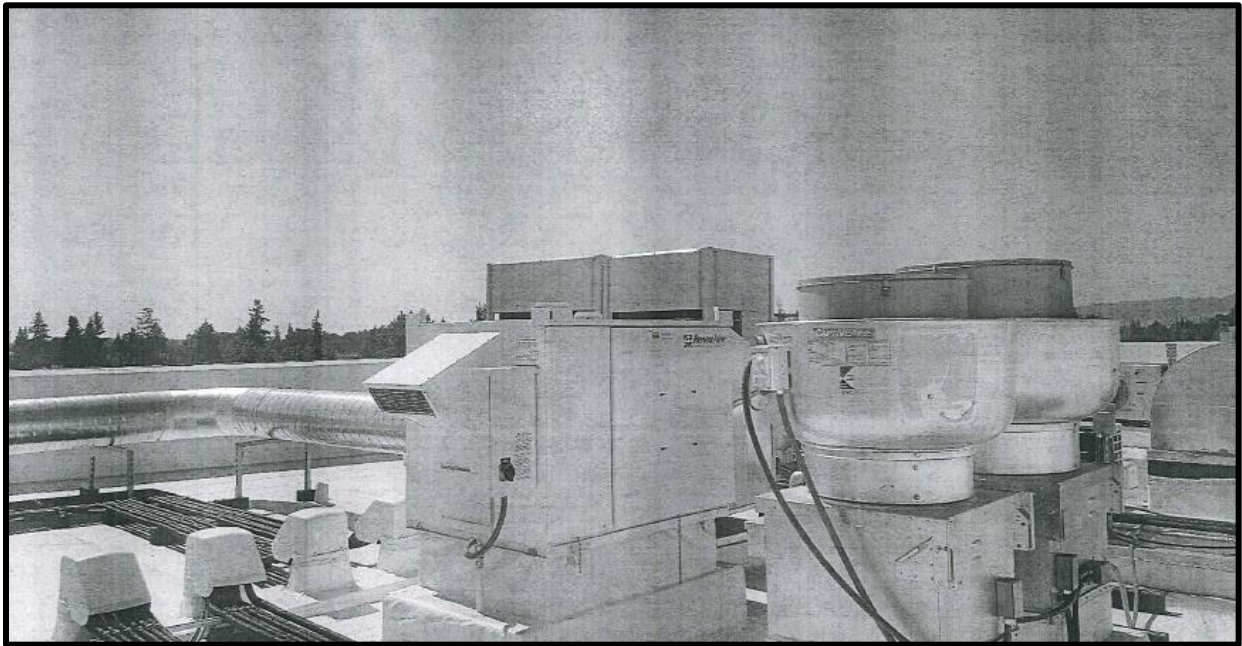
Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street



The rooftop of the building in question contains a variety of equipment, such as fans and air conditioner units, and the antennas are proposed to be located between this equipment. The applicant has also provided a photo of the view from the location of the Atticus Hotel rooftop where the antennas will be mounted, looking towards the Hotel Oregon building. Due to the other existing equipment, the antennas will not be highly visible from the Hotel Oregon building. The photo from the Atticus Hotel rooftop is provided below:

Attachments:

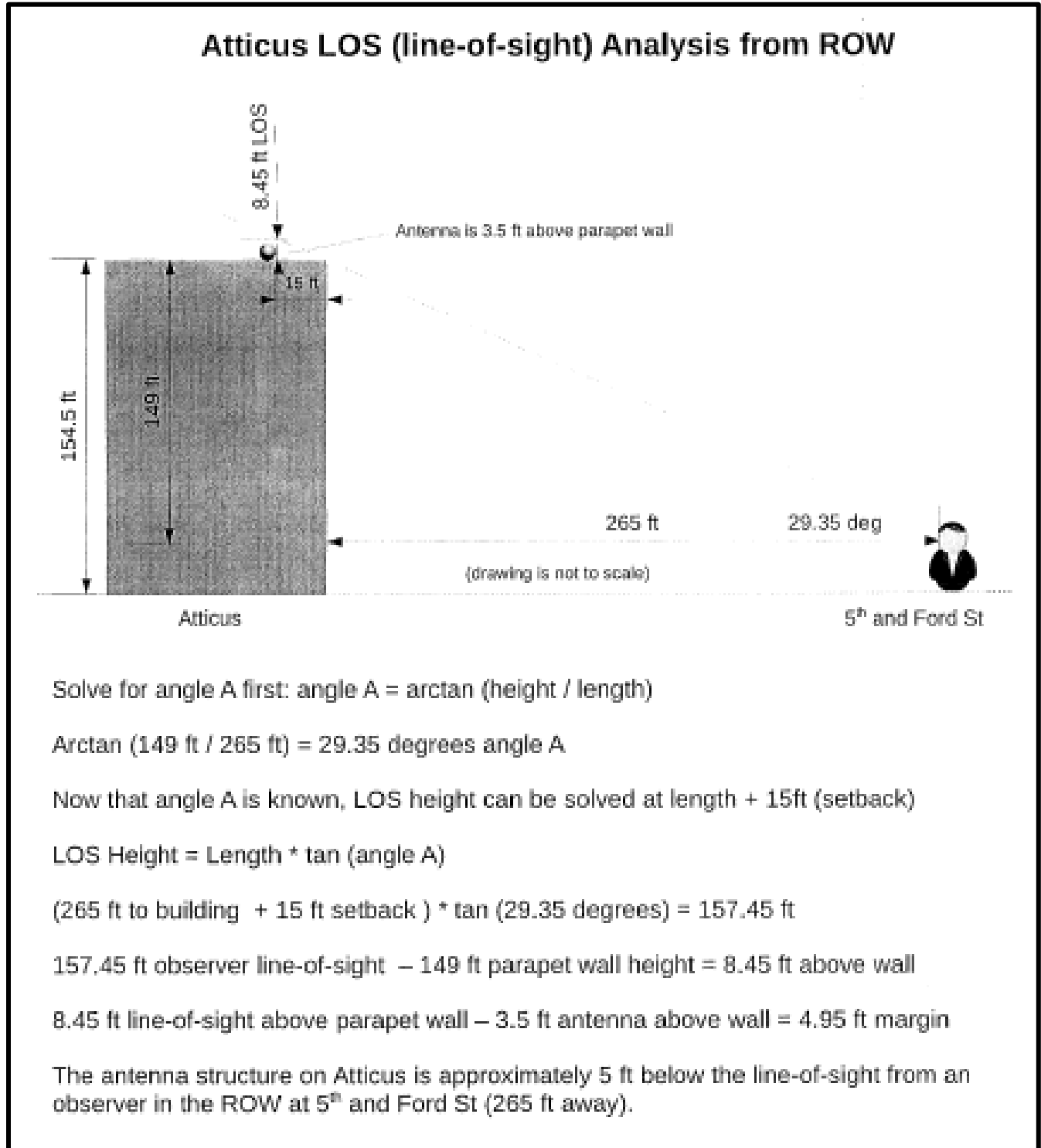
Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street



The applicant has also shown that the antennas will not be visible from the surrounding public right-of-way. The applicant provided a line-of-sight and viewshed analysis, which included an analysis of the viewshed from both the Hotel Oregon building described above and a location within the surrounding public right-of-way. The locations of the viewshed analysis are provided below:



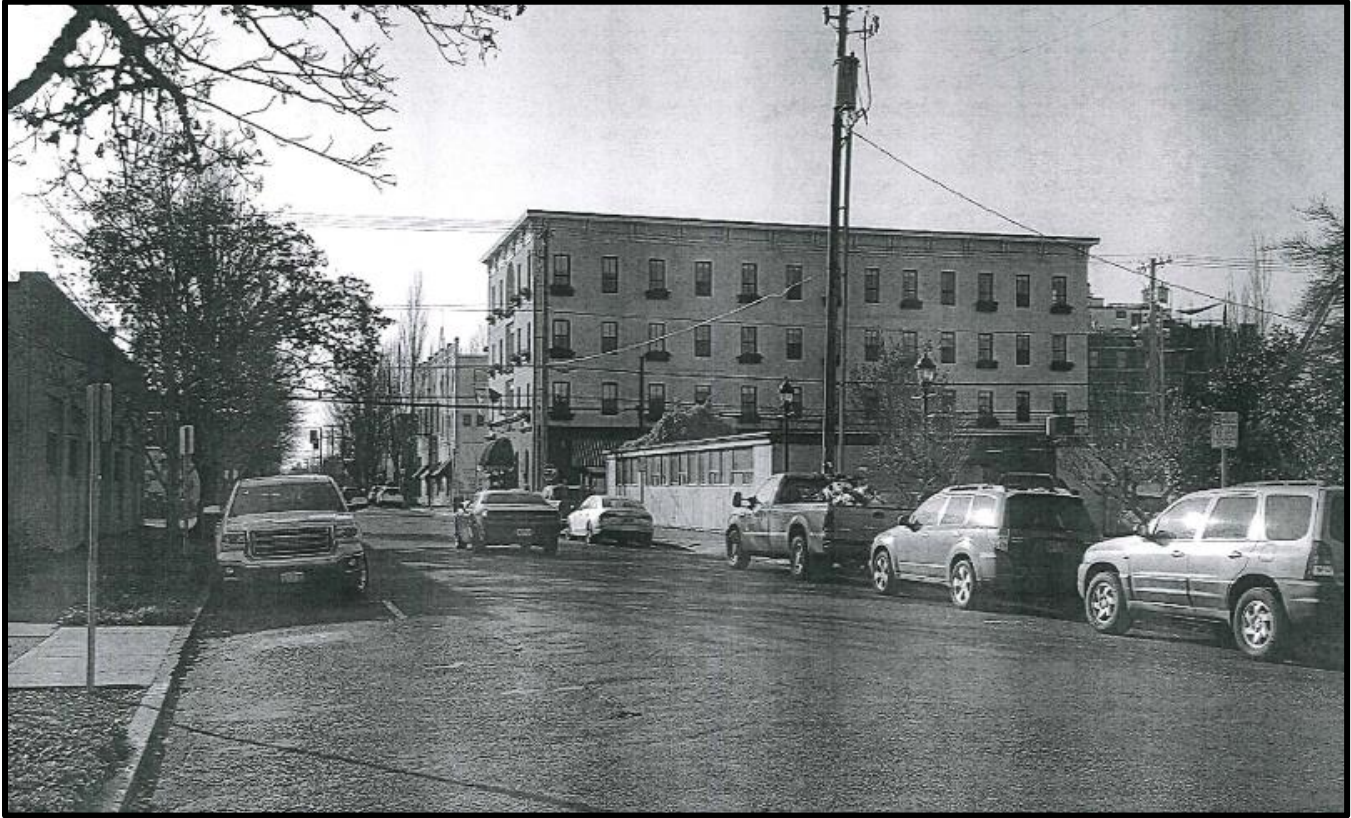
The view from the location in the public right-of-way is from the intersection of 5th Street and Ford Street, north of the subject site. At this location, the view towards the building would not allow for a person to see the antennas as they are proposed to be located only 3.5 feet above the parapet wall and 15 feet from the parapet wall. The viewshed and line-of-sight analysis can be seen below:



Attachments:

Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street

The other existing equipment on the Atticus Hotel rooftop is not visible from this location, and the antennas would not be either. The view from the intersection of 5th Street and Ford Street is provided below:



Based on the evidence provided and the existing conditions of the rooftop, staff does not believe that the placement of the antennas in their proposed location and height on the rooftop would have a negative visual impact on surrounding properties. The applicant is also proposing to include panels on the south side of the antennas to further screen the antennas from views to the south, which includes the view from the Hotel Oregon building's rooftop patio. Staff believes that these panels may be unnecessary, as they actually add a larger material that may actually increase the visual clutter on the rooftop. Staff would suggest that the Planning Commission consider whether the panels are necessary to reduce visual impact from surrounding properties.

Section 17.55.050(A)(4): Screening. Except in the public right-of-way, the area around the base of antenna support structures (including any equipment enclosure) is to be fenced, with a sight-obscuring fence a minimum of six feet in height. The fenced area is to be surrounded by evergreen shrubs (or a similar type of evergreen landscaping), placed within a landscaped strip a minimum of ten feet in width. In the event that placement of a proposed antenna support structure and/or equipment enclosure is located in a unique area within a subject site that would not benefit from the addition of landscaped screening, the Planning Director may require that the applicant submit a landscape plan illustrating the addition of a proportional landscape area that will enhance the subject site either at a building perimeter, parking lot, or street frontage, adjacent to or within the subject site.

Attachments:

Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street

Finding: The proposed location on a rooftop of an existing building does not warrant or require landscaping or screening around the antennas.

Section 17.55.050(A)(5): Color.

- a. A camouflage or stealth design that blends with the surrounding area shall be utilized for all wireless and broadcast communication facilities unless an alternative design is approved during the land use review process. If an alternative design is approved, all towers, antennas and associated equipment shall be painted a non-reflective, neutral color as approved through the review process. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure.
- b. Antenna support structures more than 100 feet in height shall be painted in accordance with the Oregon Department of Aviation (ODA) and Federal Aviation Administration (FAA) rules.
- c. Where ancillary facilities are allowed under this code to be visible, they shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment, and where mounted on the ground shall be otherwise screened from public view, or placed underground.

Finding: The applicant is proposing to have the antennas and mounting structure white, which will be the same color as the surrounding rooftop and similar to other equipment on the rooftop.

Section 17.55.050(A)(6): Signage. Except when included as part of a camouflage or stealth design, there shall be no signs, symbols, flags, banners, or other such elements attached to or painted or inscribed upon any WCF except for warning and safety signage with a surface area of no more than three (3) square feet. Except as required by law, all signs are prohibited on WCF except for one non-illuminated sign, not to exceed two (2) square feet, which shall be provided at the main entrance to the WCF, stating the owner's name, the wireless operator(s) if different from the owner, and address and a contact name and phone number for emergency purposes.

Finding: No signage is proposed as part of the proposal.

Section 17.55.050(A)(7): Historic Buildings and Structures. If the application involves the placement of an antenna on a building that is listed in the National Register of Historic Places or the McMinnville Historic Resources Inventory, no such permit shall be issued without the prior approval of the McMinnville Historic Landmarks Committee.

Finding: The Atticus Hotel building, while in the Downtown Design District, is not located in the Downtown Historic District that is listed on the National Register of Historic Places. The building is also newer construction, and is not listed on the McMinnville Historic Resources Inventory.

Section 17.55.050(A)(8): Accessory Building Size. Within the public right-of-way, no above-ground accessory buildings shall be permitted. Outside of the public right-of-way, all accessory buildings and structures permitted to contain equipment accessory to a WCF shall not exceed twelve (12) feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure is limited to two hundred (200) square feet, unless approved through a Conditional Use Permit. If approved in a Residential zone or the Downtown Design District, all equipment and ancillary facilities necessary for the operation of and constructed as part of a WCF shall be placed within an existing structure, incorporated into the WCF's design, or placed within an underground vault specific to the purpose. If it is infeasible to locate the facilities within an existing structure or incorporate them into the WCF's design, and it can be sufficiently demonstrated to the Planning Director that undergrounding a vault would be impractical and/or infeasible (due to high water table, shallow bedrock, etc.) the Planning Director may waive this requirement in place of stealthing and/or

Attachments:

Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street

screening sufficient to buffer the equipment. Unenclosed storage of materials is prohibited. Other building facilities, including offices, vehicle storage areas or other similar uses not necessary for transmission or relay functions are prohibited unless a separate land use application for such is submitted and approved. Such other facilities shall not be allowed in Residential zones.

Section 17.55.050(A)(9): Utility Vaults and Equipment Pedestals. Within the public right-of-way, utility vaults and equipment pedestals associated with WCF must be underground to the maximum extent possible, unless they are incorporated into the design of the WCF as otherwise allowed by this chapter.

Section 17.55.050(A)(10): Parking. No net loss in minimum required parking spaces shall occur as a result of the installation of any WCF.

Section 17.55.050(A)(11): Sidewalks and Pathways. Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land.

Section 17.55.050(A)(12): Lighting. No antennas, or antenna support structures shall be artificially lighted except as required by the FAA or other State or Federal governmental agency. All other site lighting for security and maintenance purposes shall be shielded and directed downward, unless otherwise required under Federal law.

Finding: The applicant is not proposing any accessory buildings, utility vaults or pedestals, parking, sidewalks, or lighting to be associated with the antennas.

Section 17.55.050(B)(1): Setbacks. Except when located in the public right-of-way, all WCF antenna support structures shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto, unless this requirement is specifically waived by the Planning Director or the Planning Commission for purposes of mitigating visual impacts or improving compatibility with other uses on the property. All WCF are prohibited in a required front yard, rear yard, side yard, or exterior side yard setback of any lot in any zone, and no portion of any antenna shall extend into such setback. For guyed towers or monopoles, all guy anchors shall be located outside of the required site setbacks.

Finding: The antennas are proposed to be 7 feet in height as measured from the roof surface on which they will be mounted. The antennas are also proposed to be located 15 feet from the parapet wall and building edge, which exceeds the height of the antennas.

Section 17.55.050(B)(2): Separation. No antenna support structure shall be permitted to be constructed, installed or erected within 1,000 feet of any other antenna support structure that is owned, operated, or occupied by the same wireless communications service. Exceptions to this standard may be permitted by the Planning Director if, after reviewing evidence submitted by the service provider, the Director finds that: 1) a closer spacing is required in order to provide adequate wireless communication service to the subject area; and, 2) the service provider has exhausted all reasonable means of co-locating on other antenna support structures that may be located within the proposed service area. Antennas mounted on rooftops or City-approved alternative support structures shall be exempt from these minimum separation requirements. However, antennas and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened in a manner found acceptable to the reviewing authority.

Attachments:

Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street

Finding: The antennas are proposed to be mounted on a rooftop of an existing building, so the applicant is exempt from this requirement.

Section 17.74.030:

- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;

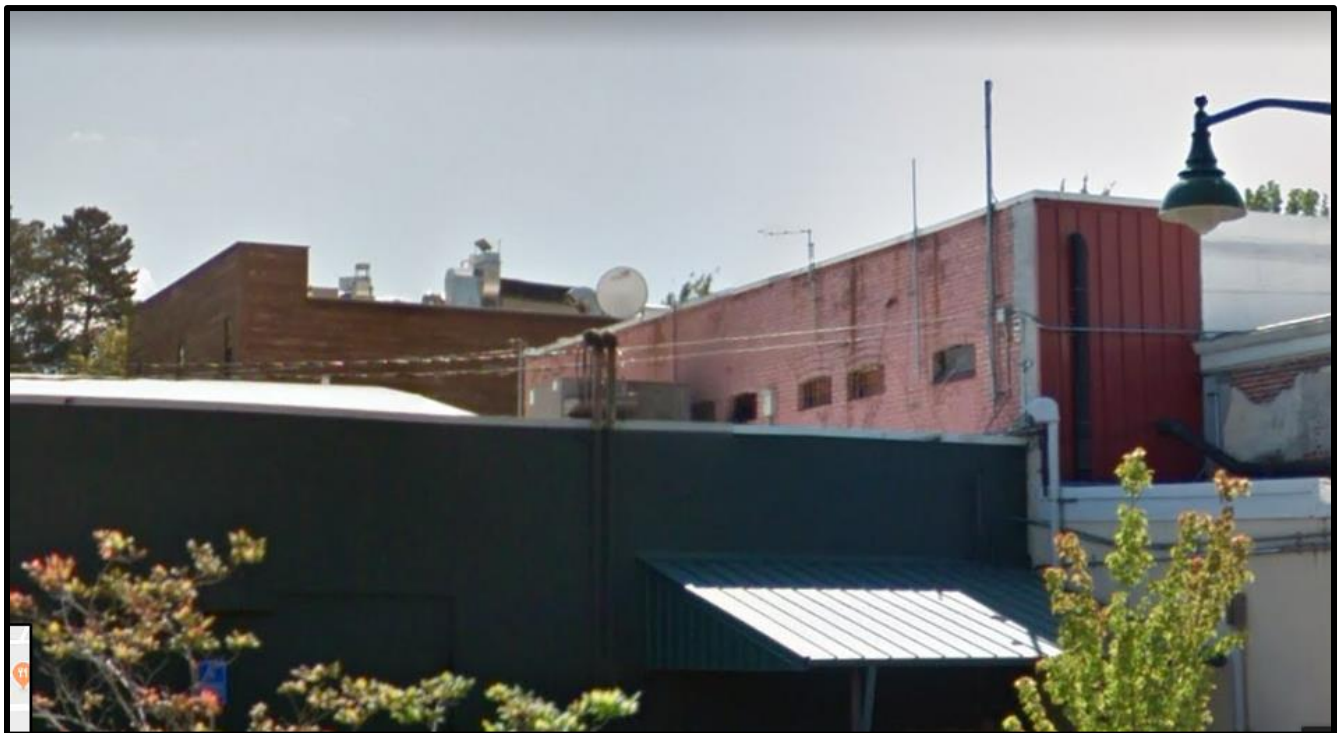
Harmony in Scale, Bulk, Coverage, and Density: The antennas proposed to be mounted on the rooftop of the Atticus Hotel building will be placed in a location that will have minimal impact on the livability or appropriate development of abutting properties. The antennas are proposed to be placed at a height of only 3.5 feet above the top of the parapet wall of the building, and will also be located 15 feet from the nearest parapet wall. This will not have any negative visual impact on surrounding properties, as shown in the visual impact analysis described above, and will result in the antennas having very low visibility from existing development.

Future redevelopment of surrounding properties could result in additional buildings that are taller than the existing Atticus Hotel building at about 54 feet in height, as the maximum height in the C-3 (General Commercial) zone is 80 feet. However, even if that type of redevelopment occurred and future buildings had a more prominent view of the Atticus Hotel building, the size and scale of the proposed antennas and mounting equipment is not such that it would have an impact on the livability of the surrounding properties. The proposed antennas are 59 x 35 x 60 inches, 47 x 28 x 48 inches, and 28.54 x 20.47 x 16.14 inches in size (all measured in length x width x height). The antennas will be grouped together on one set of mounting equipment, and will be placed in a location that is screened and intermingled with other required mechanical equipment serving the Atticus Hotel building, some of which is taller than the proposed antennas themselves. Therefore, the size and scale of the proposed antennas is compatible with the building on which the antennas will be located.

The applicant has also noted that the antennas are actually proposed to be relocated from three separate existing locations on other existing buildings in the general vicinity of the subject site. The existing placement of the antennas is much more prominent and easily visible from surrounding properties and right-of-way, and the proposal to relocate all three antennas to one location on the rooftop of the Atticus Hotel building would consolidate the antennas a single location that is less visible and has less visual impact on the surrounding environment. The existing locations of the antennas, which are mounted on the News Register building at 601 NE 3rd Street, can be seen below:

Attachments:

Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street



Attachments:
Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street

Operating Characteristics: Based on the descriptions of the equipment and the fact that there will be no staffing or regular maintenance of the equipment required, staff does not believe that the antennas have any operating characteristics that would impact the livability or compatibility of surrounding properties.

Availability of Public Facilities and Utilities: Adequate public facilities serve the existing site, including water, sewer, and streets. The McMinnville Building and Engineering Departments, as well as McMinnville Water and Light, have reviewed the plans and have no concerns with the ability for public facilities to serve the proposed development.

Traffic, Circulation, and Parking: The antennas will have no impact on traffic, circulation, or parking on the subject site.

Section 17.74.030:

- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;

As described in more detail above, staff believes that the proposed design, scale, size, and location will not have any adverse impacts on the livability of surrounding property, especially when compared to the impact of some other types of permitted development that are not classified as conditional. Based on the line-of-sight and visual impact analysis provided by the applicant, staff believes that the proposed antennas and equipment are adequately placed and designed so as to have minimal impacts on surrounding properties. Also, the antennas are actually proposed to be relocated from three separate existing locations on other existing buildings in the general vicinity of the subject site. The existing placement of the antennas is much more prominent and easily visible from surrounding properties and right-of-way, and the proposal to relocate all three antennas to one location on the rooftop of the Atticus Hotel building would consolidate the antennas a single location that is less visible and has less visual impact on the surrounding environment.

Section 17.74.030:

- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;

Staff believes that the proposed design, scale, size, and location of the proposed antennas will not have any adverse impacts on the attractiveness of the building on which they are located. Based on the line-of-sight and visual impact analysis provided by the applicant, staff believes that the proposed antennas and equipment are adequately placed and designed so as to have minimal impacts on the surrounding environment.

Section 17.74.030:

- E. The proposal will preserve environmental assets of particular interest to the community;

The subject site does not contain any significant environmental assets that would be of any particular interest to the community. The site has been recently fully developed as a commercial use in a location that is completely surrounded by other fully developed property.

Section 17.74.030:

- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

The applicant intends to move the antennas from their existing locations and mount them on the Atticus Hotel rooftop upon approval of the conditional use permit, which they have stated in their application

Attachments:

Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street

would occur between January 1, 2019 and March 30, 2019, depending on the approval date. The applicant, OnlineNW, also is an existing and established internet provider in the city and has provided a signed lease agreement with the property owner, which shows that the applicant has a bona fide intent and capability to complete the project as proposed.

Fiscal Impact:

None.

Commission Options:

- 1) Close the public hearing and **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:

Overall, staff believes that the applicant has provided sufficient burden of proof and evidence of compliance with the conditional use permit criteria and wireless communications facility development standards to warrant approval of their request. Staff would suggest that the Planning Commission consider whether the panels would be required on the south side of the antennas and antenna mounting equipment. Staff believes that these panels may be unnecessary, as they actually add a larger material that may actually increase the visual clutter on the rooftop. If the Planning Commission agrees and finds that the overall design, size, and location of the antennas would still satisfy the applicable conditional use review criteria, staff would suggest a condition of approval that would allow the placement of the antennas without the use of the screening panels.

The Planning Department recommends approval of CU 2-18, subject to the following conditions:

1. That the applicant shall not include the panels on the south side of the antennas.
2. That this conditional use permit approval shall be terminated if the proposed improvements do not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one year in duration.

The Planning Department recommends that the Commission make the following motion approving of CU 2-18:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 2-18 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

CD:sjs

Attachments:

Attachment A: Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for Wireless Antennas to be Mounted on the Rooftop of the Building at 375 NE Ford Street