



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**Planning Commission**  
**McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street**  
**January 17, 2019**

**5:30 PM Work Session**  
**6:30 PM Regular Meeting**

*Welcome! All persons addressing the Planning Commission will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. Public Hearings will be conducted per the outline on the board in the front of the room. The Chair of the Planning Commission will outline the procedures for each public hearing.*

*If you wish to address Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."*

Commission Members	Agenda Items
Roger Hall	<b>5:30 PM - WORK SESSION – CONFERENCE ROOM</b>
Erin Butler	<b>1. Call to Order</b>
Martin Chroust-Masin	<b>2. Discussion Items</b>
Susan Dirks	<b>A. Work Session: Pilot Project Floating Zone Concept</b> <i>(Work Session Exhibit 1)</i>
Christopher Knapp	<b>3. Adjournment</b>
Gary Langenwalter	
Roger Lizut	
Amanda Perron	
Lori Schanche	

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

\*Please note that these documents are also on the City's website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.





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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**Planning Commission**  
**McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street**  
**January 17, 2019**

**5:30 PM Work Session**  
**6:30 PM Regular Meeting**

*Welcome! All persons addressing the Planning Commission will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. Public Hearings will be conducted per the outline on the board in the front of the room. The Chair of the Planning Commission will outline the procedures for each public hearing.*

*If you wish to address Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."*

Commission Members	Agenda Items
Roger Hall Erin Butler Martin Chroust-Masin Susan Dirks Christopher Knapp Gary Langenwalter Roger Lizut Amanda Perron Lori Schanche	<p><b>6:30 PM – REGULAR MEETING - COUNCIL CHAMBERS</b></p> <ol style="list-style-type: none"> <li><b>1. Call to Order</b></li> <li><b>2. Swearing In of New Commissioners</b></li> <li><b>3. Election of Officers</b></li> <li><b>4. Citizen Comments</b></li> <li><b>5. Public Hearings:</b> <ol style="list-style-type: none"> <li><b>A. <u>Conditional Use Permit (CU 2-18)</u> - (Exhibit 1)</b></li> </ol> <p>Request: Approval of a Conditional Use Permit to allow for the placement of wireless communications antennas on the rooftop of an existing building within the Downtown Design Standards and Guidelines area. The antennas are proposed to be placed on the rooftop of the Atticus Hotel building, which will serve as the alternative antenna support structure for the antennas. The antennas will be at a height of 7 feet above the roof surface after mounting and will be setback 15 feet from the nearest building wall.</p> <p>Location: The subject site is zoned C-3 (General Commercial) and is located at 375 NE Ford Street. It is more specifically described as Tax Lot 4700, Section 21BC, T.4 S., R. 4 W., W.M.</p> <p>Applicant: Patrick Fuchs, on behalf of McMinnville Access Company</p> </li> </ol>

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

\*Please note that these documents are also on the City's website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.

- 6. Old/New Business**
- 7. Commissioner/Committee Member Comments**
- 8. Staff Comments**
- 9. Adjournment**

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

\*Please note that these documents are also on the City's website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## **WORK SESSION EXHIBIT 1 - STAFF REPORT**

**DATE:** January 17, 2019 Meeting  
**TO:** Planning Commission  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Innovative Housing Pilot Project Floating Zone

---

### **Report in Brief:**

At the September 26, 2018 and November 28, 2018 Affordable Housing Task Force meetings, the task force discussed a concept for an “innovative housing pilot project floating zone.” The concept includes several elements, including establishment of a “floating zone” in the Zoning Ordinance, together with an RFP process for selection of pilot projects, which would then proceed through the land use process to apply the floating zone designation to a specific property.

At the November meeting, the Task Force made a recommendation that staff work with the Planning Commission on the provisions that would establish the “floating zone” in the Zoning ordinance, and that staff continue to work with the Task Force to further develop the RFP process.

This work session is the first step in the discussion with the Planning Commission to establish a floating zone.

### **Background & Discussion:**

Attached are memos from the September and November Affordable Housing Task Force meetings, where the concept was introduced and a draft legislative concept was presented. The first memo also include links to background information on these legislative tools.





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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## STAFF REPORT

**DATE:** September 26, 2018 Meeting  
**TO:** Affordable Housing Task Force  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Pilot Project Floating Zone Concept

---

### **Report in Brief:**

This report outlines a broad legislative concept for an innovative land use approach to help address affordable housing needs: a pilot project floating zone. At the meeting, staff will provide further detail of how such a program could be structured to address affordable housing needs.

Certain affordable housing needs continue to go unmet in the community. There may be issues which can be difficult to address with more traditional zoning and regulatory tools. Some communities have turned to special regulatory tools when pursuing innovation, including pilot projects / innovative housing demonstration programs and floating zones. Additional information about each of these tools is provided below. There are a variety of ways these tools can be used, depending on the desired policy objectives. There is also potential to use these tools together with a "Pilot Project Floating Zone" to authorize innovative pilot projects to address housing needs, and these can be limited in number and/or geographic area. Such a program can also have a limited duration, authorizing projects during a specified window or limited period of time.

### **Background:**

This concept combines two distinct ideas – pilot projects and a floating zone – to help address the most challenging and pressing needs for housing and homelessness.

### **Pilot Projects/Innovative Housing Demonstration Programs**

Pilot projects, or innovative housing demonstration programs, provide an opportunity to introduce new housing concepts on a small scale, and determine how well they will address local housing needs and fit into the community. This approach can also provide a trial period and an opportunity to work out details before providing for more widespread adoption in the development regulations. It can also help gain acceptance of a new housing program, when a pilot project is a success.

This approach has been used in several communities in Washington State for a variety of purposes. For example, this was used for introducing "cottage housing" on a small-scale before widespread adoption in communities. It was also the approach used in Seattle when they were considering authorization of detached Accessory Dwelling Units (ADUs). Seattle initially authorized detached ADUs within a limited geographic area through a pilot program in 2006, which led to city-wide authorization in 2009 with specific parameters. The City of Tacoma established a residential infill pilot program.

Some examples are listed with hyperlinks on the Washington State Municipal Research and Services Center (MRSC) website. A link is provided below, and information is provided as **Attachment 1**.

- <http://mrsc.org/Home/Explore-Topics/Planning/Specific-Planning-Subjects,-Plan-Elements/Affordable-Housing-Ordinances-Flexible-Provisions.aspx#innovative>

Implementation approaches vary. For example, a pilot program may simply limit the geographic applicability of the program. In other cases, the program may specify a maximum number of applications that may be accepted in one or more categories based on how well they meet program objectives, typically with a scoring process for selection. Those projects are then eligible to submit an application for permitting through the land use process.

### **Floating Zones**

“A floating zone is a zoning district that delineates conditions which must be met before that zoning district can be approved for an existing piece of land. Rather than being placed on the zoning map as traditional zones are, however, the floating zone is simply written as an amendment in the zoning ordinance. Thus, the zone “floats” until a development application is approved, when the zone is then added to the official zoning map. Floating zones can be used to plan for future land uses that are anticipated or desired in the community, but are not confirmed, such as affordable housing.”

- <https://www.planning.org/divisions/planningandlaw/propertytopics.htm#Floating>

Floating zones have been used for a variety of different purposes. One application of this tool was development of a model code cities could use to implement “LEED-ND” for sustainable neighborhood developments using the “LEED-ND” rating standards as criteria. The guide to the model code noted:

“A floating zone approach, when applied in low and medium density areas, preserves the value of the increased density permitted under LEED-ND for developers who are building the type of sustainable development desired by the community. This prevents the economic windfall that results from a rezoning approach, which would cause current property owners to sell their land to developers of sustainable projects at an inflated price.”

- <https://www.smartgrowthamerica.org/app/legacy/documents/Neighborhood-Development-Floating-Zone-2012.pdf>

Affordable housing is recognized as one of these purposes. This tool could have applicability in addressing affordable housing needs and can provide the advantages described above in keeping such developments affordable.

### **Combining the Tools**

Combining these two tools provides an opportunity to encourage innovation, address the most pressing needs, select pilot projects that provide the best match between the type of project and associated site selection, allow for co-location of mutually complementary uses that might not otherwise be authorized in the same location by traditional zoning, and address other potential program objectives, such as cost efficiency and replicability to address critical needs.

The ability to use these tools in a way specifies limited applicability in number and/or geographic area can be important in demonstrating success of innovative projects on a limited basis, and authorizing successful concepts more broadly if desired.

**Other Considerations**

Adoption of a floating zone would occur through a code amendment in advance of submittal of applications for pilot projects. The adoption of the floating zone would address the Comprehensive Plan, provide criteria and standards for pilot projects, and could potentially authorize the use of affordable housing tools which are enabled by state law but require local adoption if they are to be used in a city.

If a pilot program includes a competitive selection process for a limited number of pilot projects, the program must be structured to provide for the initial selection of the highest-scoring projects that best meet the program criteria, and the subsequent permit review process.

**Discussion:**

- Would the Task Force like staff to move forward with developing this concept further for a Task Force recommendation to City Council?
- Are there key issues the Task Force would like to see addressed?

## Innovative Housing Demonstration Programs

Several communities have established innovative housing demonstration projects or pilot projects to test how well [cottage housing](#) and other innovative housing types would address local housing needs and fit into the community. A demonstration program provides a trial period and opportunity to work out bugs in a program before fully committing to it. It can also help gain acceptance for a new housing program when a pilot project is success.

### Examples of Innovative Housing Programs

- [Bellingham Municipal Code Ch. 20.27](#) — Calls for the use of alternative development standards and processes that are not currently allowed under existing land use regulation to promote affordable housing projects.
- [Kirkland Zoning Code Ch. 113](#) — Offers standards for cottage, carriage, and 2- or 3-unit homes. The city used a competitive processes and specific criteria to assess and compare the proposed projects before selection
- [Redmond Zoning Code Sec. 21.08.360](#) — Establishes a Residential Innovative (RIN) zone while [Sec. 21.08.070](#) establishes a specific, single-family, urban RIN, both of which promote affordable housing via the city's [Innovative Housing Program](#)

### Innovative Housing Resources

- [Kirkland's Innovative Housing Demonstration Program; An Evaluation Strategy](#) (2006) — This report, prepared by Janet Hyde-Wright, includes an evaluation of Kirkland's demonstration projects and discussion/lessons learned from cottage housing and other innovative housing programs in other communities such as Shoreline.
- [Puget Sound Regional Council: Housing Innovations Program](#) (2017) — This excellent housing toolkit profiles 49 tools, incentives, and strategies to promote affordable housing and smart growth, and also provides examples. The toolkit has five focus areas: urban centers, transit-oriented development, innovative single family techniques, expensive markets, and education and outreach. Also see PRSC's External Housing Resources links

<http://mrsc.org/Home/Explore-Topics/Planning/Specific-Planning-Subjects,-Plan-Elements/Affordable-Housing-Ordinances-Flexible-Provisions.aspx#innovative>



## STAFF REPORT

**DATE:** November 28, 2018 Meeting  
**TO:** Affordable Housing Task Force  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Innovative Housing Pilot Project Floating Zone – Legislative Concept

---

### **Report in Brief:**

At the September 26 meeting, the Task Force reviewed a broad concept that combined two tools to address critical housing needs: pilot projects and a floating zone. **Attachment 1** provides a draft legislative concept for an “Innovative Housing Pilot Project Floating Zone” based on that discussion. It outlines the general concept, the need and purpose, and the following major components:

1. **Amend the Zoning Ordinance to establish the floating zone.** The floating zone would be established and remain in place without being applied to any property until a property owner within the boundary requests that the floating zone designation be applied to a property. Initially, only two properties would be eligible for designation. The amendment would establish the boundary within which properties are eligible for designation, provide the criteria for designation, and establish the permitted uses, performance standards, and development standards which apply to properties.
2. **Select Two Pilot Projects.** Through an advertised selection process, two pilot projects would be selected based on the criteria described in the attached legislative concept. The selected projects would be eligible for the applicant/property owner to proceed to the next step: an application to apply the floating zone to the property, including approval of a master plan for the property.
3. **Land Use Approval to Apply the Floating Zone Designation to the Property.** The applicant would apply to have the Floating Zone designation applied to the property through the land use process. The application would need to meet the applicable approval criteria. The application would include a master plan that would provide the basis for the designation. The designation would approve the floating zone designation and the master plan for the property simultaneously, similar to the Planned Development process.

### **Background:**

Several variations of this proposal were considered to provide sufficient flexibility to respond to critical housing needs, encourage innovation, and allow a regulatory structure to be responsive to innovative pilot projects. This approach is responsive to those objectives, with the added ability to specify geographic applicability, and allow a limited number of pilot projects.

Some jurisdictions have declared housing emergencies which have also temporarily waived certain provisions of their codes. While this proposal could be structured to work in conjunction with

declaration of a housing emergency, the proposal is intended to achieve the objectives without declaration a housing emergency. In addition, the regulatory framework is intended to provide the necessary regulatory flexibility to achieve objectives without the need to waive regulations.

**Discussion:**

- Does the proposal address the objectives of the Task Force?
- Are there additional key issues or objectives the Task Force would like to see addressed in the proposal?
- Would the Task Force like to see any additional information or outreach at this time?
- Is the Task Force ready to make a recommendation on this concept? If so, staff can proceed to the next steps and conduct any needed work sessions, draft the proposed ordinance language, and initiate the land use process for the Zoning Ordinance amendment.

**11-21-18 DRAFT CONCEPT****Innovative Housing Pilot Project Floating Zone (“Floating Zone”)  
Legislative Concept****Concept:**

The proposal would establish an “Innovative Housing Pilot Project Floating Zone,” (“Floating Zone”). The concept combines two distinct tools to help address the most challenging and pressing needs for housing and homelessness: pilot projects/demonstration programs and a floating zone.

The Floating Zone would be established in the Zoning Ordinance, but wouldn’t be applied to any properties unless and until a property owner applies for, and receives approval to have the Floating Zone designation applied to the property, based on specified criteria.

Upon **establishment** in the Zoning Ordinance, the Floating Zone will identify performance and/or development standards that will apply to a property upon designation. At the time a property owner applies to have the Floating Zone **designation** applied to a property, the application will be accompanied by a master plan that guides development of the property consistent with those performance and/or development standards.

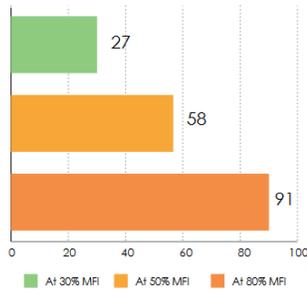
**Need & Purpose:**

- Availability of housing affordable to residents across the income spectrum is a critical issue in McMinnville and Yamhill County, with especially critical needs for the lowest income residents and special needs populations.
- The 2018 Yamhill County Point in Time Homeless Count counted 1,386 persons as living in shelters, in unsheltered locations, or couchsurfing during the 2018 Homeless Count, up from 1,066 in 2017 and 1,197 in 2016:
  - In 2018, 240 persons were counted as living in some type of shelter on the night of the Homeless Count, up from 223 in 2017.
  - In 2018, 417 persons were counted as living unsheltered, up from 270 in 2017.
  - In 2018, 729 persons were counted as living in a couchsurfing condition, up 573 from 2017.
- Yamhill County is the 10<sup>th</sup> most populated county in Oregon, yet has the 7<sup>th</sup> highest population by county of persons who are literally homeless; the 2<sup>nd</sup> highest number of persons who are homeless and fleeing domestic violence; and the 5<sup>th</sup> highest number of persons who are homeless with serious mental illness.
- Based on 2011-2015 ACS data, Oregon Housing and Community Services (OHCS) reported approximately 1 out of 4 renters in Yamhill County were severely cost burdened, paying more than 50% of their income in rent. They found 3 out of 4 renters with extremely low incomes were paying more than 50% of their income in rent.
- Based on 2012-2016 ACS data, Oregon Housing and Community Services (OHCS) found approximately 1 out of 4 renters in McMinnville were severely cost burdened, paying more than 50% of their income in rent. (1,194 of 5,065 renter households).
- The Census Bureau reported 19.8% of persons in McMinnville living in poverty in 2017.

## 11-21-18 DRAFT CONCEPT

- OHCS identified the following shortage of affordable units in Yamhill County based on data from HUD’s 2010-2014 Comprehensive Housing Affordability Strategy, released in June 2017:

Affordable and Available Rental Homes per 100 Renter Households, 2015



Shortage of Affordable Units, 2010-2014

Renter Affordability	< 30% MFI	< 50% MFI	< 80% MFI
Renter Households	2,905	5,180	7,515
Affordable Units	1,260	4,840	9,780
Surplus / (Deficit)	(1,645)	(340)	2,265
Affordable & Available*	770	3,010	6,875
Surplus / (Deficit)	(2,135)	(2,170)	(640)

\*Number of affordable units either vacant or occupied by person(s) in income group.

Owner Affordability	... for MFI	.. for 80% MFI	.. for 50% MFI
Max Affordable Value	\$237,890	\$190,312	\$118,945
% of Stock Affordable	53.7%	40.2%	17.6%

- A portion of McMinnville’s population is need of assistance to help them move from homelessness to self-sufficiency, which may require a combination of co-located uses to provide for transitional housing together with supportive services.
- Supportive services can also be also be offered on-site in a manner that provides services to others in need of these services, whether or not they are also served by on-site housing.
- McMinnville’s zoning ordinance is primarily structured in a “Euclidean Zoning” manner, which generally separates uses by type, such as residential, commercial, and industrial, limiting opportunities to co-locate some types of transitional housing and supportive service uses together on a site, where such combined uses may be in the best interest of the constituents and community.
- There are also some uses authorized by state enabling legislation that are available to cities subject to certain limitations, which might be suitable in McMinnville; however, the traditional zoning structure may not be the most workable way to authorize these uses in a way that is consistent with the associated statutory limitations.
- The Comprehensive Plan has general policies which seek to avoid locating higher-density residential uses in areas which might create conflicts between uses or present adverse impacts such as noise, odor, etc. However, there may be combinations of uses that have unique siting requirements, and the Floating Zone concept provides an opportunity to authorize a limited number of projects that can be evaluated based on a good match between siting needs and site selection when considering project characteristics and compatibility.
- There may be opportunities for site selection in areas with industrial zoning which are developed with lower-impact industrial uses such as clean indoor industry, storage of non-hazardous materials, or open space elements which can be compatible with non-industrial uses.
- As the city has begun reviewing its buildable lands inventory, there is generally a shortage of land zoned for higher-density residential use and a surplus of land with industrial zoning. There is potential to continue to provide an adequate inventory of industrial sites while providing an opportunity to address a limited portion of critical housing needs on some surplus lands described above.

# 11-21-18 DRAFT CONCEPT

## Process for Establishing the Floating Zone, Selecting Pilot Projects, and Applying the Floating Zone Designation to Property

### **Step 1. Establish the “Innovative Housing Pilot Project Floating Zone”:**

- **Effect.** The City will initiate a proposed amendment to the Zoning Ordinance. The proposal will establish an “Innovative Housing Pilot Project Floating Zone” in the Zoning Ordinance.
  - **Procedure.** The proposed amendment will follow the procedures for a legislative amendment to the text of the Zoning Ordinance.
  - **Applicability.** Properties within the Floating Zone boundary will be eligible to apply to have the Floating Zone designation applied to the property. The Floating Zone boundary is shown in **Exhibit 1**.
  - **Number of Pilot Projects Authorized by Floating Zone.** Up to two pilot projects may initially be selected and authorized to apply for the Floating Zone designation process.
  - **Authorized Uses.** The Floating Zone shall allow uses which may include, but shall not be limited, to the following:

**Primary Uses.** As part of an approved master plan, the following uses may be permitted outright alone or in conjunction with other primary uses or secondary uses:

1. Attached, detached, or multi-family housing affordable to persons earning at or below 60% AMI, including development types such as cottage housing clusters, tiny home villages, and mobile homes, whether there are multiple structures on the same lot or individual structures on distinct lots;
2. Residential homes and residential facilities as defined in ORS 197.660;
3. Transitional housing;
4. Transitional housing accommodations governed by ORS 446.265, on not more than two parcels within the UGB;
5. Emergency shelter;
6. Consistent with the need and purpose of the Floating Zone: other forms of shelter, short-term, or long-term housing intended to meet the needs of persons experiencing homelessness, earning at or below 60% AMI, or in need of transitional housing together with supportive services to move to self-sufficiency.

**Secondary Uses.** As part of an approved master plan, the following uses may be permitted, but only when in conjunction with one or more primary uses on a site or contiguous sites:

1. Support services provided for residents of the site, such as health services, personal counseling, food bank, food service, self-sufficiency and job skills training and coaching; which may also be offered to persons who do not reside on-site, if offered to on-site residents.

## 11-21-18 DRAFT CONCEPT

2. Services for direct use by residents of the site such as cooking, bathing, laundry, personal storage; which may also be offered to persons who do not reside on-site, if offered to on-site residents.
- **Development Standards.**
    1. **Density.** Maximum of 35 units per acre.
    2. **Building Height.** Maximum of 60 feet in height.
    3. **Other Development Standards.** Unless otherwise specified in the property's master plan approved through the Floating Zone designation process, the yard requirements and other development standards applicable to the R-4 zone shall apply. Through the master plan approval process, these standards may be increased or decreased relative to the extent of conflicts and/or compatibility both internally between uses approved within the Floating Zone designated site and externally between on-site uses and those uses permitted on adjacent properties.
    4. **Effect on Ordinance 4135.** Section (5)(d) of the Northeast Industrial Area Planned Development Overlay (Ordinance 4135) specifies certain use restrictions within 500 feet of a residentially designated area or any area in residential use. For purposes of applying that Section to surrounding industrial properties, that requirement may be waived or reduced when the master plan for the property with the Floating Zone designation includes site-specific mitigation and/or on-site buffering to prevent conflicts with specified uses, and upon a finding that the use on the surrounding property doesn't pose a hazard to the use of the property with the Floating Zone designation.
    5. **Effect on Yard Requirements for Abutting Properties.** Where the zoning of adjacent properties specifies increased yard requirements when adjacent to a residential zone, the, additional yard requirements can be fully or partially addressed on the property with the Floating Zone designation rather than the adjacent property if specified by the applicant as part of the master plan, and may be measured to buildings to be occupied for residential use.
  - **Incentives.** At the time of application for the Floating Zone designation, as part of the application and master plan approval process, the applicant may identify and request authorization of incentives available under state and local law, some of which may be automatic, and some of which may require local approval, including, but not limited to:
    1. System Development Charge (SDC) exemptions and/or grants authorized by McMinnville City Code;
    2. Property tax exemptions specified in state law which require local authorization, including those described in ORS 307.515-535, ORS 307.540-548, ORS 307.540-548, and ORS 307.600-637;
    3. Use of any other local funds which may be designated for affordable housing development.

## 11-21-18 DRAFT CONCEPT

The applicant may indicate the extent to which the success and feasibility of the pilot project is dependent on one or more incentives. If the project is feasible without incentives, the applicant may identify how the project and service levels may be adapted with or without incentives, indicating what additional services, level of affordability, number of persons served, or other performance indicators could be achieved with incentives vs. without incentives.

- **Expiration.** If the applicant has not commenced construction within 12 months of Floating Zone designation, the designation shall expire, and revert to the prior zoning. The applicant may request a 12-month extension prior to expiration.
- **Monitoring and Reporting.** Between 12 and 18 months from the date of occupancy, the applicant shall provide a brief report and/or presentation to the City on what has been accomplished to date with the project and any information that would help inform potential replicability of the project to address critical needs.

### ***Step 2: Pilot Project Selection & Step 3: Floating Zone Designation Process***

Once the floating zone has been established, proposals for pilot projects will be solicited and evaluated through a two-step process. First, a request for proposals will be issued to solicit proposals. Proposals must meet eligibility requirements, and eligible proposals will be ranked using a scoring system. The two highest ranked proposals will be selected to proceed through the land use review process. If the top two proposals do not successfully proceed through the land use review process in a timely manner, the City may select the next highest ranked eligible proposal, may issue a new RFP, or may cancel the pilot project program.

1. **Pilot Project Application & Selection Process.** The City will establish an application window during which pilot project proposals may be submitted. Two pilot projects will be selected based on a scoring system that ranks projects using the evaluation criteria described below.

Applications will need to identify one or more potential sites, include a statement of commitment from the property owner(s), and describe the proposed uses and general site development improvements and characteristics.

Applications must describe the need to be met, effectiveness of the proposal to meet a critical need that is otherwise going unaddressed in the community, difficulty and barriers to achieving the project objectives presented by conventional zoning, uniqueness of the solution to address challenging needs, suitability of the site for the proposed uses, why the proposed site selection is a good match between the project characteristics and objectives and the proposed site, and potential replicability of the pilot project as a model to address critical needs.

The projects will be evaluated and ranked on criteria that demonstrate:

- a. **Purpose.** The proposal is consistent with the purpose and intent of the Floating Zone.
- b. **Critical Need.** The pilot project will serve a population or populations that are underserved and have critical needs.
- c. **Best Practices.** The pilot project incorporates best practices to address the needs of the populations to be served.

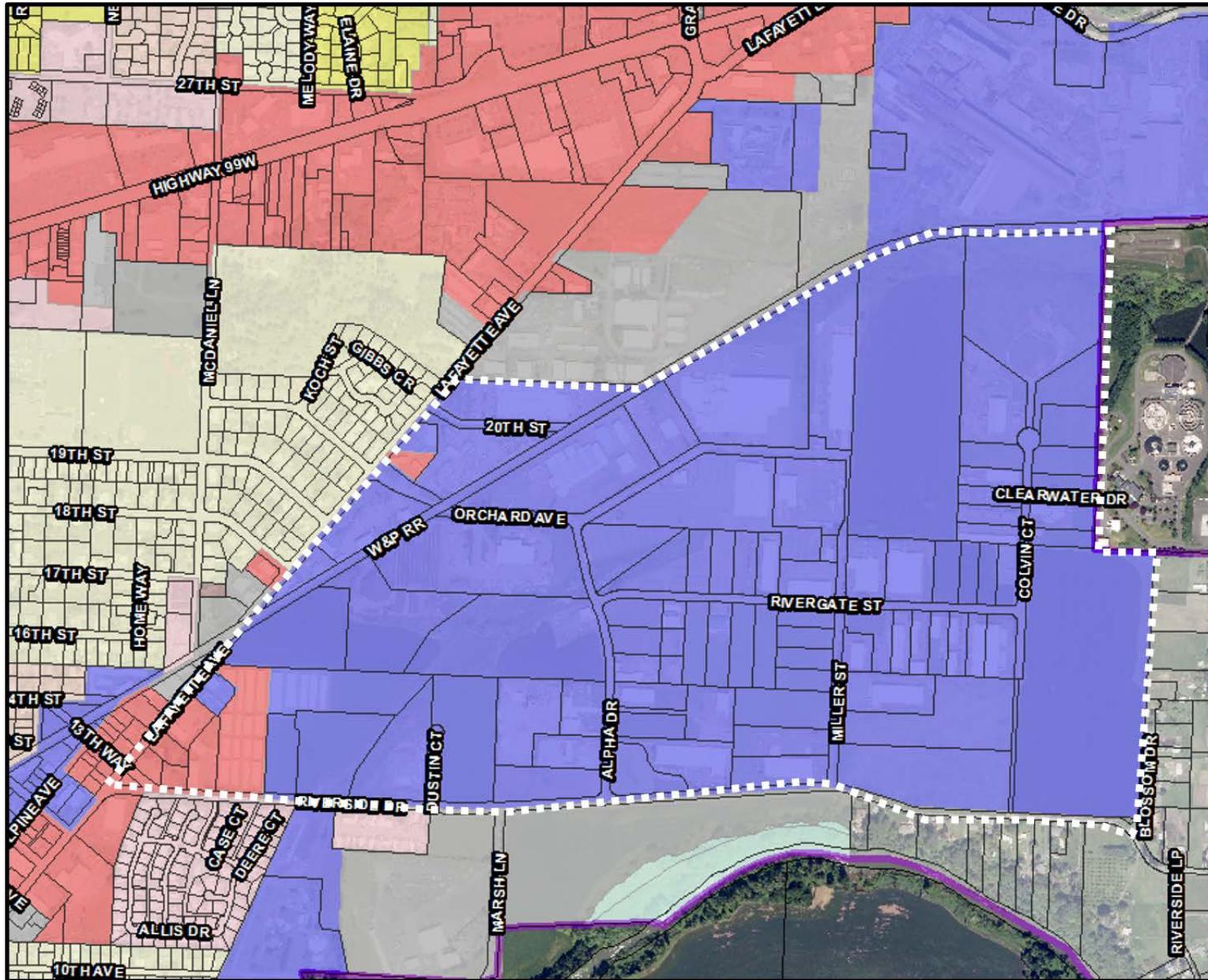
## 11-21-18 DRAFT CONCEPT

- d. **Site Selection.** The pilot project site selection is within the Floating Zone eligibility boundary and provides a good match between siting needs of the uses and the characteristics of the selected site.
  - e. **Land Inventory.** The site or sites will not consume more industrial land for non-industrial uses than was identified as surplus in the City's most recent buildable lands inventory or other more recent information about development that has occurred since the inventory was conducted.
  - f. **Land Use Efficiency.** The pilot project can accomplish the project objectives in a site-efficient manner compared to feasible options to address the need.
  - g. **Compatibility.** The uses and development proposal are compatible with surrounding use and development and future uses and incorporate elements and practices to mitigate potential issues.
  - h. **Adequacy and Availability of Public Facilities and Services.** There are no foreseeable issues with providing the property with necessary public facilities and services.
  - i. **Readiness to Proceed.** The application indicates a strong likelihood of financial and logistical capability to proceed to the floating zone designation process, begin construction upon land use approval, and complete construction in a timely manner.
2. **Floating Zone Designation/Land Use Review Process.** Within 12 months of selection as a pilot project, the property owner and applicant shall apply to have the Floating Zone designation applied to the property. The application shall be accompanied by a master plan, including a site plan and a project narrative with description of operating characteristics, consistent with the approved pilot project concept. The Floating Zone designation will be applied to the property on the official zoning map, and the master plan and conditions of approval will guide the development and use of the property.
- o **Procedure.** The proposed designation will follow the procedures for a quasi-judicial Zoning Map amendment. Prior to submittal of the application, the applicant shall conduct a neighborhood meeting as specified in the Zoning Ordinance.
  - o **Criteria.** The Floating Zoning designation may be applied to a property upon findings of compliance with all of the following criteria:
    - 1. The pilot project site selection is within the Floating Zone eligibility boundary and provides a good match between siting needs of the uses and the characteristics of the selected site.
    - 2. The proposal is consistent with purpose and intent of the Floating Zone.
    - 3. The site or sites will not consume more industrial land for non-industrial uses than was identified as surplus in the City's most recent buildable lands inventory or other more recent information about development that has occurred since the inventory was conducted.
    - 4. The uses and development proposal are compatible with surrounding use and development and future uses and incorporate elements and practices to mitigate potential issues.
    - 5. There are no foreseeable issues with providing the property with necessary public facilities and services.

## 11-21-18 DRAFT CONCEPT

6. The proposed master plan satisfies the following requirements, or can be made to satisfy the following requirements through conditions of approval.
  1. Consistency with applicable development standards, and sufficient justification for any development standards modified as part of the proposed master plan.
  2. Compatibility of the uses and site design with existing surrounding uses.
  3. Prevention or mitigation of potential conflicts between proposed uses, existing surrounding uses, and uses which are permitted on surrounding properties.
  4. Safe on-site and off-site circulation
  5. Measures to provide for a safe and suitable living environment for residents.

# EXHIBIT 1. INNOVATIVE HOUSING PILOT PROJECT FLOATING ZONE





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

[www.mcminnvilleoregon.gov](http://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.

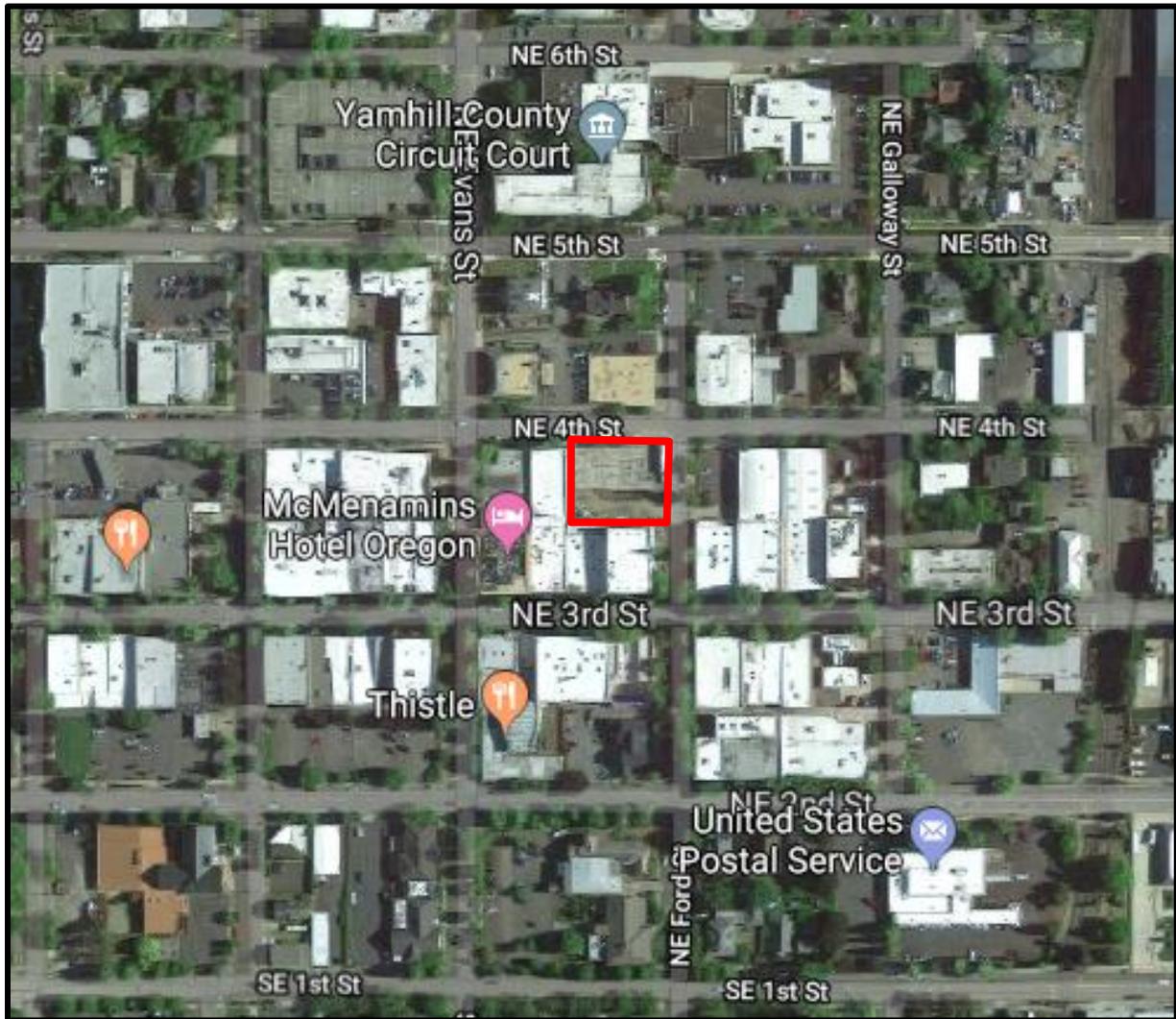
An aerial map of the subject site is also provided below (boundary of the site is approximate):

---

### *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:

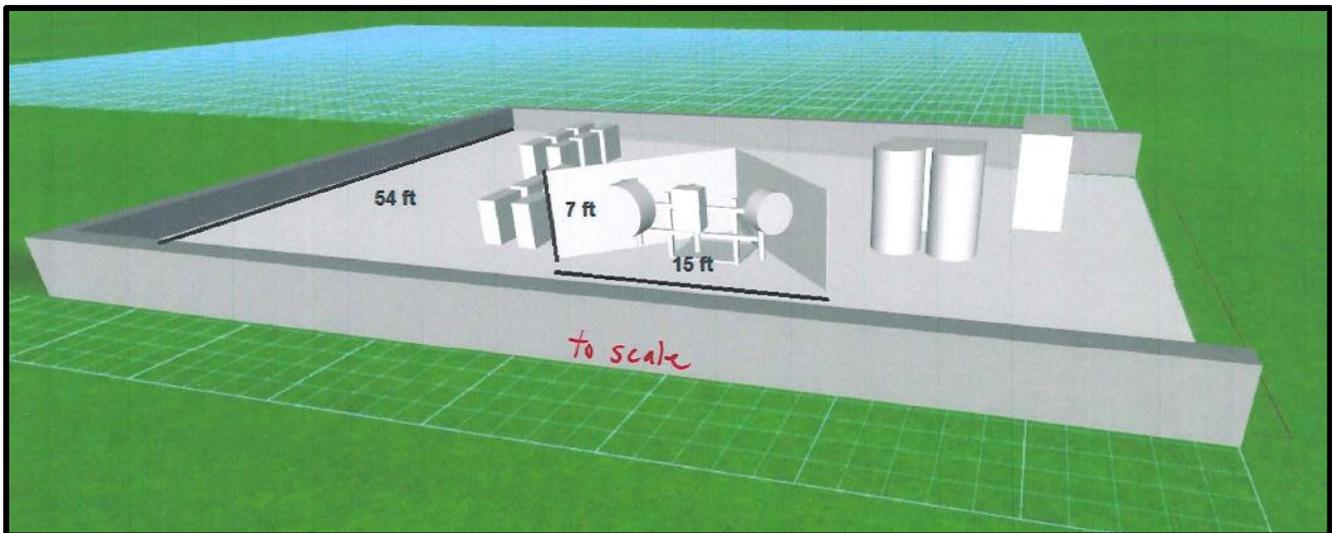
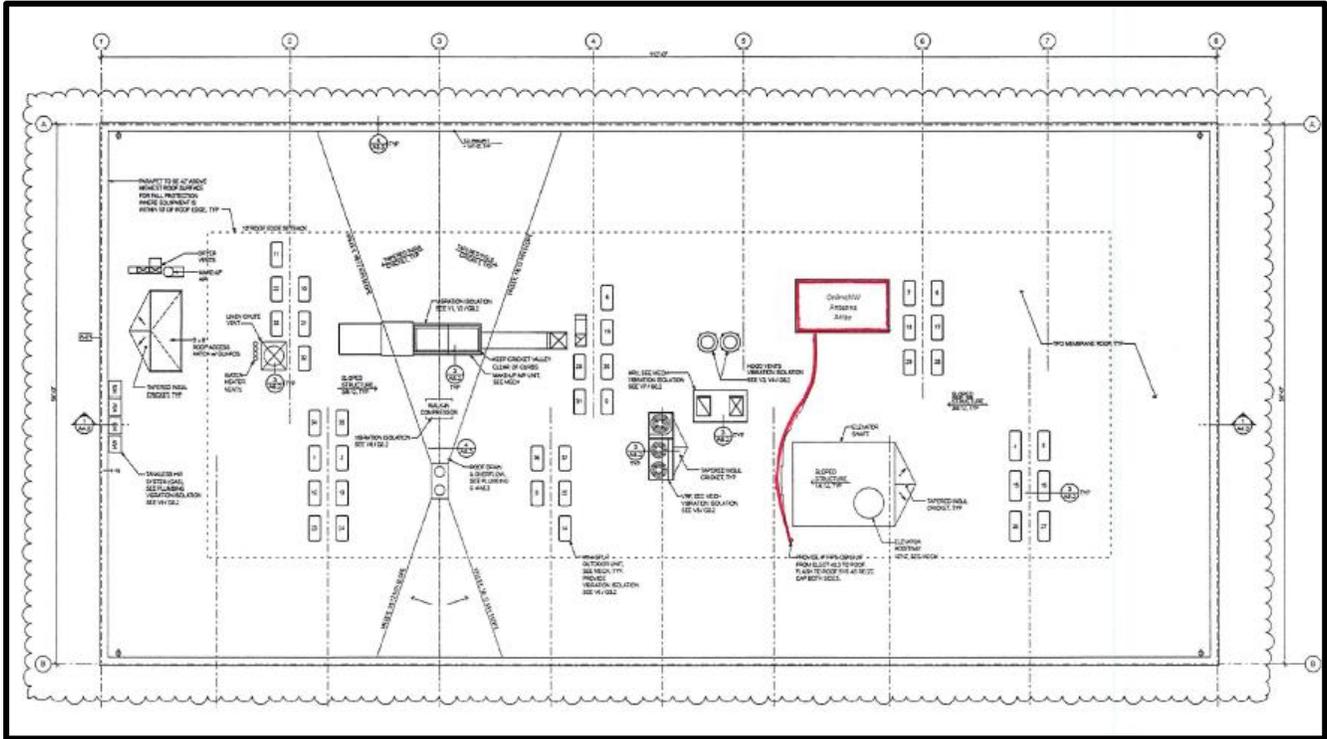
**Alternative Antenna Support Structures** – Roofs of buildings, provided they are 30 feet or more in height above the street grade upon which such buildings front, church steeples, existing and replacement utility poles, flagpoles, street light standards, traffic light and traffic sign structures, billboards 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*

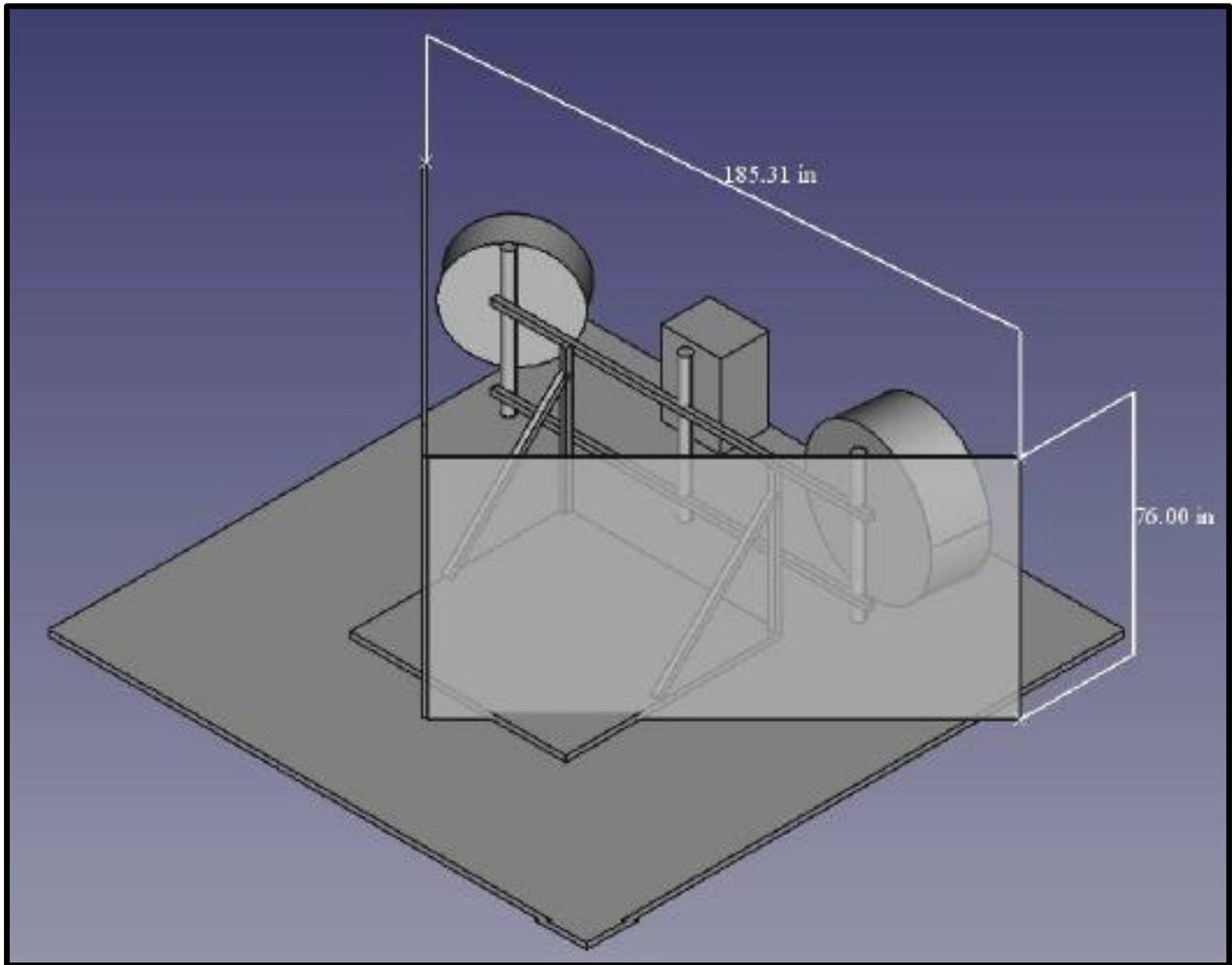
The existing Atticus Hotel building on the subject site was constructed in 2018, and is approximately 54 feet in height. The height of the building is over 30 feet, which allows for the rooftop to function as an alternative antenna support structure.

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



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 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.

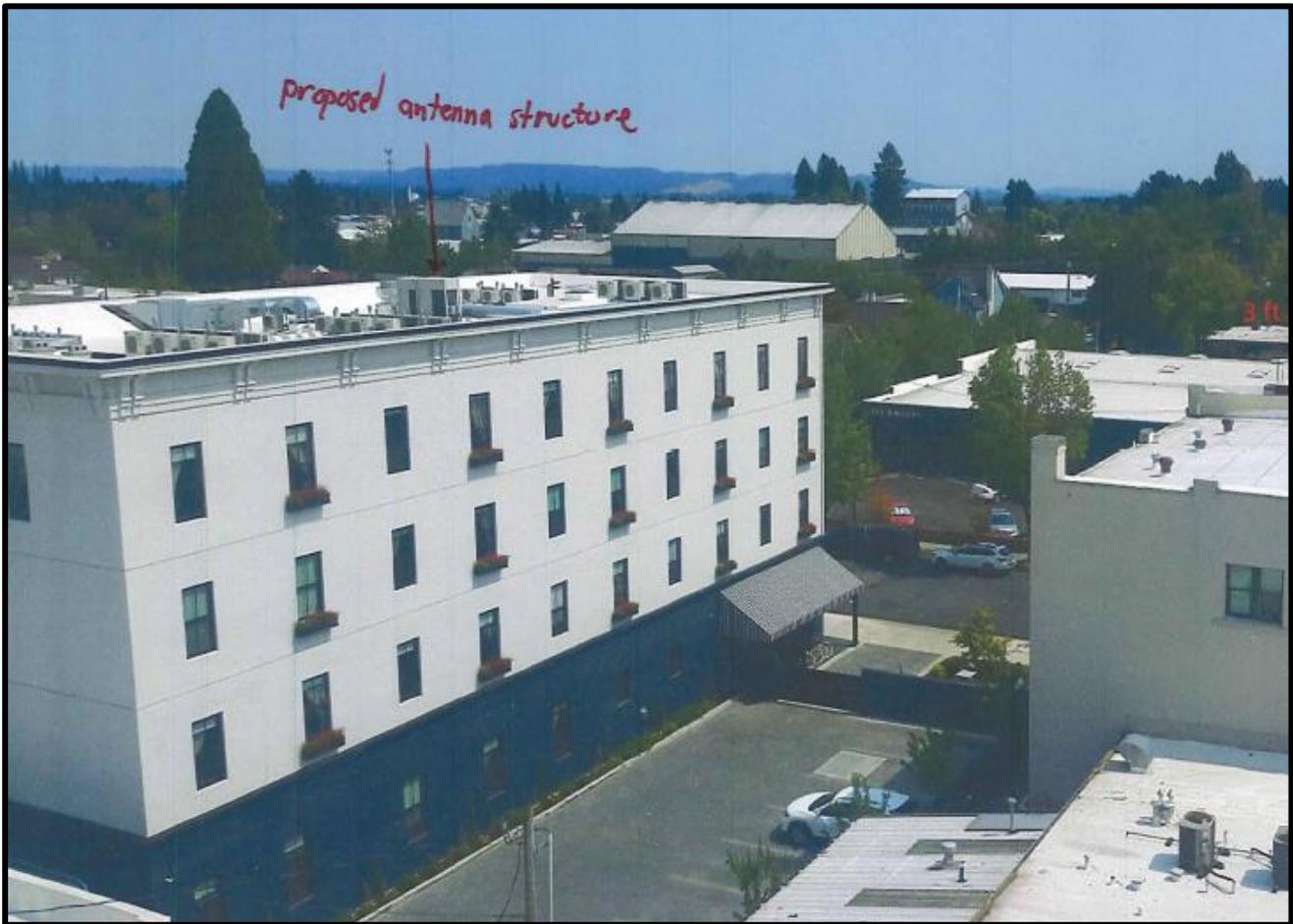
Section 17.55.050(A)(3): Visual Impact. All WCF shall be designed to minimize the visual impact to the maximum extent possible by means of placement, screening, landscaping and camouflage. All WCF shall also be designed to be compatible with existing architectural elements, building materials, and other 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*

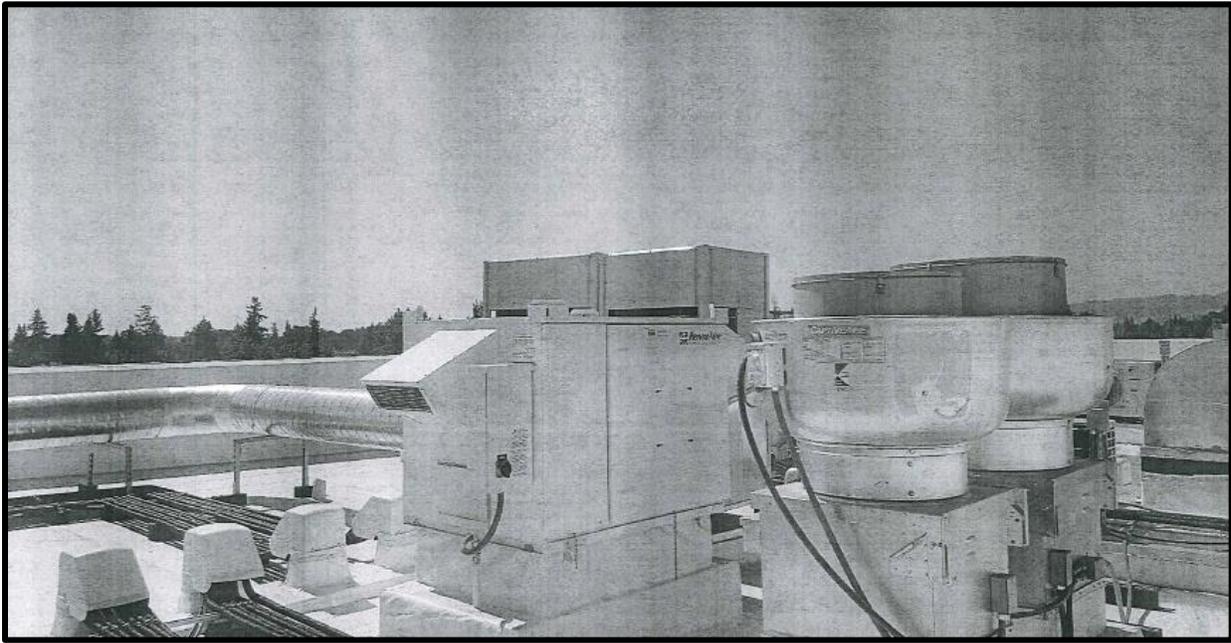


The rooftop of the building in question contains a variety of equipment, such as fans and air conditioner units, and the antennas are proposed to be located between this equipment. The applicant has also provided a photo of the view from the location of the Atticus Hotel rooftop where the antennas will 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*



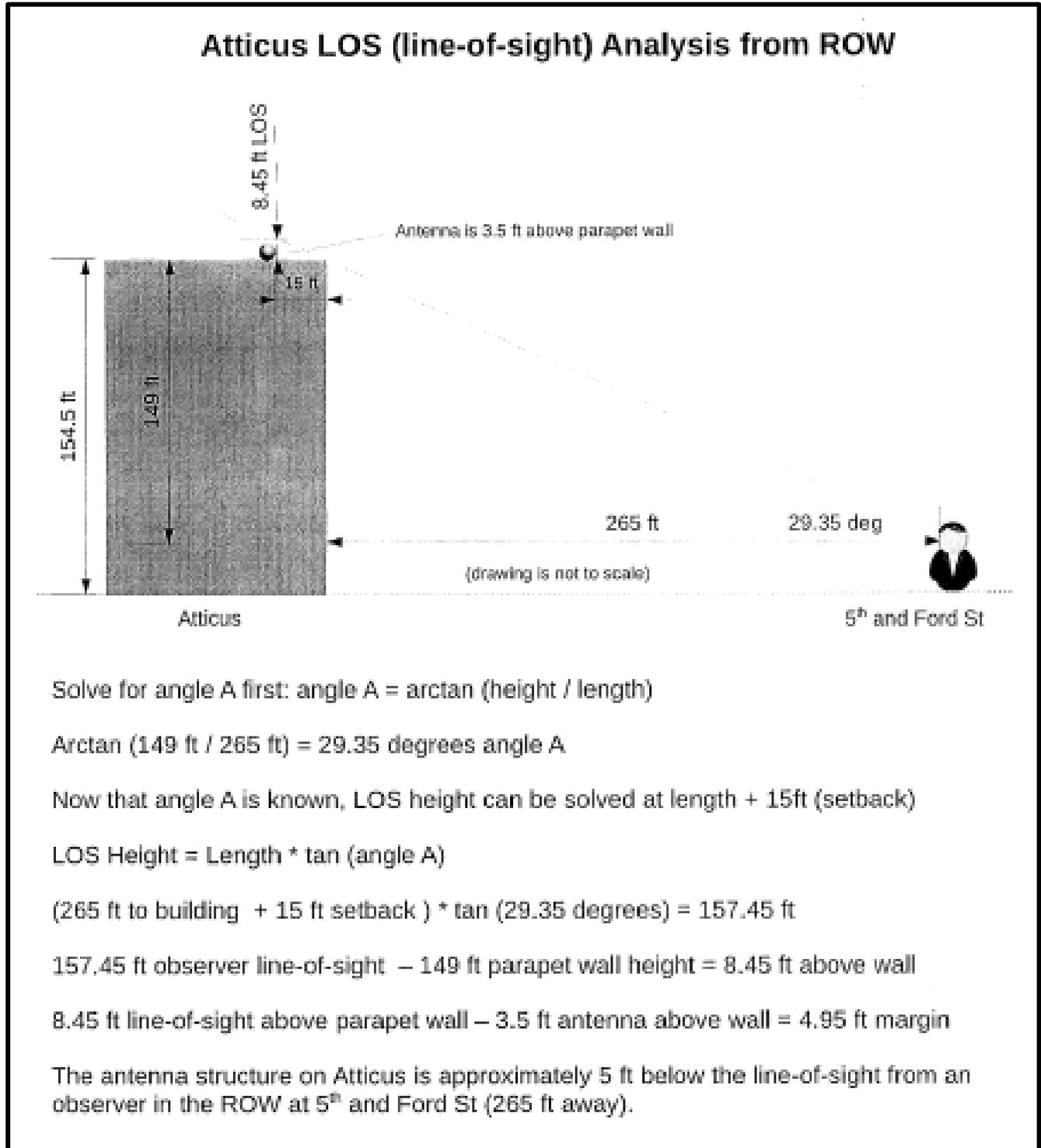
The applicant has also shown that the antennas will not be visible from the surrounding public right-of-way. The applicant provided a line-of-sight and viewshed analysis, which included an analysis of the viewshed from both the Hotel Oregon building described above and a location within the surrounding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



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

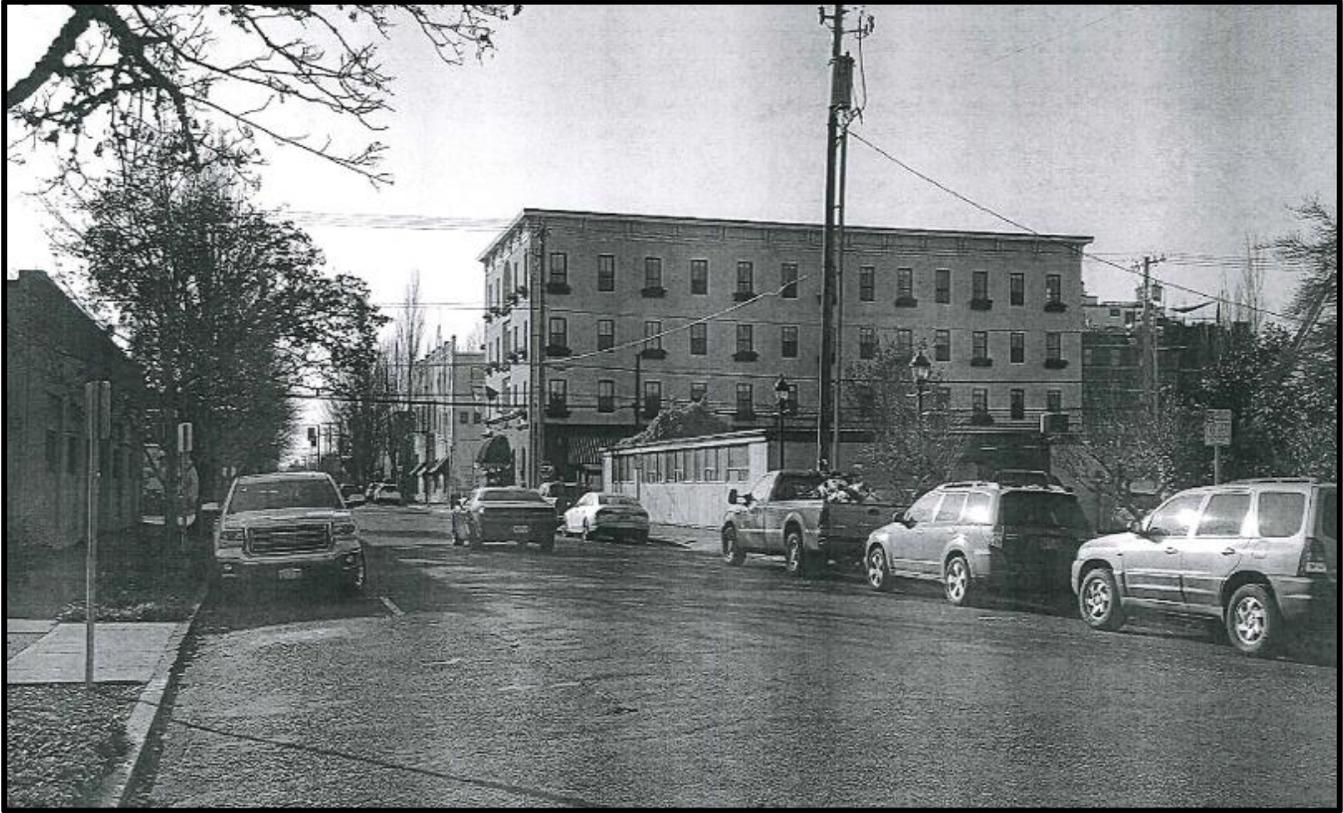
The view from the location in the public right-of-way is from the intersection of 5<sup>th</sup> Street and Ford Street, north of the subject site. At this location, the view towards the building would not allow for a person to see the antennas as they are proposed to be located only 3.5 feet above the 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 5<sup>th</sup> 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.

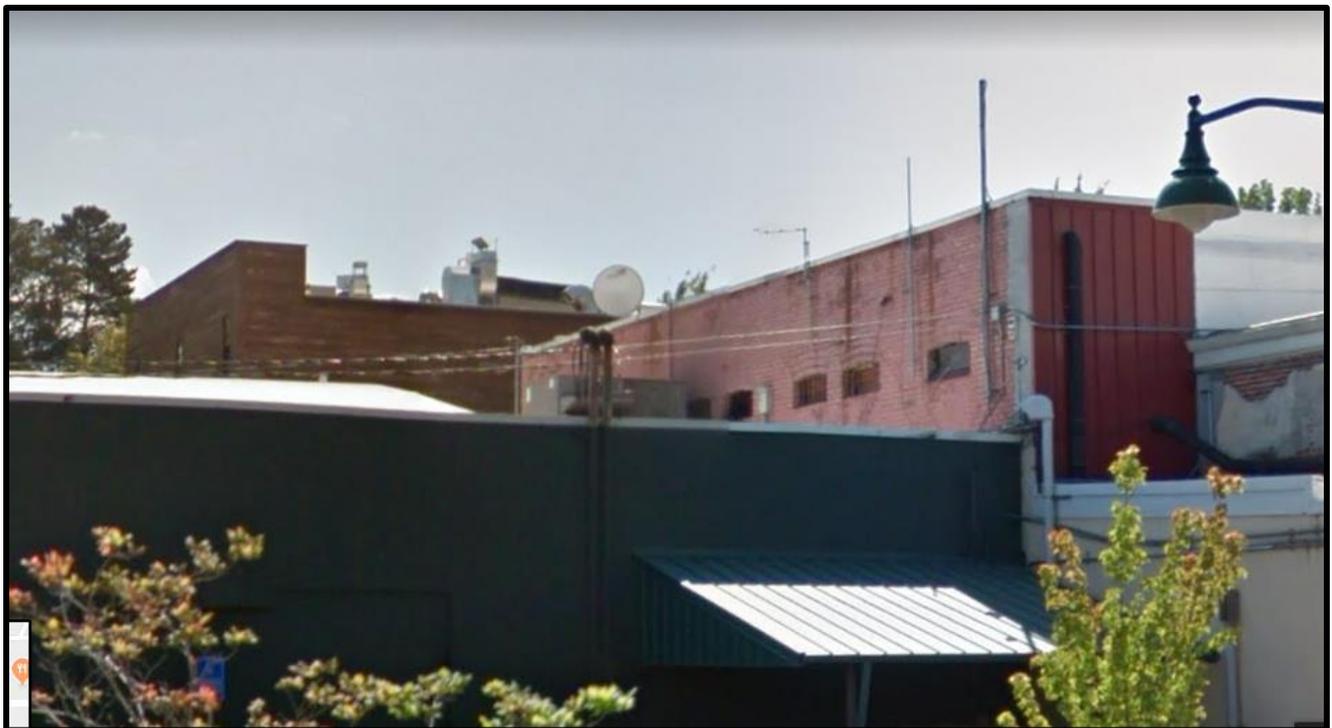
Future redevelopment of surrounding properties could result in additional buildings that are taller than the existing Atticus Hotel building at about 54 feet in height, as the maximum height in the C-3 (General Commercial) zone is 80 feet. However, even if that type of redevelopment occurred and future 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 3<sup>rd</sup> 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*



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, 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**

- DOCKET:** CU 2-18 (Conditional Use)
- REQUEST:** Approval to allow the placement of three antennas on the rooftop of an existing building within the Downtown Historic District. The rooftop of the building would serve as the alternative antenna support structure for the mounting of the antennas.
- LOCATION:** The subject site 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., respectively.
- ZONING:** The subject site's current zoning is C-3 (General Commercial)
- APPLICANT:** Patrick Fuchs, on behalf of Owner Odd Fellows Building, LLC
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** December 6, 2018
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** January 17, 2018. Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- PROCEDURE:** A request for approval of a Conditional Use Permit requires an application to be reviewed by the Planning Commission during a public hearing, as described in Section 17.72.120 of the McMinnville City Code.
- CRITERIA:** The applicable criteria are specified in Section 17.74.030 of the McMinnville Municipal Code.
- APPEAL:** The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.72.180 of the McMinnville Municipal Code.
- 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; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

**DECISION**

Based on the findings and conclusions, the Planning Commission **APPROVES** the Conditional Use Permit (CU 2-18), **subject to the conditions of approval provided in this document.**

////////////////////////////////////  
**DECISION: APPROVAL WITH CONDITIONS**  
////////////////////////////////////

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

Date: \_\_\_\_\_

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

Date: \_\_\_\_\_

---

*Attachments:*  
Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List

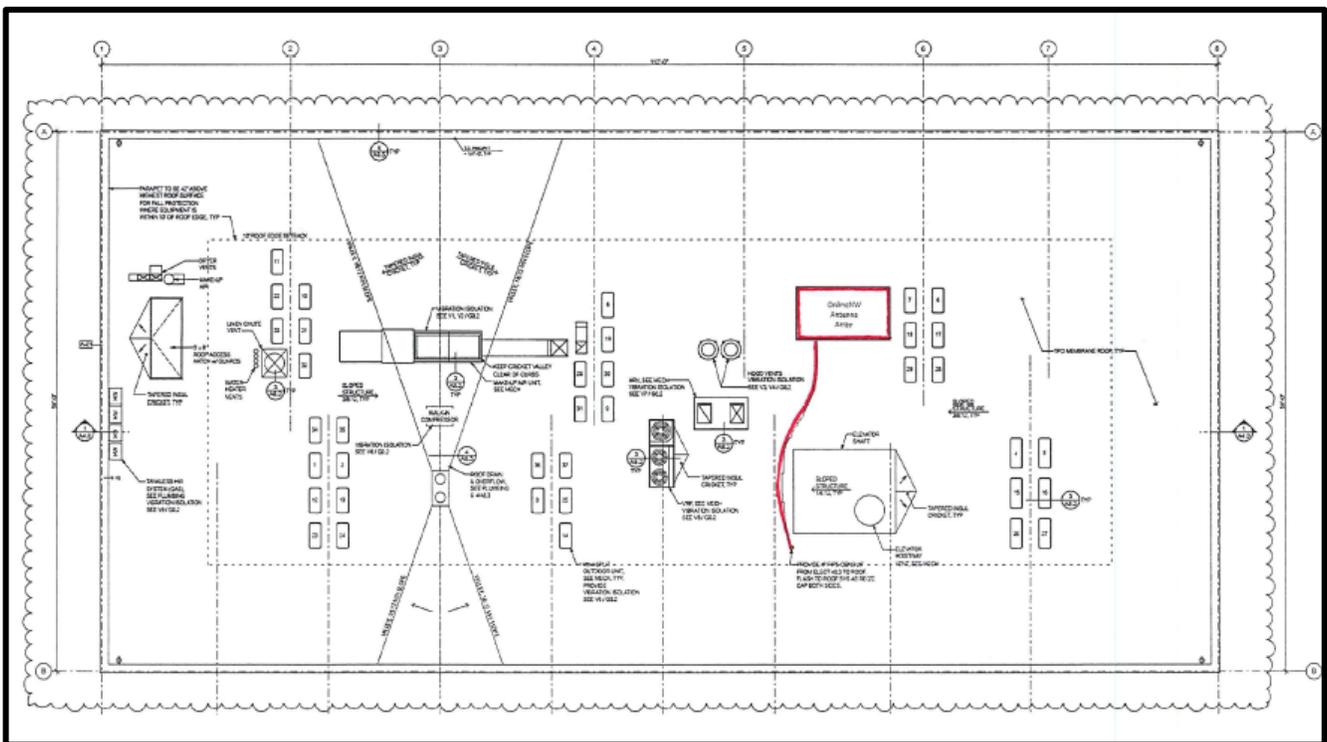
**APPLICATION SUMMARY:**

The subject site is located at 375 NE Ford Street and is a 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 three wireless communication antennas on the rooftop of the existing building on the subject site. Section 17.55.040(B) of the 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:

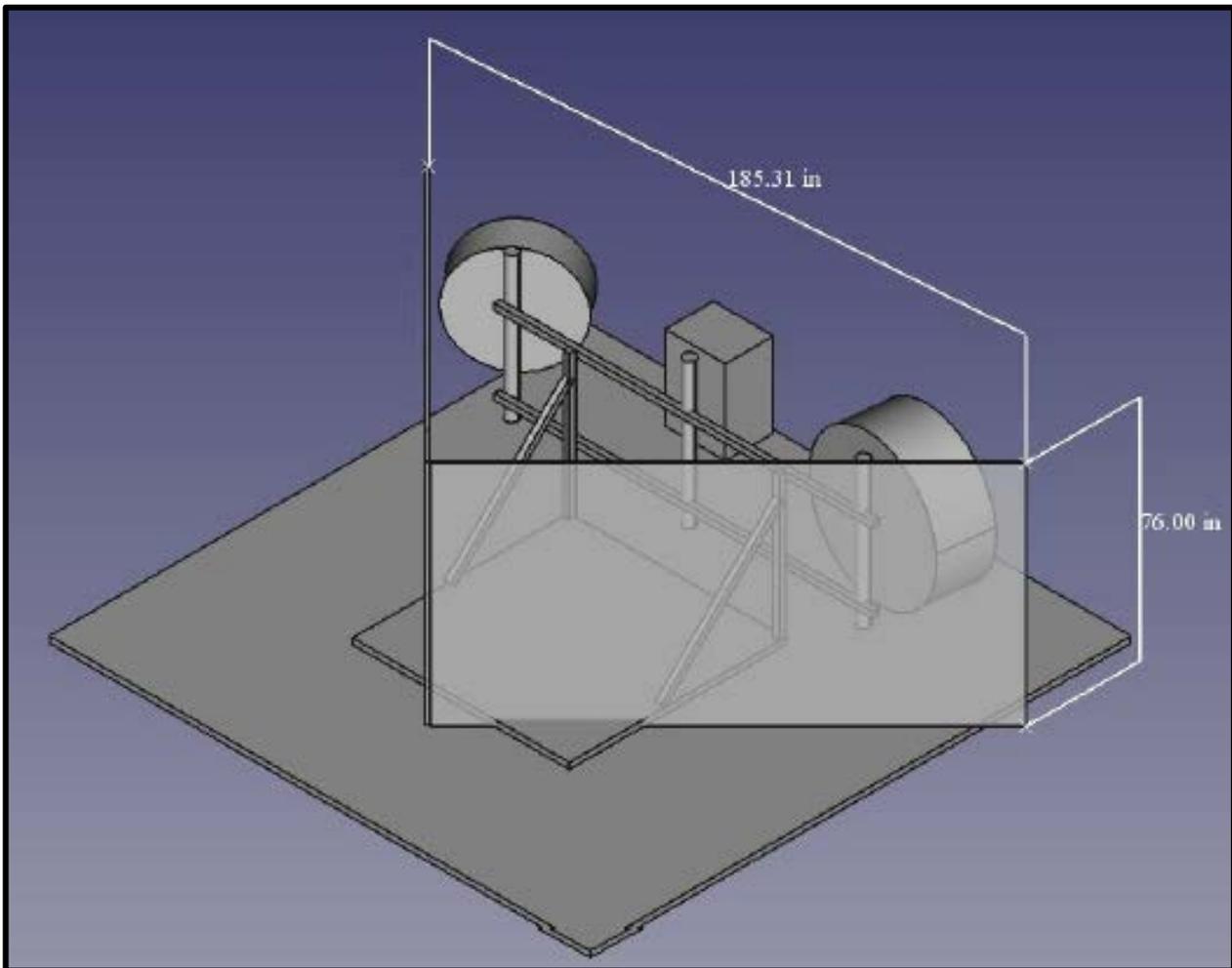
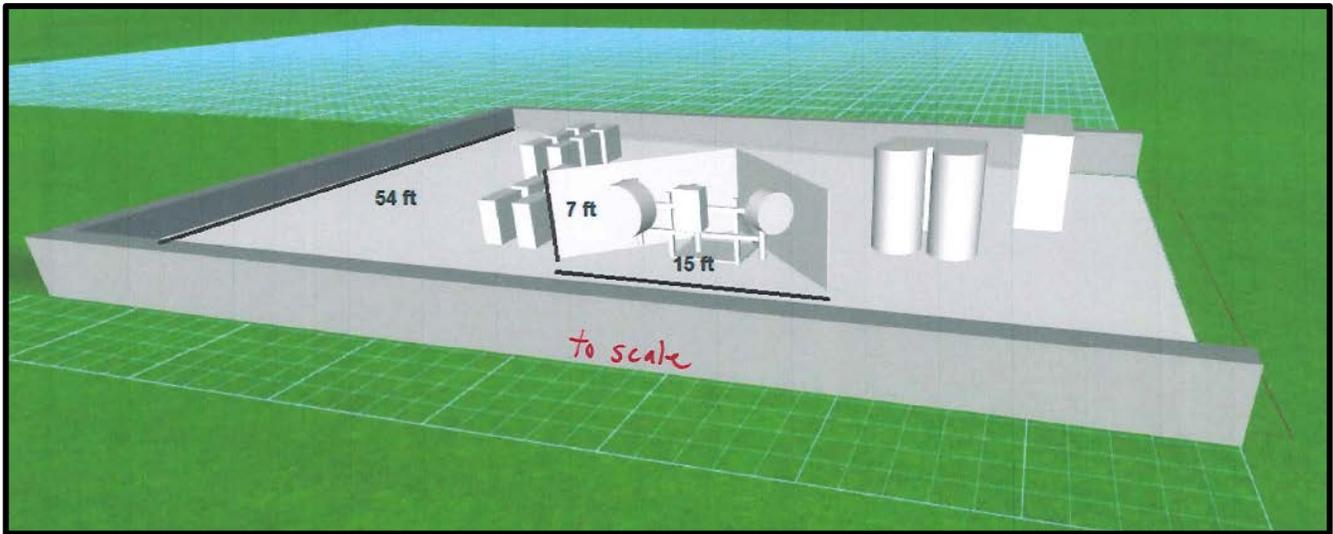
**Alternative Antenna Support Structures** – Roofs of buildings, provided they are 30 feet or more in height above the street grade upon which such buildings front, church steeples, existing and replacement utility poles, flagpoles, street light standards, traffic light and traffic sign structures, billboards 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.

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:

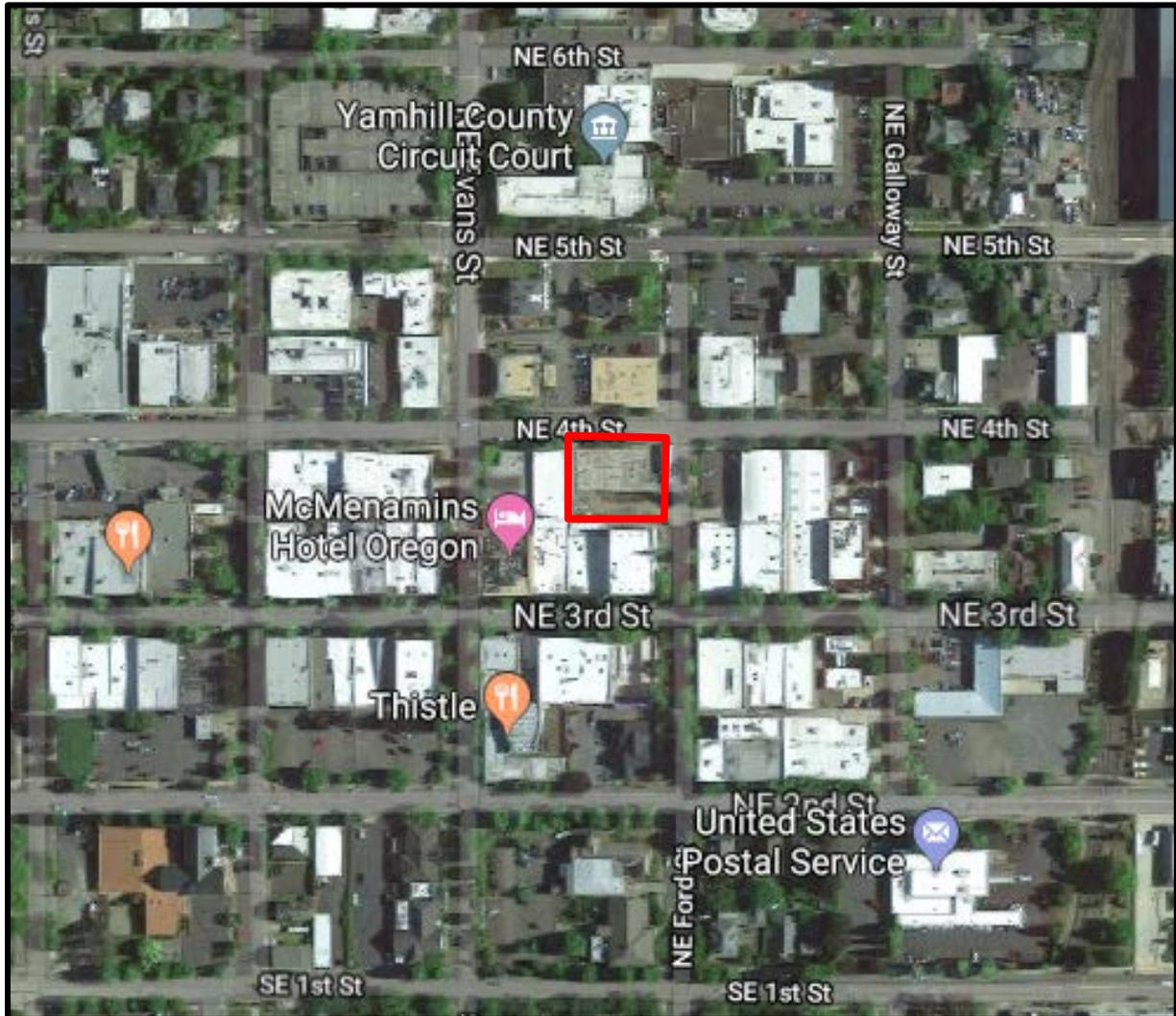


**Attachments:**  
Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List



*Attachments:*  
Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List

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



**ATTACHMENTS:**

1. CU 2-18 Application and Attachments (on file with the Planning Department)

**COMMENTS:**

**Agency Comments**

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

---

*Attachments:*  
 Attachment 1 – Application and Attachments  
 Other Attachments – See Attachment List

- McMinnville Building Department

There are no concerns related to the conditional use from a building permit perspective. As an informational note, a building permit is necessary for the installation of the antennas if they are moved. The anchorage must be designed by an Oregon licensed engineer. Electrical permitting will be through Yamhill County.

- McMinnville Engineering Department

No comments.

- McMinnville Fire Department

We have no issues with this conditional use.

- McMinnville Water and Light

MWL has no comments on this application.

## **Public Comments**

Notice of this request was mailed to property owners located within 200 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, January 8, 2019. As of the date of the Planning Commission public hearing on January 17, 2019, no public testimony had been received by the Planning Department.

## **FINDINGS OF FACT**

1. Patrick Fuchs, on behalf of owner Odd Fellows Building, LLC, requested a conditional use permit to allow the placement of three wireless communications antennas on the rooftop of an existing building within the Downtown Design District. The subject site 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.
2. The site is currently designated as Commercial on the McMinnville Comprehensive Plan Map, 1980. The site is currently zoned C-3 (General Commercial) on the McMinnville Zoning Map.
3. Sanitary sewer and municipal water and power can adequately serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. No comments in opposition were provided to the Planning Department.
5. Notice of the application was provided by the City of McMinnville to property owners within 200 feet of the subject site, as required by the process described in Section 17.72.120 (Applications– Public Hearings) of the McMinnville Zoning Ordinance. Notice of the public hearing was also provided in the News Register on Tuesday, January 8, 2019. No public

---

### *Attachments:*

Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List

testimony was provided to the Planning Department prior to the Planning Commission public hearing.

6. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

### **CONCLUSIONARY FINDINGS:**

#### **McMinnville’s Comprehensive Plan:**

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

**GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

*Policy 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 X1 and Policy 188.00 are satisfied.** McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

#### **McMinnville’s City Code:**

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

**17.55.040 Permitted and conditional use locations of antennas, small cells, DAS, antenna support structures and alternative antenna support structures to be used for wireless communications service.** All non-exempt (17.55.030) WCF (antennas, antenna support structures, alternative antenna support structures, small cells and DAS) are permitted, conditionally permitted, or prohibited to be located in zones as provided in this Chapter and as listed below: [...]

B. Conditional Uses. In all zones other than industrial zones, antenna(s) may be mounted to existing alternative antenna support structures limited to an additional 20-feet in total height added subject to conditional use approval by the Planning Commission. Except for small cells installed in the public right-of-way, such antennas so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the existing building or structure. Small cells installed in the public right-of-way are subject to 17.55.050 (A)(1). For properties located within the area identified in Chapter 17.59 (Downtown Design Standards and Guidelines), antennas proposed for mounting on alternative antenna support structures, in addition to all requirements of this Chapter, are subject to conditional use permit approval by the Planning Commission.

[...]

---

#### **Attachments:**

Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List

D. Wireless Communications Facilities Matrix:

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

\* Subject to the requirements of Chapter 17.55.

Finding: **Section 17.55.040(B) and Section 17.55.040(D) are satisfied by this proposal.**

The subject 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 three wireless communication antennas on the rooftop of the existing building on the subject site. 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 1 – Application and Attachments  
 Other Attachments – See Attachment List

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.

17.55.050 Development review standards.

All WCF shall comply with the following design and review standards, unless identified as being legally non-conforming (grandfathered) as per the requirements of Chapter 17.63 (Nonconforming Uses).

A. Visual Impact.

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: **Section 17.55.050(A)(1) is satisfied by this proposal.**

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.

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: **Section 17.55.050(A)(2) is satisfied by this proposal.**

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.

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

---

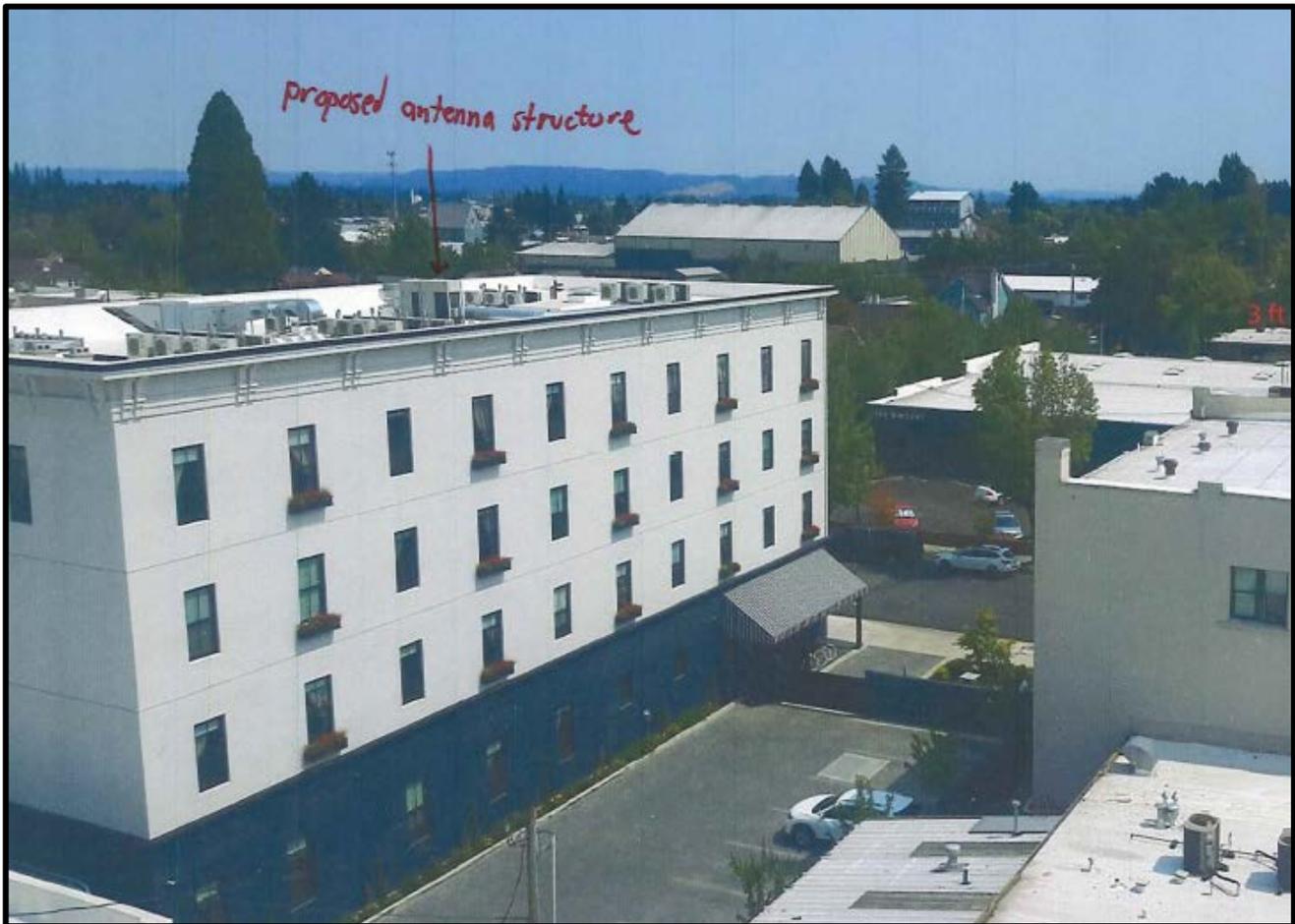
*Attachments:*

Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List

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: **Section 17.55.050(A)(3) is satisfied by this proposal.**

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:

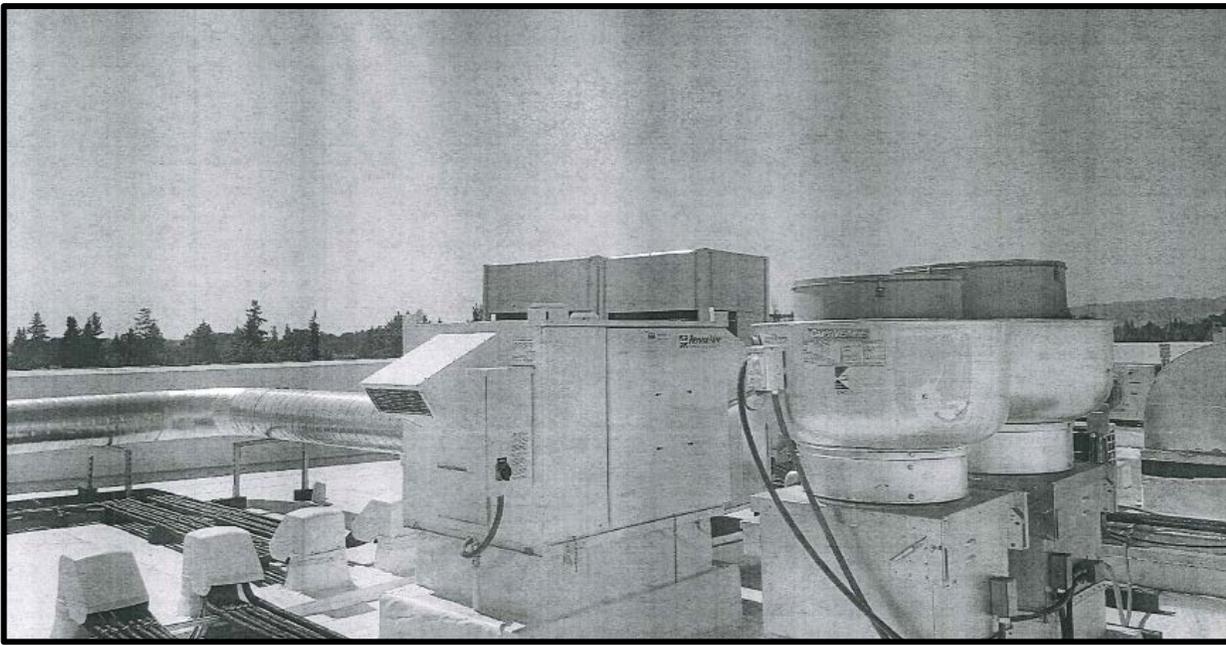


The rooftop of the building in question contains a variety of equipment, such as fans and air conditioner units, and the antennas are proposed to be located between this equipment. The applicant has also provided a photo of the view from the location of the Atticus Hotel rooftop where the antennas will 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 1 – Application and Attachments  
Other Attachments – See Attachment List

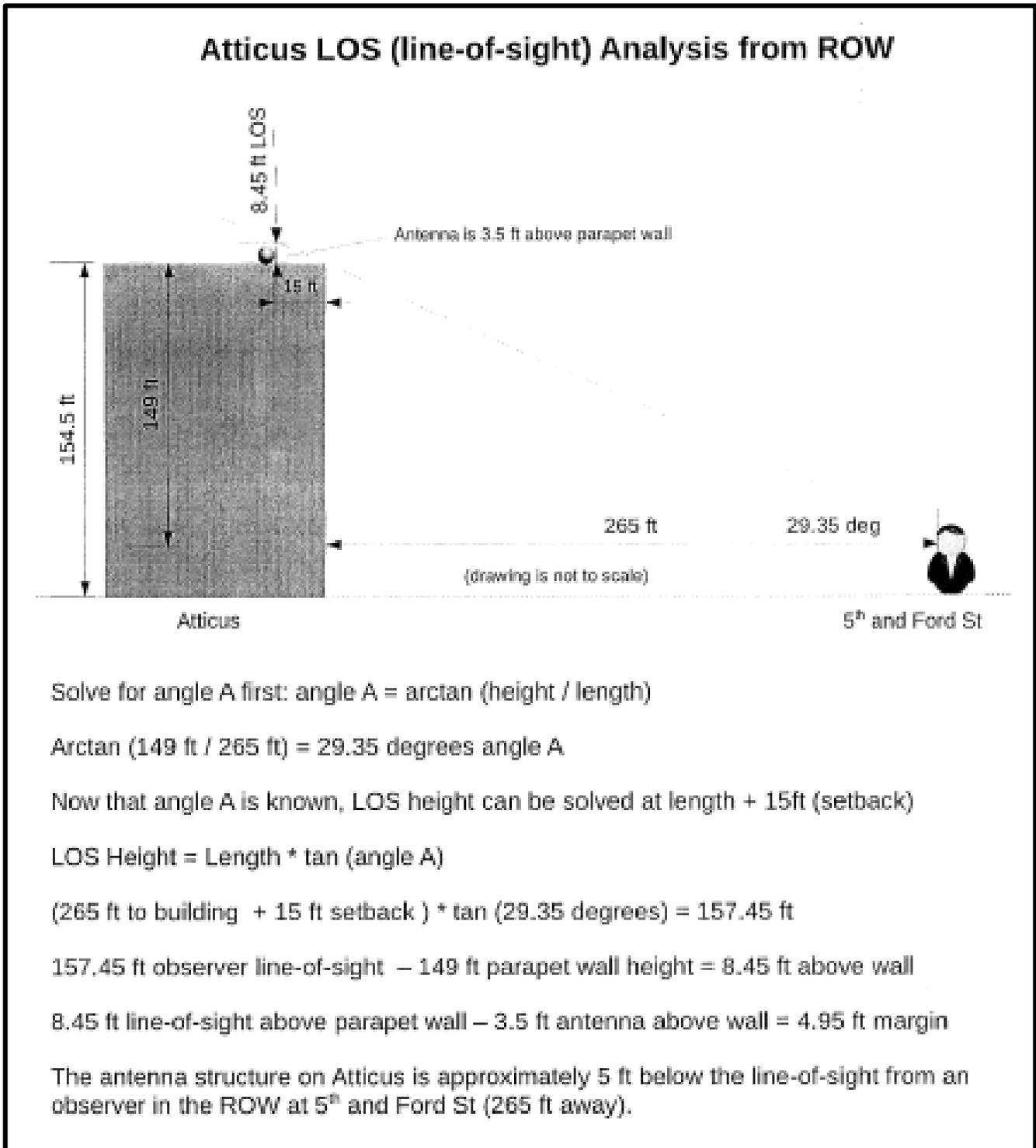


The applicant has also shown that the antennas will not be visible from the surrounding public right-of-way. The applicant provided a line-of-sight and viewshed analysis, which included an analysis of the viewshed from both the Hotel Oregon building described above and a location within the surrounding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



*Attachments:*  
Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List

The view from the location in the public right-of-way is from the intersection of 5<sup>th</sup> 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 1 – Application and Attachments  
 Other Attachments – See Attachment List

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 5<sup>th</sup> Street and Ford Street is provided below:



Based on the evidence provided and the existing conditions of the rooftop, 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 had also proposed 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. These panels were found to be unnecessary, as they actually add a larger material that would increase the visual clutter on the rooftop. Therefore, a condition of approval is included to allow for the antennas to be placed on the rooftop without the panels.

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.

Finding: **Section 17.55.050(A)(4) is satisfied by this proposal.**

---

*Attachments:*

Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List

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

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: **Section 17.55.050(A)(5) is satisfied by this proposal.**

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.

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: **Section 17.55.050(A)(6) is satisfied by this proposal.**

No signage is proposed as part of the proposal.

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: **Section 17.55.050(A)(7) is satisfied by this proposal.**

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.

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

---

*Attachments:*

Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List

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 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.

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.
10. Parking. No net loss in minimum required parking spaces shall occur as a result of the installation of any WCF.
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.
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: **Sections 17.55.050(A)(8) – (12) are satisfied by this proposal.**

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

**B. Setbacks and Separation.**

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: **Section 17.55.050(B)(1) is satisfied by this proposal.**

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.

---

*Attachments:*

Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List

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.

Finding: **Section 17.55.050(A)(2) is satisfied by this proposal.**

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

17.74.030 Authorization to Grant or Deny Conditional Use. A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

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

Finding: **Section 17.74.030 (A) is satisfied by this proposal.**

The proposal is consistent with the applicable Comprehensive Plan policies and applicable objectives of the zoning ordinance, as described in more detail above.

- 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;

Finding: **Section 17.74.030 (B) is satisfied by this proposal.**

*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

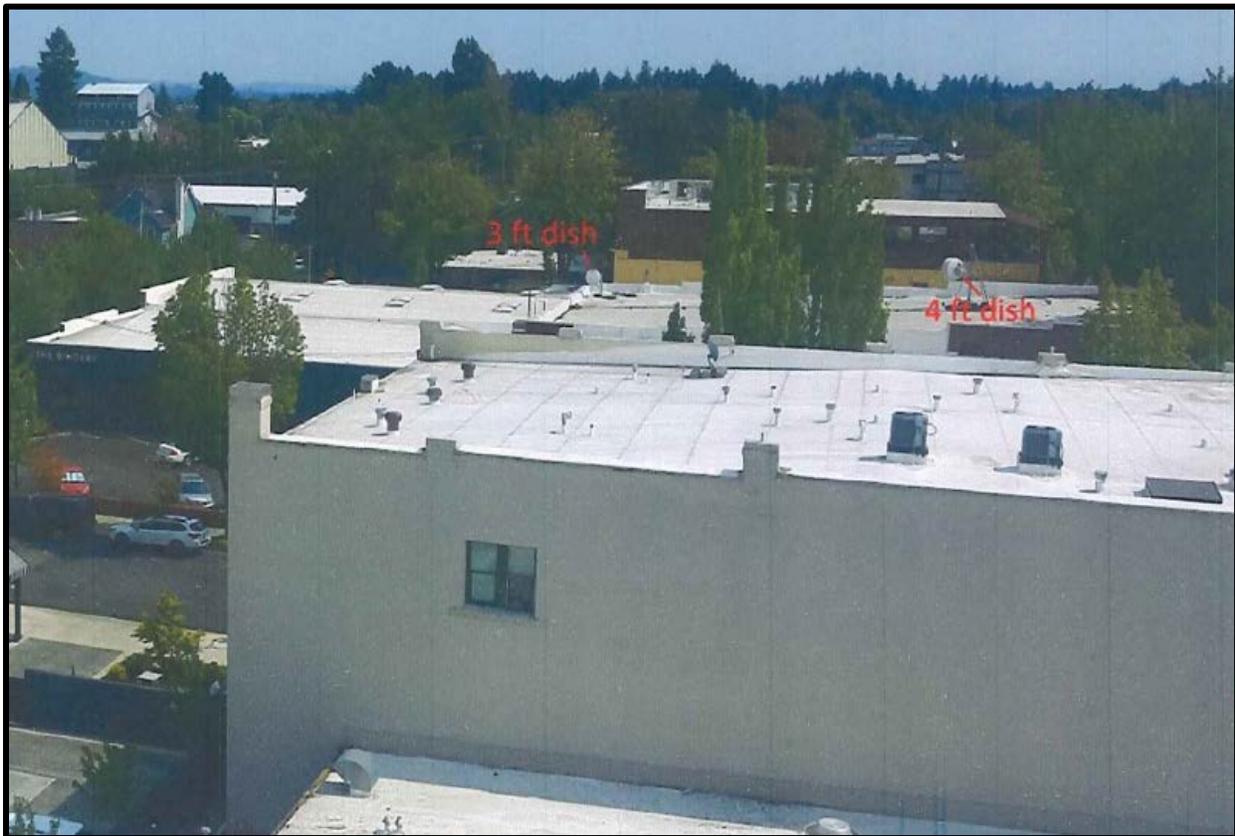
*Attachments:*

Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List

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.

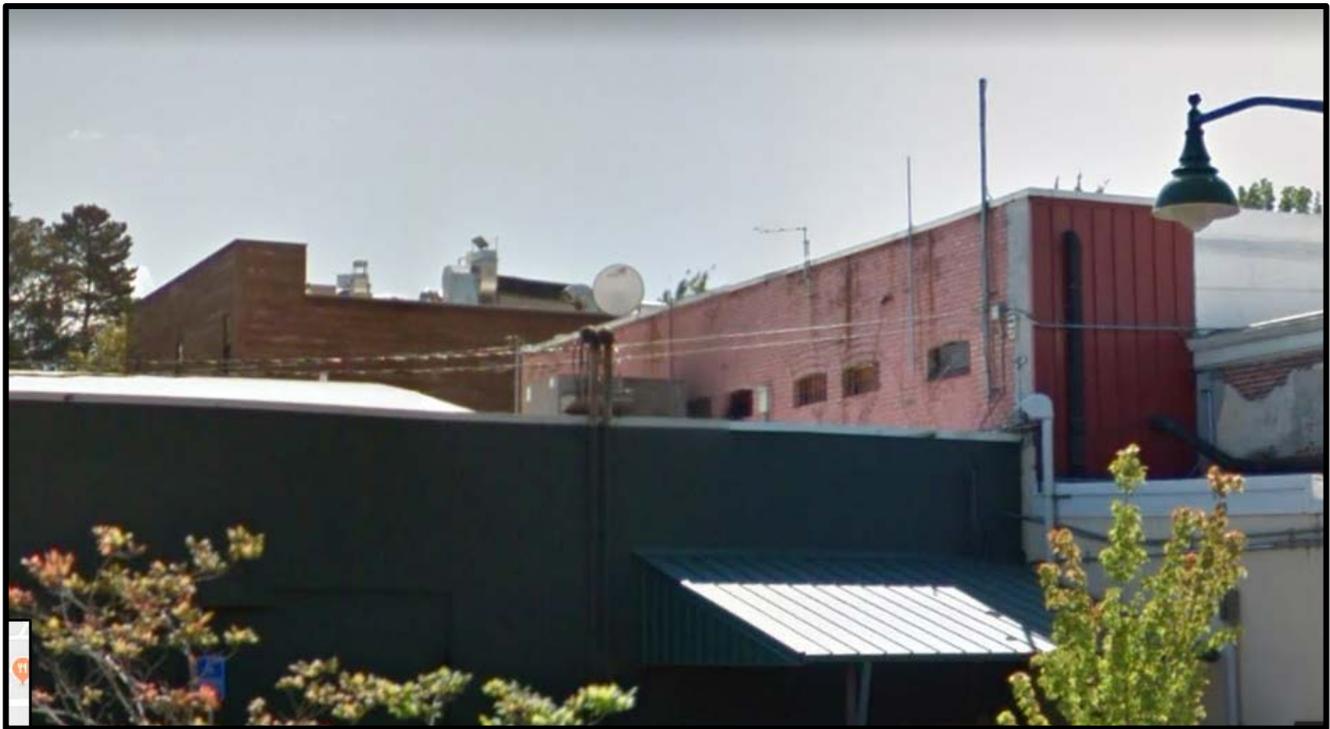
The applicant has also noted that the antennas are actually proposed to be relocated from three separate existing locations on other existing buildings in the general vicinity of the subject site. The existing placement of the antennas is much more prominent and easily visible from surrounding properties 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 3<sup>rd</sup> Street, can be seen below:



---

*Attachments:*

Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List



*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 the antennas will not 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.

- 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;

Finding: **Section 17.74.030 (C) is satisfied by this proposal.**

As described in more detail above, 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, 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.

---

*Attachments:*

Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List

- 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;

Finding: **Section 17.74.030 (D) is satisfied by this proposal.**

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, the proposed antennas and equipment are adequately placed and designed so as to have minimal impacts on the surrounding environment.

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

Finding: **Section 17.74.030 (E) is satisfied by this proposal.**

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.

- 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.

Finding: **Section 17.74.030 (F) is satisfied by this proposal.**

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 would occur between January 1, 2019 and March 30, 2019, depending on the approval date. The applicant, McMinville Access Company and Online NW, also is an existing and established internet and wireless 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.

17.74.040 Placing Conditions on a Conditional Use Permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;

---

*Attachments:*

Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List

- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

**Finding: Section 17.74.040 is satisfied by this proposal.**

The applicant had proposed 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. These panels were found to be unnecessary, as they actually add a larger material that would increase the visual clutter on the rooftop. Therefore, a condition of approval is included to allow for the antennas to be placed on the rooftop without the panels, which is allowable based on its relationship to screening of the facility and the installation of the antennas.

CD:sjs

---

*Attachments:*

Attachment 1 – Application and Attachments  
Other Attachments – See Attachment List



**Planning Department**  
 231 NE Fifth Street • McMinnville, OR 97128  
 (503) 434-7311 Office • (503) 474-4955 Fax  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

<b>Office Use Only:</b>	
File No.	<u>CW 2-18</u>
Date Received	<u>11-19-18</u>
Fee	<u>\$1,075.00</u>
Receipt No.	<u>18M0246</u>
Received by	<u>CD</u>

## Conditional Use Application

### Applicant Information

Applicant is:  Property Owner  Contract Buyer  Option Holder  Agent  Other Roof Renter

Applicant Name McMinnville Access Company Phone 503 472-9200

Contact Name Patrick Fuchs Phone 503 550-1389  
*(If different than above)*

Address 1305 NE Lafayette Ave

City, State, Zip McMinnville, OR 97128

Contact Email patrick@onlinenw.com

### Property Owner Information

Property Owner Name Odd Fellows Building, LLC Phone \_\_\_\_\_  
*(If different than above)*

Contact Name Brian Shea Phone \_\_\_\_\_

Address 555 NE 3rd St

City, State, Zip McMinnville, OR 97128

Contact Email brian@atticushotel.com

### Site Location and Description

*(If metes and bounds description, indicate on separate sheet)*

Property Address 375 NE Ford St (Atticus Hotel)

Assessor Map No. R44 21 - BC - 04700 Total Site Area .28

Subdivision Rowlands Addition Block 2 Lot 1

Comprehensive Plan Designation COMM. Zoning Designation C-3

1. State nature of the request in detail: Requesting to move a 3 ft, 4 ft dish and a  
1ft x 2ft panel antenna from the News Register building to the roof of the  
Atticus Hotel.

---

---

---

---

---

---

---

---

2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance: The relocation of the antennas will  
improve downtown aesthetics as they will no longer be visible from the  
right-of-way. Section 17.55.040 allows for conditional use (within the  
Downtown Design District) of antennas and alternative antenna support structures  
in a C-3 zone.

---

---

---

---

---

---

---

---

3. Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration 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: \_\_\_\_\_  
The alternative antenna support structure will be no greater than 10 ft in  
height and will be at least 15ft from the edges of the roof to ensure that the  
antennas are not visible from street level. Screening can be installed to mitigate  
the visual impact to surrounding buildings.

---

---

---

---

---

---

---

---



6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? \_\_\_\_\_

N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: \_\_\_\_\_

N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), clearly showing existing and proposed features within, and adjacent to, the subject site, such as: Access; lot and street lines with dimensions; distances from property lines to structures; structures and other proposed and existing improvements; north direction arrow; and significant features (slope, vegetation, adjacent development, drainage, etc.).
- A legal description of the property, preferably taken from deed.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

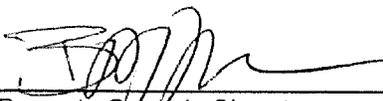
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.



Applicant's Signature

9/5/2018

Date



Property Owner's Signature

9/6/2018

Date

## **17.55.050 Development Review Standards for Atticus Roof Antenna structure**

### **17.55.050 (A) (1)**

The base of the roof mounted antennas is 3.5 ft below the surrounding parapet wall due to the sloping roof design and placement 15 ft away from the outside of the North parapet wall and 35ft away from the East parapet wall. The top of antenna structure is 3.5 ft above the parapet wall, the minimum required height to maintain line-of-sight for the antennas. The structure placement is shown on the overhead plan and the height above parapet is shown on the North parapet perspective 3D model.

### **17.55.050 (A) (1) (a) (1-4)**

This antenna structure is not a small cell, so this section is not applicable.

### **17.55.050 (A) (2)**

The height of the structure from the roof surface is 7 ft which is less than '10 ft height added' for a permitted use, however a conditional use is required in the Downtown Design District. The height and mass of the antenna support structure is the minimum necessary for the intended use and is already pre-engineered from the factory.

### **17.55.050 (A) (3)**

Placement is well away from the roof edges, preventing any view of the structure from the public ROW. The color of the antennas, structure, and screen (if required) is white which would blend with the existing roof color. The antenna structure would be concealed from the Hotel Oregon by existing fans and AC units. Screening will be installed if Planning determines that the initial implementation has too great a visual impact on Hotel Oregon or other buildings.

### **17.55.050 (A) (4)**

There are no equipment enclosures and the antenna structure is on a roof, so no landscaping is required. The antenna structure is screened from other buildings as described in 17.55.050 (A) (3).

**17.55.050 (A) (5)**

The color of the antennas, the antenna support structure, and the screening (if required) shall be white to blend in with the surrounding roof color.

**17.55.050 (A) (6)**

There are no signs proposed for this project.

**17.55.050 (A) (7)**

The Atticus Hotel is a new building and such is not in the National Register of Historic Places or the McMinnville Historic Resources Inventory.

**17.55.050 (A) (8)**

There are no accessory buildings for this project.

**17.55.050 (A) (9)**

There are no utility vaults of equipment pedestals for this project.

**17.55.050 (A) (10)**

There is no part of this project that reduces available parking.

**17.55.050 (A) (11)**

This project is not near a sidewalk or pathway

**17.55.050 (A) (12)**

There is no lighting on this project.

**17.55.050 (B) (1)**

The antenna structure is set back from the property line at a distance at least equal to its height. At 7 ft in height, it has a 15 ft setback North, 35 ft setback East. Setbacks to the South and West are in excess of 20 ft.

**17.55.050 (B) (2)**

Assuming the conditional use is approved and the antennas are moved from the News Register building, OnlineNW would not have any other antenna support structures within 1,000 ft of the Atticus building. This section also provides for an exemption of rooftop mounted antennas from the separation requirement.

**17.55.070 Application for permit for antennas, antenna support structures, etc.**

**17.55.070 (A)**

Fees will be paid in a timely manner.

**17.55.070 (B)**

A copy of the Atticus Hotel Equipment Agreement is included in the packet.

**17.55.070 (C)**

The public meeting was noticed and conducted. All supporting documentation has been provided to Planning staff.

**17.55.070 (D)**

This project is not in a residential zone.

**17.55.070 (E)**

This site is not designed to provide coverage for customers. It is unique in location as it allows OnlineNW to provide wireless backbone bandwidth to three disparate tower sites that all require line-of-sight. It was difficult to find a location that could serve all three tower sites from a single point. The other critical factor for this location is that OnlineNW has constructed a direct fiber feed to the Atticus to provide the bandwidth necessary for the microwave links.

**17.55.070 (F)**

The antenna structure cannot be seen from the public ROW. A photo of the Atticus from 5<sup>th</sup> and Ford, vicinity map, and a line-of-sight analysis are included in the packet. The second reference point is from the Rooftop at Hotel Oregon. A 3D model and a photo simulation from the Rooftop bar are also included in the packet. OnlineNW proposes to initially mount the antennas to the alternative structure and assess the visual impact from the two locations. We believe that existing fans and AC equipment on the Atticus rooftop will visually shield the antennas from the Hotel Oregon rooftop. OnlineNW proposes to provide pictures from the two sites or tour the sites personally with a Planning representative to assess the effectiveness of the implementation. If the Planning department finds the visual impact mitigation insufficient, then OnlineNW will install screening as shown in the included 3D models. All antennas, support structure, and possible screening shall be white to blend in with the Atticus roof.

**17.55.070 (G)**

There is no alternative site that would have a lesser visual impact. The height of the Atticus Hotel, combined with the unique purpose of wireless backhaul which doesn't require antennas to point to wide coverage area make this site optimal for both OnlineNW and the City of McMinnville.

**17.55.070 (H)**

The project consists of three antennas and an antenna support structure. The black cabling that enters the building via the roof will route alongside the existing black AC piping that follows the same route. The cabling will be effectively invisible to any surrounding buildings.

**17.55.070 (I)**

Due to the small antennas, low height of the alternative structure, and significant setback from the rooftop edge, there are no expected safety hazards.

**17.55.070 (J)**

There is no landscaping for this project.

**17.55.070 (K)**

The tops of the antennas are 3.5 ft above the roof surface to ensure line-of-sight over the parapet wall. If the antennas were installed any lower, the parapet wall would block the radio signal.

**17.55.070 (L)**

Upon application approval, the antennas at the News Register building would be moved to the Atticus as weather permitted. The likely timeframe would be between January 1, 2019 and March 30, 2019.

**17.55.070 (M)**

There is no equipment in this project that generates noise.

**17.55.070 (N)**

There is no parking required for this project.

**17.55.070 (O)**

This section is not applicable as the project uses an alternative support structure (rooftop).

**17.55.070 (P)**

The 'Atticus Roof Layout' picture shows the location of the proposed WCF.

**17.55.070 (Q)**

There is no lighting for this project.

**17.55.070 (R)**

OnlineNW has 10 years of experience with these antennas and radios on the roof of the News Register building. Over the years, we have upgraded the radios on the dishes, which required one person and 30 minutes of time. The other possible maintenance activity would be to replace a failed radio in the future which would require the same resources as an upgrade.

**17.55.070 (S)**

OnlineNW will respond to requests for additional information.

**17.55.070 (T)**

This section is not applicable as the project uses an alternative support structure (rooftop), not a new antenna support structure.

17.55.070 (B)



P.O. Box 1357 McMinnville, OR 97128

Tel: 503-883-9200 Fax: 503.883-9201

E-mail: ktate@onlinenw.com

**Agreement for Placement of Antennas and Equipment**

This agreement is between McMinnville Access Company of McMinnville, Oregon (OnlineNW) and Odd Fellows Building LLC (Owner), and pertains to placement of antennas and equipment at 375 NE Ford St. in McMinnville, Oregon (Property).

Owner authorizes OnlineNW to place the necessary receive and transmit equipment on the Atticus Hotel roof at locations mutually agreed to by both parties. Owner authorizes power equipment to be installed in the fourth floor electrical closet and dedicated access to a 3" inch conduit to run cabling to rooftop equipment. OnlineNW will pay all costs for placement, installation and maintenance of antennas and equipment. Owner agrees to provide electricity to power equipment.

As consideration for this agreement, OnlineNW will provide Live McMinnville LLC and Atticus Hotel (tenant) a \$200.00 monthly credit on recurring service charges.

This agreement is for a period of 36 months. After that period, and after each subsequent 12-month period, it shall automatically renew for an additional 12 months. During the course of this agreement:

- \*\* OnlineNW will carry at least \$1 million of liability insurance.
- \*\* Owner will allow OnlineNW employees and contractors reasonable access to antennas/equipment.
- \*\* Owner will not allow any other company to place radio equipment on the Property that operates in the ISM bands of 902-928 Mhz, 2.4 Ghz, 3.65, 5.3, 5.4 and 5.8 Ghz. \*\* Owner agrees to coordinate with OnlineNW to ensure that the two parties are not using the same ISM bands on the Property.

OnlineNW can terminate this agreement with 60 days written notice to Owner, to be delivered by email or by mail to Owner, Odd Fellows Building LLC at 555 NE Third St., McMinnville, OR 97128. OnlineNW will have 60 days from delivery of such termination notice to remove the antennas and equipment from the Property.

Owner can terminate this agreement with no less than 6 months written notice to OnlineNW, to be delivered by email or by mail to OnlineNW at 1305 NE Lafayette Ave., McMinnville, OR 97128. If, during the first 3 months of that notice period, OnlineNW cannot find an acceptable replacement site, and if Owner would not suffer significant damages through an extension of the termination notice, Owner will negotiate in good faith with OnlineNW to extend the notice period by an additional 6 months. This termination notice requirement will extend to any individual or entity that acquires future ownership of the Property.

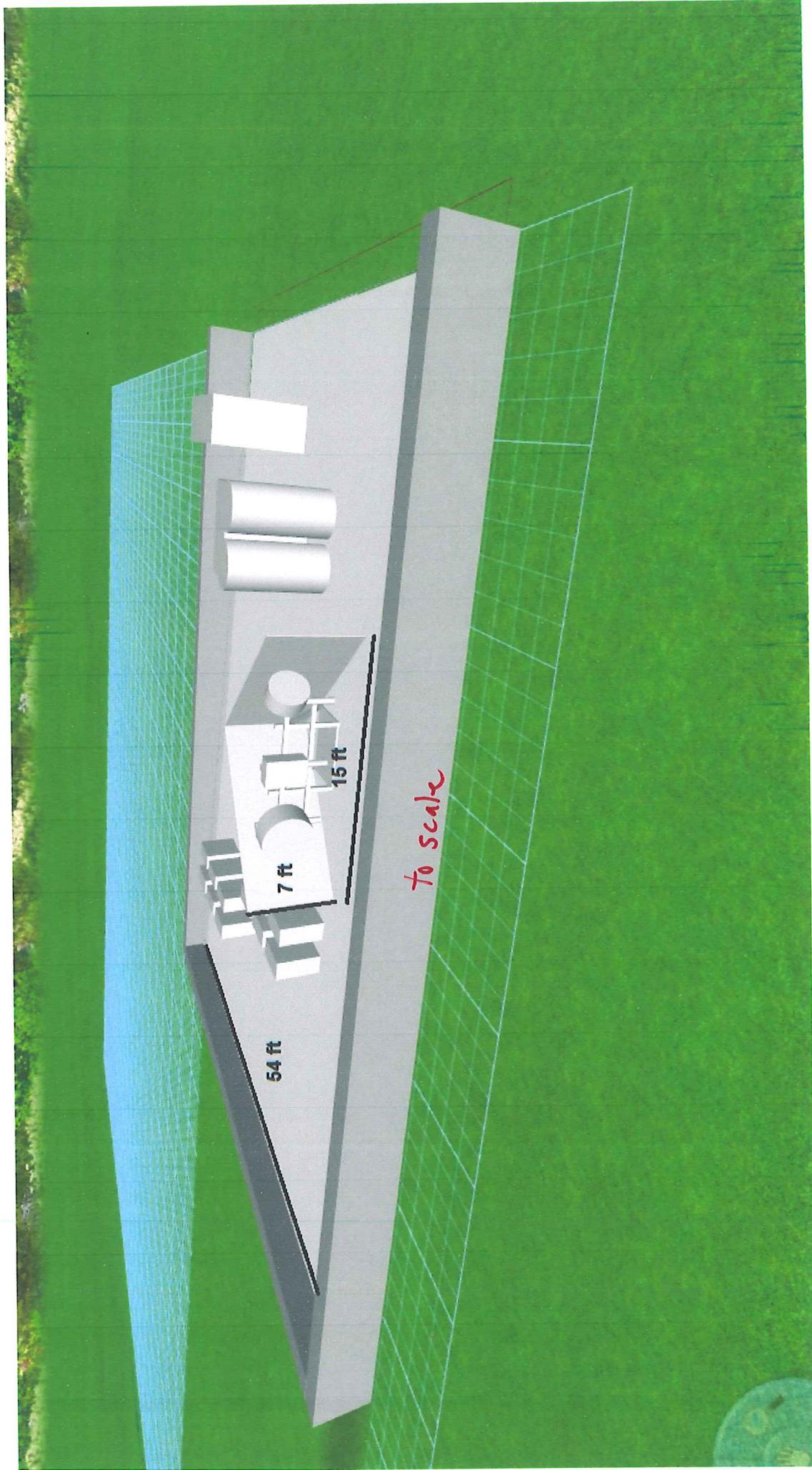
If legal costs or fees are required to ensure fulfillment of the obligations of this Agreement, the losing party shall pay such costs and fees incurred by the prevailing party.

Kathy Tate 2/9/18  
Kathy Tate, CEO Date

[Signature] 1/9/18  
Name: Member, Odd Fellows Building LLC Date

17.55.010 (F)

Proposed Antenna Structure Layout



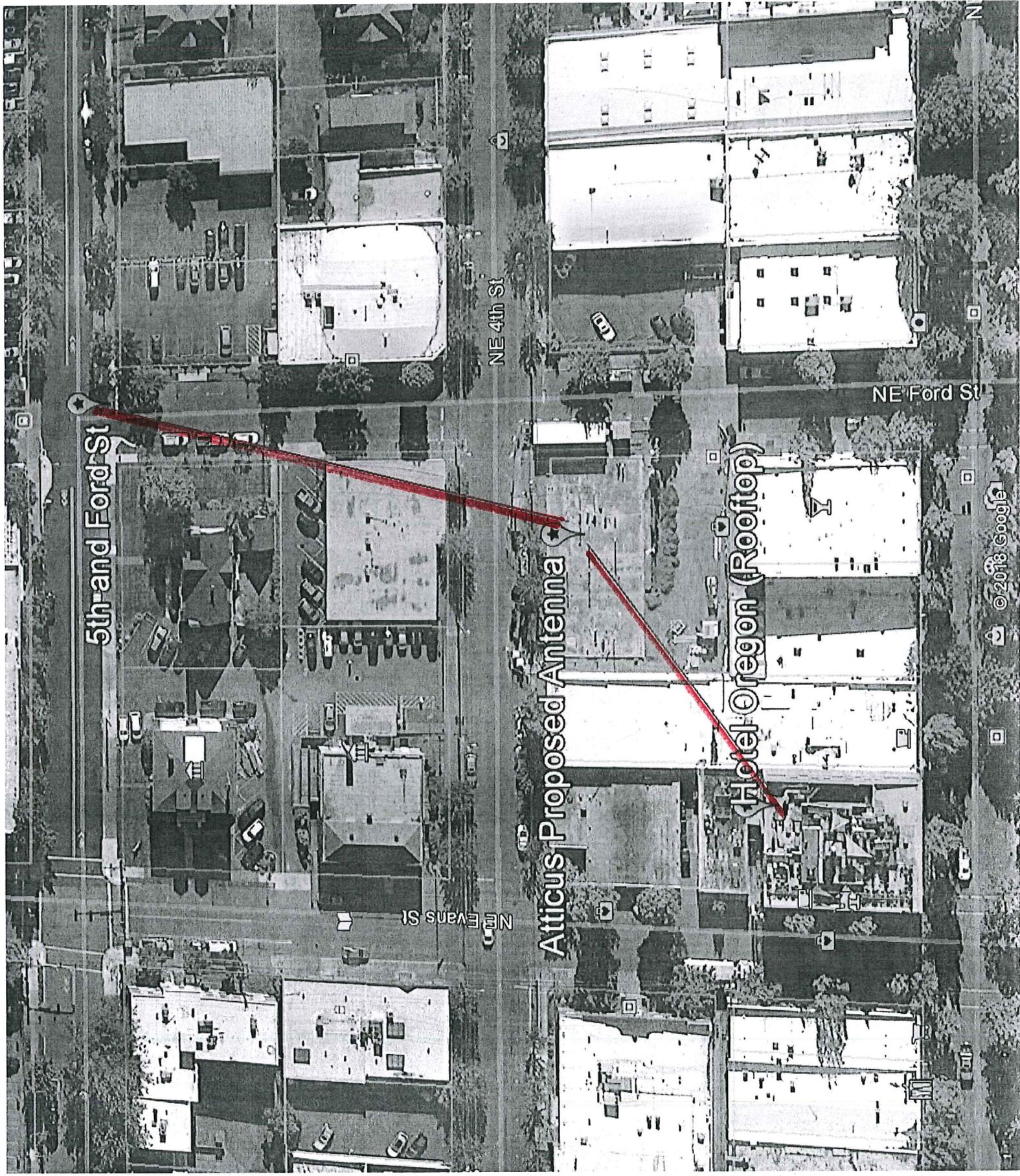
17.55.070 (F)

3.5 ft

parapet wall

15 ft

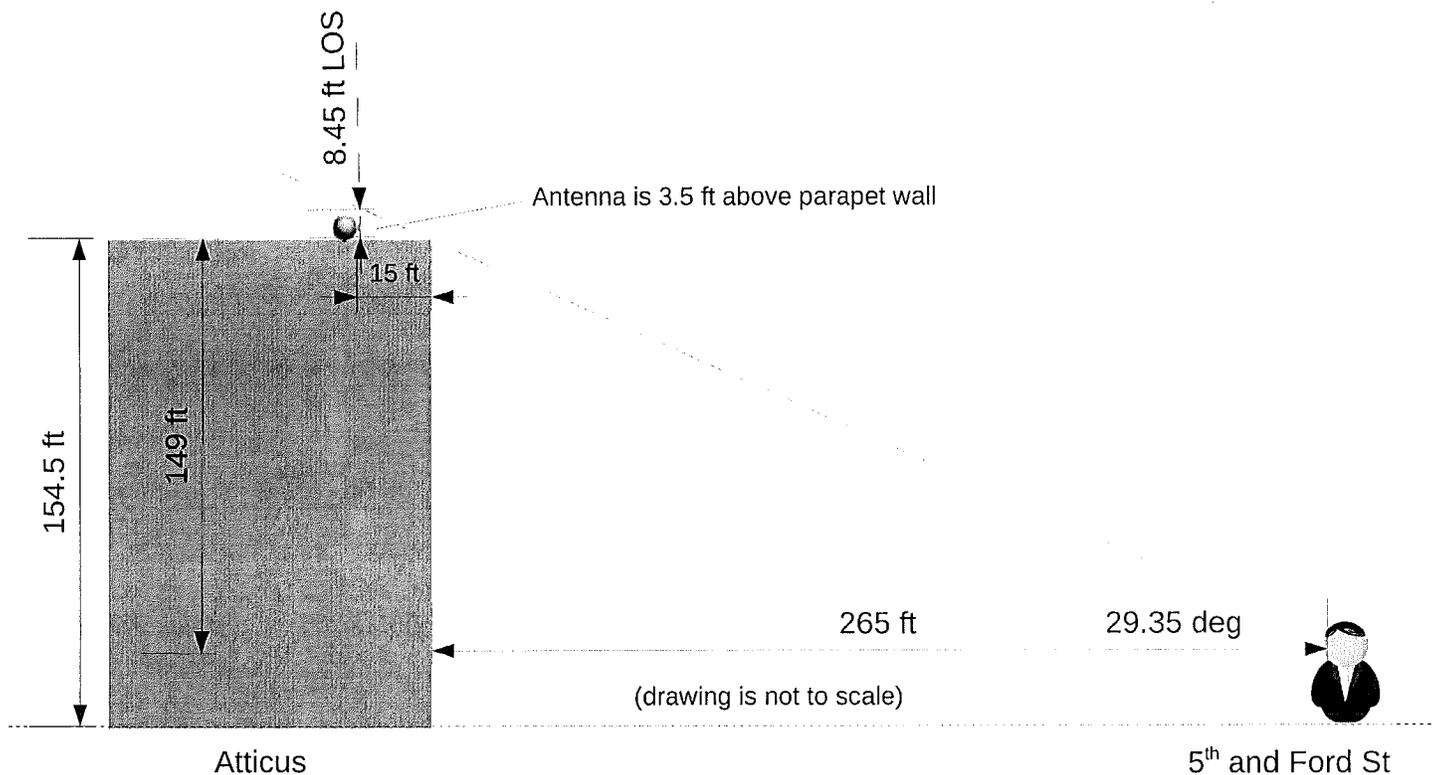
17.55.070 (F)  
Vicinity Map



17.55.070 (F)  
5th and Ford St  
to Atticus



## Atticus LOS (line-of-sight) Analysis from ROW



Solve for angle A first: angle A = arctan (height / length)

Arctan (149 ft / 265 ft) = 29.35 degrees angle A

Now that angle A is known, LOS height can be solved at length + 15ft (setback)

LOS Height = Length \* tan (angle A)

(265 ft to building + 15 ft setback) \* tan (29.35 degrees) = 157.45 ft

157.45 ft observer line-of-sight – 149 ft parapet wall height = 8.45 ft above wall

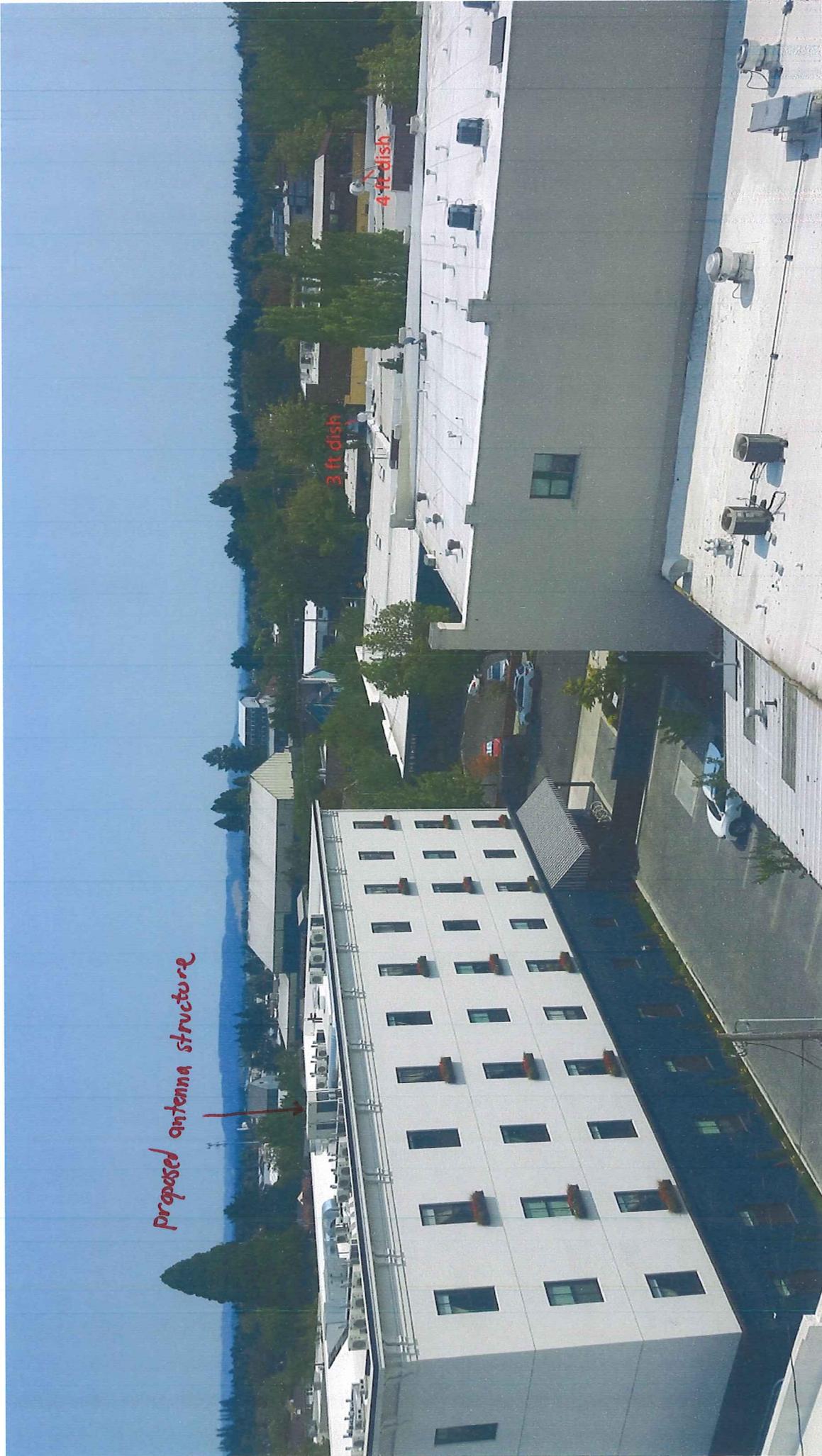
8.45 ft line-of-sight above parapet wall – 3.5 ft antenna above wall = 4.95 ft margin

The antenna structure on Atticus is approximately 5 ft below the line-of-sight from an observer in the ROW at 5<sup>th</sup> and Ford St (265 ft away).

17.55.070 (F)

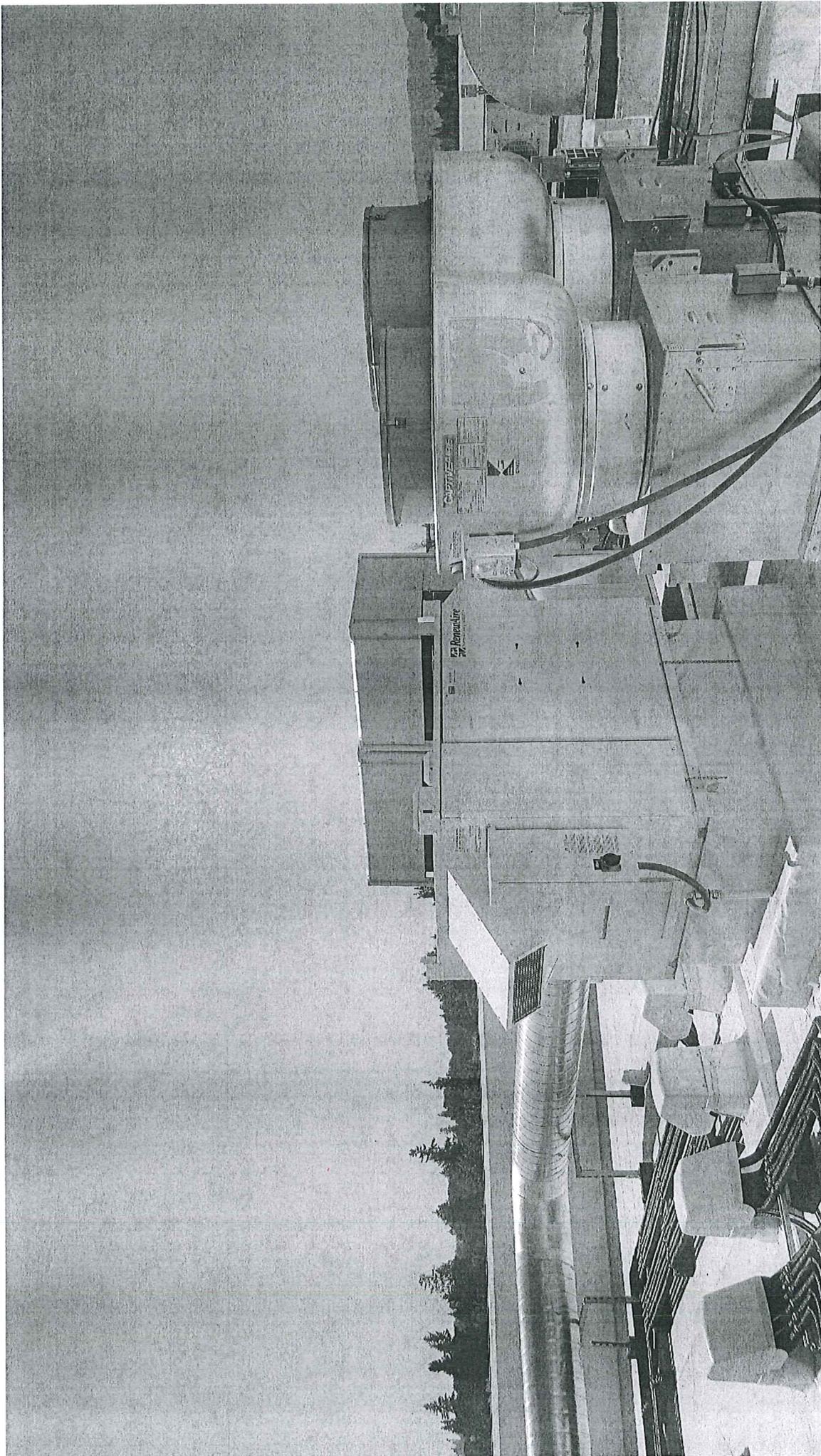
Perspectiv Rooftop Hotel Orgyo-

Proposed antenna structure

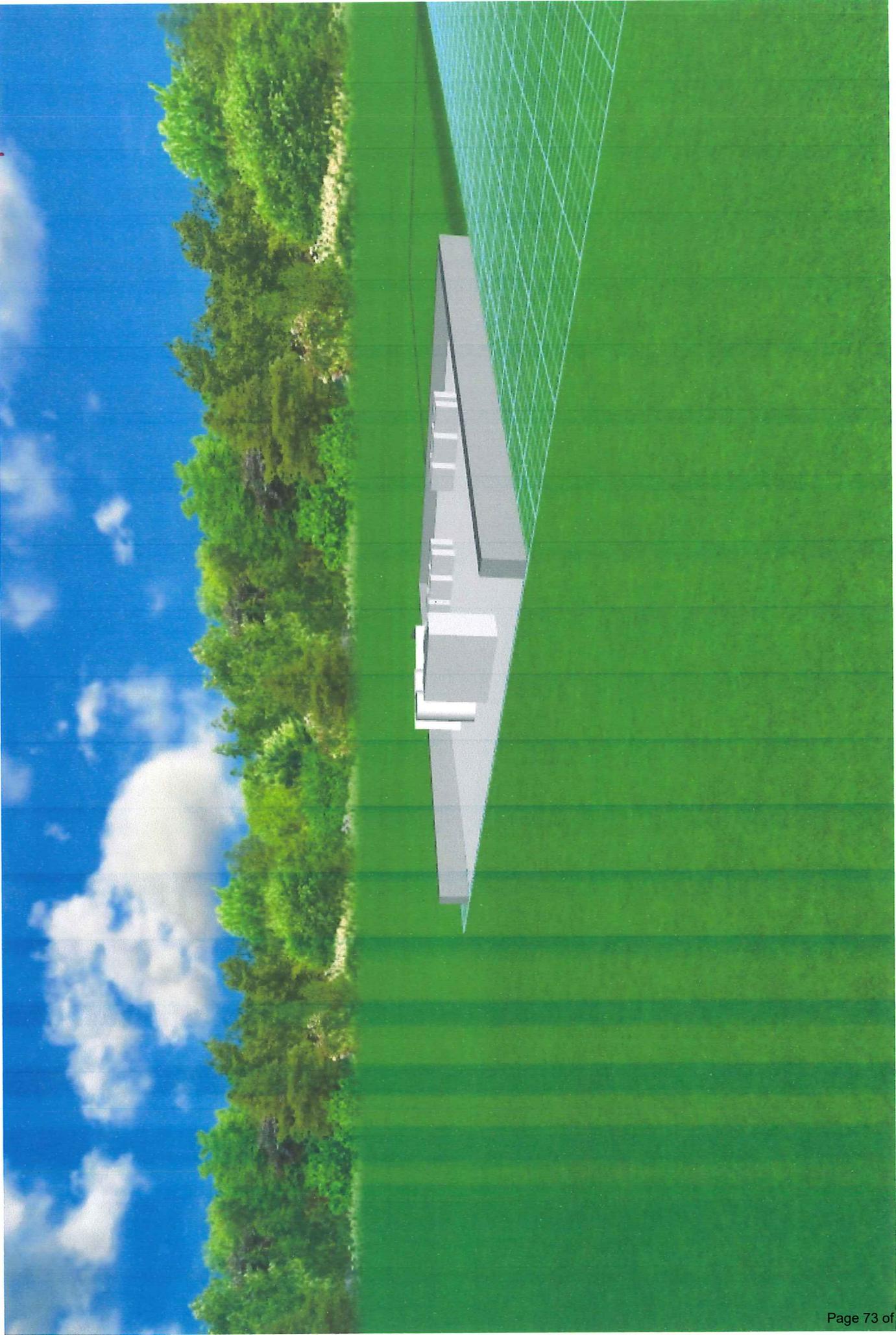


17.55.070 (F)

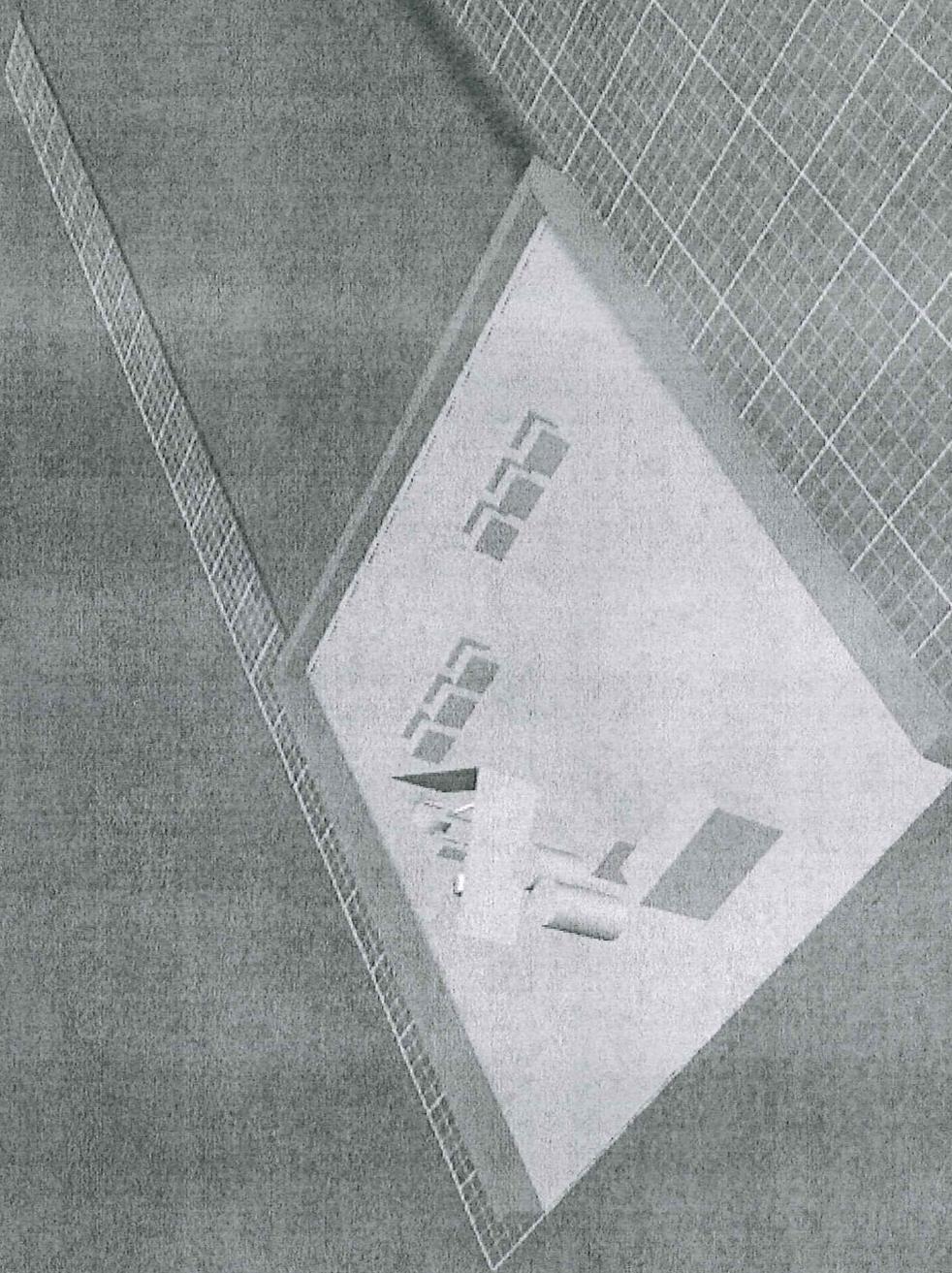
View from Antennas to  
Hotel Oregon



Perspective Rooftop Hotel Oregon  
17.55.070(F)



Perspective Rooftop Hotel 17.55.070 (F)  
Oregon - (high)



Qty 1

# HP4-11

1.2 M | 4 FT HIGH PERFORMANCE PARABOLIC REFLECTOR ANTENNA, SINGLE-POLARIZED, 10.7-11.7GHZ

The HP High Performance Series by RadioWaves offers a full line of high performance parabolic antennas engineered to provide ETSI class 2/3 radiation pattern performance as well as excellent gain. RadioWaves field-proven pre-assembled antennas and robust pole-mounts ensure "set and forget" installation with minimal post-installation maintenance. The included radome ensures robust and reliable performance under the most challenging conditions. If it's rugged, it must be RadioWaves!



## FEATURES AND BENEFITS

- High Performance ETSI Class 2/3\* Parabolic Antennas – Excellent performance for a wide range of applications
- Fully Preassembled at the Factory – Simplifies installation on site and guarantees "factory-tested" quality
- Warranty – Industry leading 7-year warranty

\*ETSI Class depends on frequency band

## SPECIFICATIONS

### General

Antenna Type	High Performance Parabolic Reflector Antenna	Standard RF Connector Type	CPR90G
Size, nominal	4 ft   1.2 m	Standard RF Connector Suffix	RS (append suffix to model number)
Polarization	Single		

### Electrical

Operating Frequency Band	10.7 - 11.7 GHz	Gain, Low Frequency	40.6 dBi
Half Power Beamwidth, Horizontal	1.7 degrees	Gain, Mid Frequency	41 dBi
Half Power Beamwidth, Vertical	1.7 degrees	Gain, High Frequency	41.4 dBi
Cross-Polarization Discrimination	30 dB	VSWR	1.37:1
Front to Back Ratio (F/B)	67 dB	Return Loss	-16.1 dB

## Mechanical

Fine Azimuth Adjustment	+/- 10 degrees
Fine Elevation Adjustment	+/- 25 degrees
Mounting Pipe Diameter, Min	4.5 inch   11.4 cm
Mounting Pipe Diameter, Max	4.5 inch   11.4 cm
Net Weight	85 lbs   38.3 kg
Wind Velocity Operational	90 mph   145 km/h
Wind Velocity Survival Rating	125 mph   201 km/h

Mechanical Configuration	HP4-LoFreq
Axial Force (FA)	737 lbs   3278 N
Side Force (FS)	365 lbs   1623 N
Twisting Moment (MT)	784 ft-lbs   1063 Nm
Operating Temperature Range	-40 to +60 C
Max Pressure, PSIG, (if waveguide interface)	5

## Regulatory Compliance

FCC	Part 101 Cat. A
Industry Canada Compliance	SRSP310.7 B

ETSI	302217 R1 C2
RoHS-compliant	Yes

## Shipping Information

Package Type	Wood Crate
Gross Weight	196 lbs   88.9 kg

Dimensions, L x W x H	59 x 35 x 60in   180 x 89 x 152 cm
Shipping Volume	71.7 cu ft   2.03 cu m

\*Additional OEM interfaces and adapters may be available. Contact RadioWaves for a complete and current list of available adapters.

Qty 1

# HP3-11

0.9 M | 3 FT HIGH PERFORMANCE PARABOLIC REFLECTOR ANTENNA, SINGLE-POLARIZED, 10.7-11.7GHZ

The HP High Performance Series by RadioWaves offers a full line of high performance parabolic antennas engineered to provide ETSI class 2/3 radiation pattern performance as well as excellent gain. RadioWaves field-proven pre-assembled antennas and robust pole-mounts ensure "set and forget" installation with minimal post-installation maintenance. The included radome ensures robust and reliable performance under the most challenging conditions. If it's rugged, it must be RadioWaves!



## FEATURES AND BENEFITS

- High Performance ETSI Class 2/3\* Parabolic Antennas – Excellent performance for a wide range of applications
- Fully Preassembled at the Factory – Simplifies installation on site and guarantees "factory-tested" quality
- Warranty – Industry leading 7-year warranty

\*ETSI Class depends on frequency band

## SPECIFICATIONS

### General

Antenna Type	High Performance Parabolic Reflector Antenna
Size, nominal	3 ft   0.9 m
Polarization	Single

Standard RF Connector Type	CPR90G
Standard RF Connector Suffix	RS (append suffix to model number)

### Electrical

Operating Frequency Band	10.7 - 11.7 GHz
Half Power Beamwidth, Horizontal	2.1 degrees
Half Power Beamwidth, Vertical	2.1 degrees
Cross-Polarization Discrimination	30 dB
Front to Back Ratio (F/B)	62 dB

Gain, Low Frequency	38.1 dBi
Gain, Mid Frequency	38.5 dBi
Gain, High Frequency	39 dBi
VSWR	1.37:1
Return Loss	-16.1 dB

## Mechanical

Fine Azimuth Adjustment	+/- 10 degrees
Fine Elevation Adjustment	+/- 10 degrees
Mounting Pipe Diameter, Min	4.5 inch   11.4 cm
Mounting Pipe Diameter, Max	4.5 inch   11.4 cm
Net Weight	50 lbs   12.3 kg
Wind Velocity Operational	90 mph   145 km/h
Wind Velocity Survival Rating	125 mph   201 km/h

Mechanical Configuration	HP3
Axial Force (FA)	403 lbs   1792 N
Side Force (FS)	200 lbs   890 N
Twisting Moment (MT)	344 ft-lbs   466 Nm
Operating Temperature Range	-40 to +60 C
Max Pressure, PSIG, (if waveguide interface)	5

## Regulatory Compliance

FCC	Part 101 Cat. A
Industry Canada Compliance	SRSP310.7 B

ETSI	302217 R1 C3
RoHS-compliant	Yes

## Shipping Information

Package Type	Wood Crate
Gross Weight	143 lbs   69.8 kg

Dimensions, L x W x H	47 x 28 x 48in   119 x 71 x 122 cm
Shipping Volume	36.56 cu ft   1.04 cu m

\*Additional OEM interfaces and adapters may be available. Contact RadioWaves for a complete and current list of available adapters.

## Superior 24 GHz Performance

airFiber AF-24/AF-24HD provides a breakthrough in 24 GHz backhaul performance.

Systems for millimeter-wave frequencies typically experience RF losses when part of the RF is lost in the switches and filters.

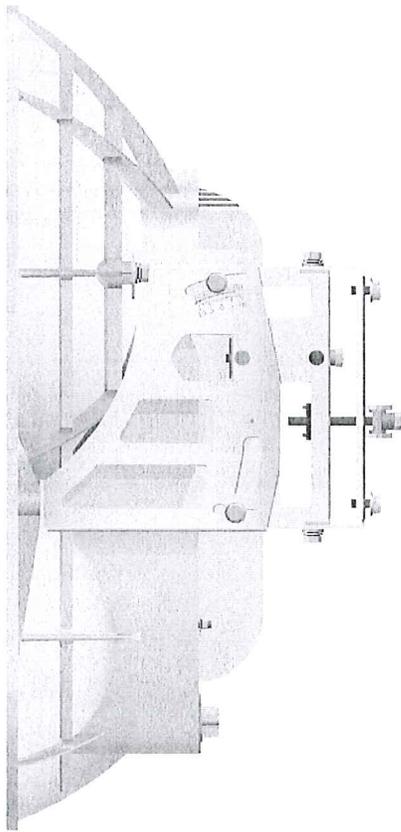
The Ubiquiti R&D team eliminated such RF losses with separate yet integrated TX and RX antennas, so the link budget is robust and the airFiber AF-24/AF-24HD has better noise figure and higher transmit power efficiency.

## Two airFiber 24 GHz Models

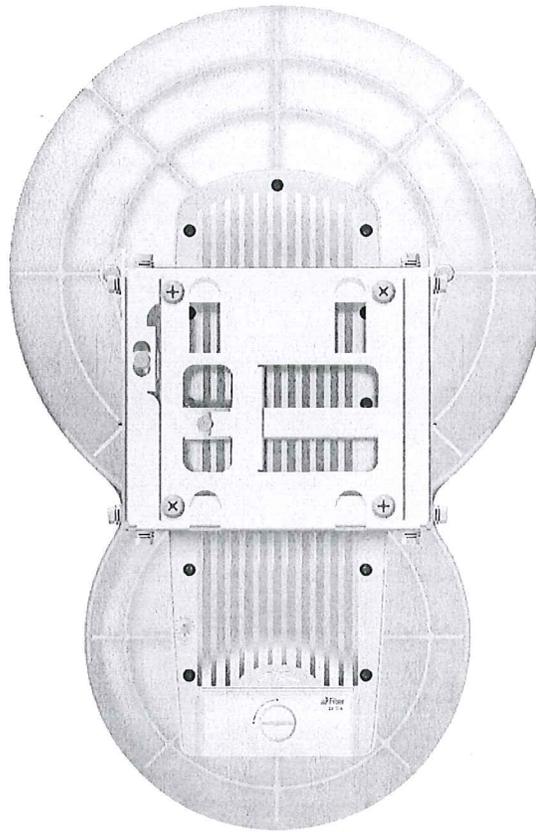
Two models deliver superior speed with spectral efficiency in the worldwide, license-free, 24 GHz radio band.

The standard model, AF-24, delivers up to 1.5+ Gbps throughput at a range of up to 13+ km.

The heavy-duty model, AF-24HD, provides more throughput at up to 2 Gbps and increased range of up to 20+ km. It also includes a more rugged exterior with a metal reflector, to protect against nature's harshest elements.



Side



Back

**1.5+ Gbps**

*Real Data Throughput*

**((24 GHz))**  
License-Free

**13+ km**

*Extreme Range*

**HDD**  
TDD FDD

# Specifications

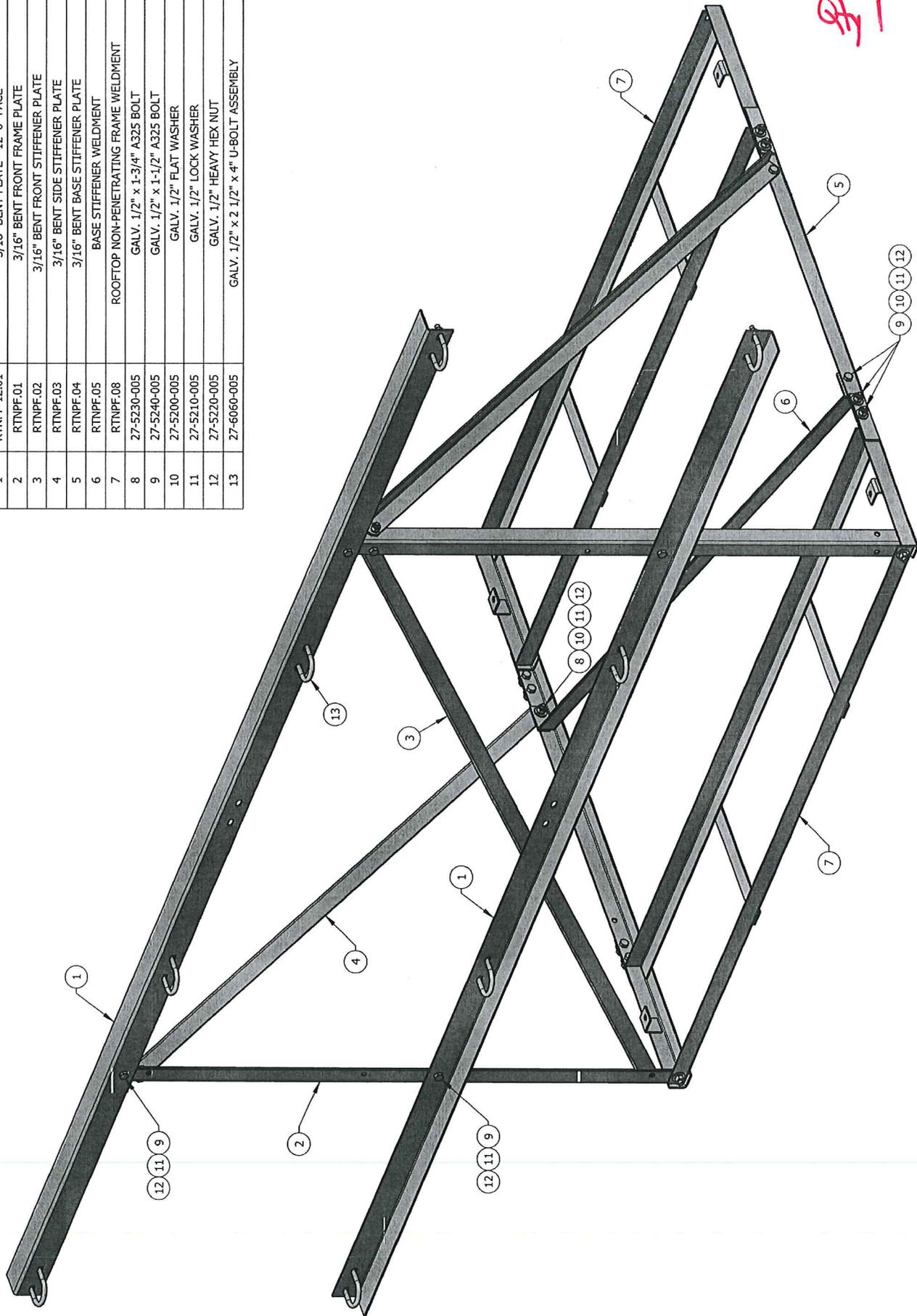
airFiber AF-24	
Operating Frequency	24.05 – 24.25 GHz*
Dimensions	
Radio	649 x 426 x 303 mm (25.55 x 16.77 x 11.93")
Box	725 x 520 x 410 mm (28.54 x 20.47 x 16.14")
Weight	
Radio (Mount Included)	10.5 kg (23.15 lb)
Box	17 kg (37.48 lb)
Max. Power Consumption	50W
Power Supply	50V, 1.2A PoE GigE Adapter (Included)
Power Method	Passive Power over Ethernet
Supported Voltage Range	+42 to +58VDC, -48VDC
Certifications	CE, FCC, IC
Wind Loading	480 N @ 200 km/hr (108 lbf @ 125 mph)
Wind Survivability	200 km/hr (125 mph)
Mounting	Pole Mount Kit (Included)
Operating Temperature	-40 to 55° C (-40 to 131° F)
LEDs	(8) Status LEDs: Data Port Speed Data Port Link/Activity Configuration Port Speed Configuration Port Link/Activity GPS Synchronization Modulation Mode Master/Slave RF Status (1) Two-Digit LED Display Calibrated in dBm
<b>Interface</b>	
Data Port	(1) 10/100/1000 Ethernet Port
Configuration Port	(1) 10/100 Ethernet Port
Auxiliary Port	(1) RJ-12, Alignment Tone Port
<b>System</b>	
Maximum Throughput	1.5+ Gbps
Maximum Range	13+ km
Packets per Second	> 1 Million
Encryption	128-Bit AES
Uplink/Downlink Ratio	50% Fixed
Latency	
Full Duplex Mode	< 200 μs at Full Throughput
Half Duplex Mode	< 2 ms at Full Throughput
MTU (Maximum Transmission Unit)	Up to 9600

\* Two 100 MHz channels are available: 24.1 GHz (24.05-24.15 GHz) and 24.2 GHz (24.15-24.25 GHz)

airFiber AF-24 Receive Sensitivity			
Modulation	Sensitivity	FDD Capacity*	TDD Capacity*
64QAM	-66 dBm	1500 Mbps	760 Mbps
16QAM	-72 dBm	1000 Mbps	507 Mbps
QPSK MIMO	-78 dBm	500 Mbps	253 Mbps
QPSK SISO	-80 dBm	250 Mbps	127 Mbps
¼x QPSK SISO	-87 dBm	62.5 Mbps	31.7 Mbps

\* FDD = (2) 100 MHz channels and TDD = (1) 100 MHz channel

ITEM	PART #	DESCRIPTION	QTY
1	RTNPF-12.01	3/16" BENT PLATE - 12'-6" FACE	2
2	RTNPF.01	3/16" BENT FRONT FRAME PLATE	2
3	RTNPF.02	3/16" BENT FRONT STIFFENER PLATE	1
4	RTNPF.03	3/16" BENT SIDE STIFFENER PLATE	2
5	RTNPF.04	3/16" BENT BASE STIFFENER PLATE	2
6	RTNPF.05	BASE STIFFENER WELDMENT	1
7	RTNPF.08	ROOFTOP NON-PENETRATING FRAME WELDMENT	2
8	27-5230-005	GALV. 1/2" x 1-3/4" A325 BOLT	1
9	27-5240-005	GALV. 1/2" x 1-1/2" A325 BOLT	19
10	27-5200-005	GALV. 1/2" FLAT WASHER	12
11	27-5210-005	GALV. 1/2" LOCK WASHER	20
12	27-5220-005	GALV. 1/2" HEAVY HEX NUT	20
13	27-6060-005	GALV. 1/2" x 2 1/2" x 4" U-BOLT ASSEMBLY	8



17.55.070 (H)  
 RT 1

<b>STANDARD TOLERANCES:</b> (UNLESS OTHERWISE NOTED) FRACTIONS ±1/16" DECIMALS ±.005" ANGLES ±.5°	THIS DESIGN AND INFORMATION CONTAINED ON THIS PRINT IS THE PROPERTY OF NEWAVE TOWER COMPONENTS LLC. ANY REPRODUCTION, DUPLICATION OR TRANSFER OF THE PROPRIETARY CONTENT IS PROHIBITED WITHOUT WRITTEN PERMISSION.	<b>VIEW 1</b>  <b>NEWAVE</b> TOWER COMPONENTS, 503-792-3739 10910 PORTLAND RD., BROOKS, OR 97305	MATERIAL: AS SHOWN HOLES: AS SHOWN FINISH: HDG	DRAWN BY: KY CHECKED BY: DATE: 12/11/2012	TITLE: ROOFTOP NON-PENETRATING 12'-6" FACE FRAME SERIES: ROOFTOP/WALL MOUNTS PROJECT NO: - DRAWING NO: RTNPF-12	SHEET: 1 OF 1
			PROJECT NO: - DRAWING NO: RTNPF-12			



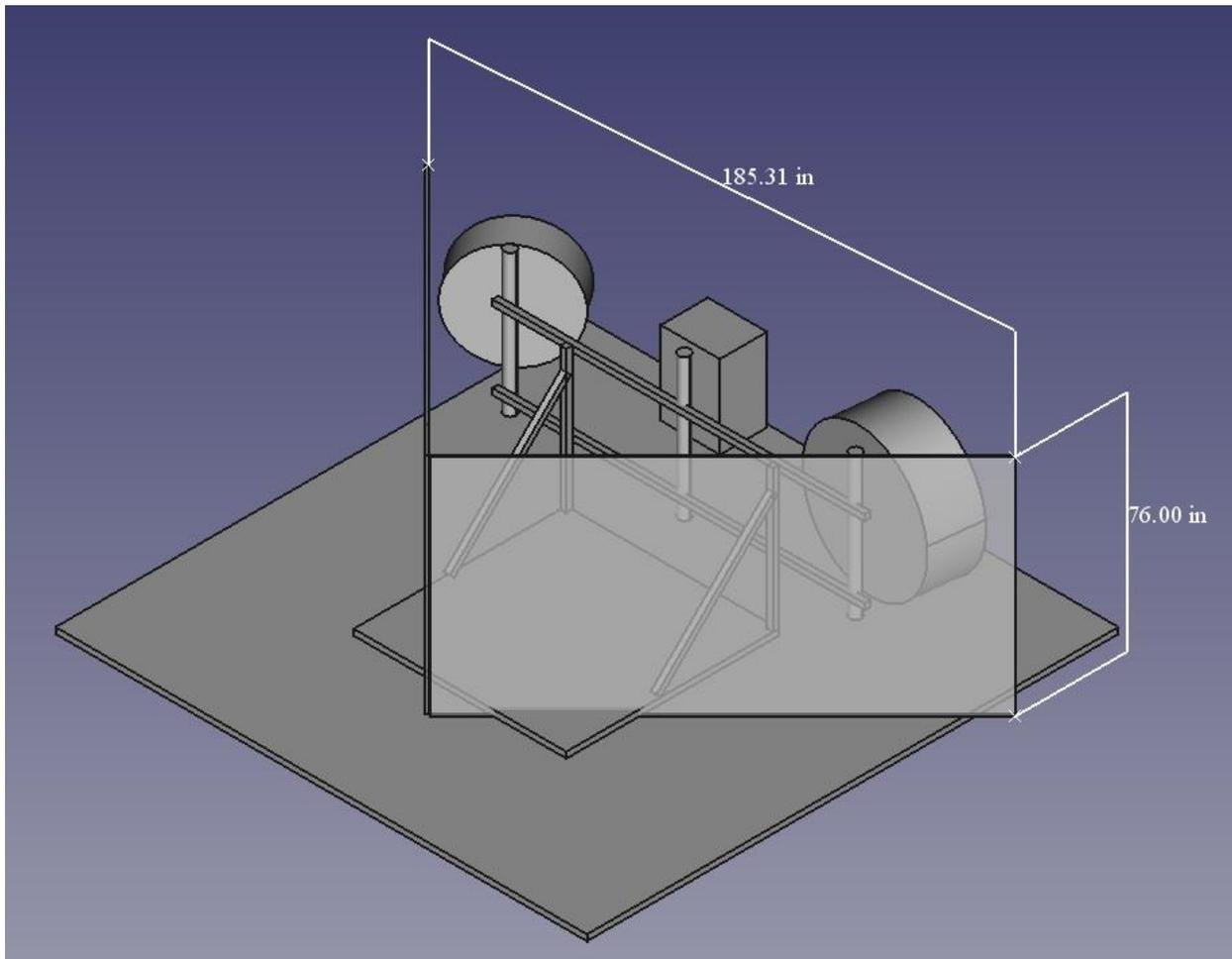
OnlineNW  
1305 NE Lafayette Ave  
McMinnville, OR 97128

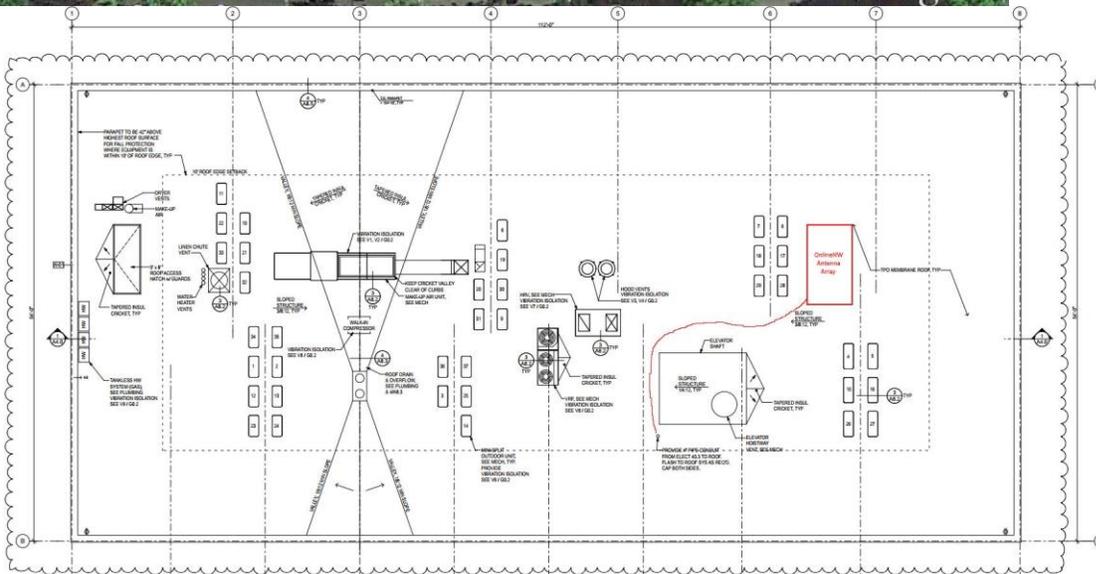
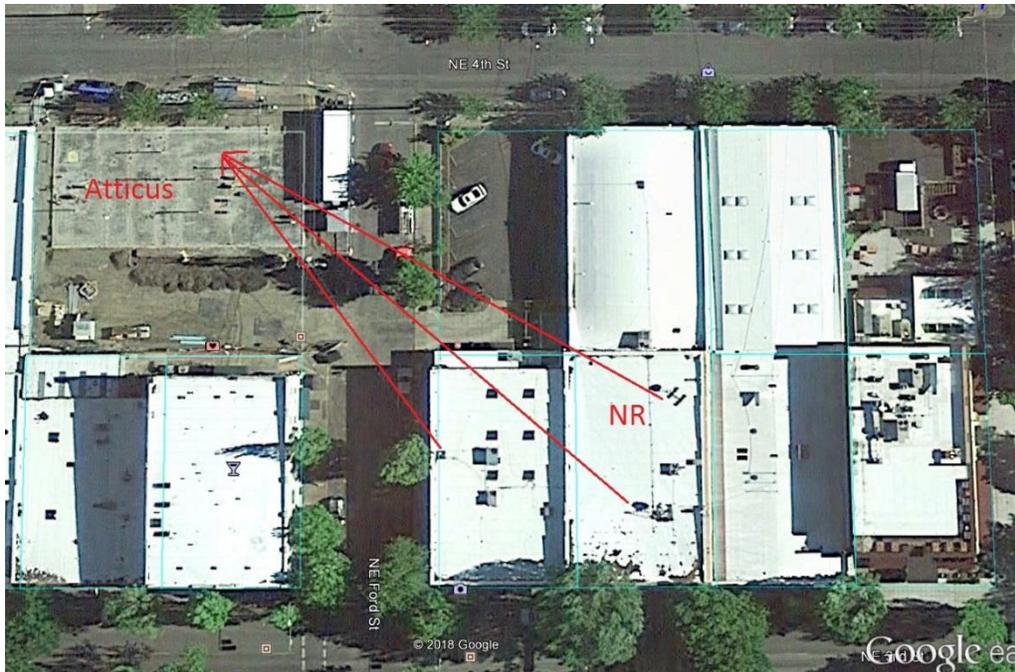
September 24, 2018

### Neighborhood Meeting for Microwave Dish Move

There will be a neighborhood meeting on **Oct 18<sup>th</sup> at 6:00p at 340 NE Ford St** (old OnlineNW offices) to discuss the moving of 3 microwave dishes from the roof of the New Register building (611 NE 3<sup>rd</sup> St) to the roof of the Atticus Hotel (375 NE Ford St). OnlineNW believes that this move will improve the aesthetics of the downtown area as it will result in the dishes no longer being visible from street level.

The 4 ft dish is on the right, the 3 ft dish is on the left, and a panel antenna is in the middle. All antennas are pointing generally to the North. The top of all antennas and the screen is at 76" above the roof surface. The screen is designed to hide the dishes from the upper floors of surrounding buildings.





The last two pictures show which antennas are moving from the News Register and the new location of the dish support structure on the roof of the Atticus.

If you have any questions, please contact Patrick Fuchs ([patrick@onlinenw.com](mailto:patrick@onlinenw.com)) (503) 550-1389.



Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4421BC03700	424 NE FORD ST	YAMHILL COUNTY	YAMHILL COUNTY	434 NE EVANS ST	MCMINNVILLE OR	97128
2	R4421BC04900	330 NE EVANS ST	HART FAMILY TRUST	HART FAMILY TRUST	2490 NW CRIMSON CT	MCMINNVILLE OR	97128
3	R4421BC09900	514 NE 3RD ST	WORRIX MARILYN DELL TRUSTEE	WORRIX MARILYN DELL TRUST	1077 W 10TH ST	EUGENE OR	97402
5	R4421BC04200	628 NE 4TH ST	BLADINE FAMILY LTD PARTNERSHIP	BLADINE FAMILY LTD PARTNERSHIP	PO BOX 1487	MCMINNVILLE OR	97128
6	R4421BC05000	328 NE EVANS ST	OLD OREGON HOTEL PARTNERSHIP	OLD OREGON HOTEL PARTNERSHIP	PO BOX 25501	PORTLAND OR	97298
7	R4421BC04201	619 NE 3RD ST	LEWIS SHERRY	LEWIS SHERRY	14770 NW WILD HAVEN LN	MCMINNVILLE OR	97128
8	R4421BC03800	615 NE 4TH ST	ATLAS LLC	ATLAS LLC	PO BOX 480	MCMINNVILLE OR	97128
12	R4421BC05100	525 NE 3RD ST	PARIS ROBERTA J	PARIS ROBERTA J	206 NW 7TH ST	MCMINNVILLE OR	97128
13	R4421BC10400	608 NE 3RD ST	HISTORIC 3RD AND FORD LLC	HISTORIC 3RD AND FORD LLC	421 AVIATION BLVD	SANTA ROSA CA	95403
15	R4421BC03900	627 NE 4TH ST	HIXSON MEGAN B	HIXSON MEGAN B	PO BOX 562	CARLTON OR	97111
16	R4421BC06000	445 NE 3RD ST	3RD ST CROSSING PROPERTIES LLC	3RD ST CROSSING PROPERTIES LLC	328 NE DAVIS ST	MCMINNVILLE OR	97128
17	R4421BC04800	521 NE 3RD ST	STANARD ROWENA M TRUSTEE FOR	STANARD ROWENA M TRUSTEE FOR	290 SW HILL RD	MCMINNVILLE OR	97128
18	R4421BC02800	401 NE EVANS ST	EVANS FOURTH LLC	EVANS FOURTH LLC	401 NE EVANS ST	MCMINNVILLE OR	97128
21	R4421BC10001	502 NE 3RD ST	ANDERLAND LLC	ANDERLAND LLC	PO BOX 545	MCMINNVILLE OR	97128
23	R4421BC04700	375 NE FORD ST	ODD FELLOWS	ODD FELLOWS BUILDING LLC	PO BOX 196	MCMINNVILLE OR	97128
25	R4421BC09700	540 NE 3RD ST	WRIGHT FAMILY HOUSE LLC	WRIGHT FAMILY HOUSE LLC	11193 SW GILBERT CREEK RD	WILLAMINA OR	97396
26	R4421BC05300	333 NE EVANS ST	CREEKSIDE COMMUNITY CHURCH CITY OF MCMINNVILLE	CREEKSIDE COMMUNITY CHURCH PLANNING DEPARTMENT	PO BOX 1598 231 NE 5TH ST	MCMINNVILLE OR	97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Old Oregon Hotel Partnership  
PO Box 25501  
Portland, OR 97298

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Sherry Lewis  
1770 NW Wild Haven Ln  
McMinnville OR 97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Evans Fourth LLC  
401 NE Evans St  
McMinnville OR 97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Atlas LLC  
PO Box 480  
McMinnville OR 97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Roberta Paris  
206 NW 7th St  
McMinnville OR 97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Anderland LLC  
PO Box 545  
McMinnville OR 97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Hart Family Trust  
2490 NW Crimson Ct  
McMinnville, OR 97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Historic 3rd and Fern LLC  
421 Aviation Blvd  
Santa Rosa, CA 95403

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Old Fellows Building LLC  
PO Box 545  
McMinnville OR 97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Yamhill County  
434 NE Evans St  
McMinnville OR 97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Megan Hixson  
PO Box 562  
Carlton OR 97111

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Wright Family House LLC  
11193 SW Gilbert Creek Rd  
Willamina, OR 97146

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Worrix Marilyn Dell Trust  
1677 W 16th St  
Eugene OR 97402

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

3rd St Crossing Properties LLC  
328 NE Davis St  
McMinnville OR 97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Creekside Community Church  
PO Box 1598  
McMinnville OR 97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Bladin Family Ltd Partnership  
PO Box 1487  
McMinnville OR 97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Rowena Standard Trustee  
290 SW Hill Rd  
McMinnville OR 97128

OnlineNW  
P.O. Box 1357  
McMinnville, OR 97128

Planning Department  
City of McMinnville  
231 NE 5th St  
McMinnville OR 97128



**Neighborhood Meeting Notice**

**Atticus Roof Dish Installation**

**Thursday, Oct 18th at 6:00p**

**340 NE Ford St, McMinnville**

*(Across Ford at the old OnlineMac offices)*



Neighborhood Meeting Notice

Atticus Roof Dish Installation

Thursday, Oct 18th at 6:00p

340 NE Ford St, McMinnville

(Across Ford at the old OnlineMac office)

VALET

ATTICUS  
HOTEL

**Neighborhood Meeting**

Atticus Roof Dish Installation  
Thursday, Oct 18<sup>th</sup> at 6:00p (today)

Meeting is OPEN to the Public

Interested persons are invited to attend

**NO SMOKING**  
  
OREGON'S SMOKEFREE WORKPLACE LAW

## Chuck Darnell

---

**From:** Patrick Fuchs <patrick@onlinenw.com>  
**Sent:** Thursday, December 6, 2018 9:37 AM  
**To:** Chuck Darnell  
**Subject:** RE: Atticus Conditional Use Application  
**Attachments:** 4th St Sign.jpg; 375 NE Ford St\_propowners- duplicates removed.xlsx; Ford St Sign.jpg; Meeting Sign.jpg; Neighborhood Letter.docx; Notice Letters.jpg; Neighborhood Meeting- Attendance List.docx

Chuck,

Items 1-3 are attached. Item 4 is the Neighborhood letter which we had copies of at the meeting. Item 5 doesn't exist because no one showed up. Kathy, Jeb, and I left at 6:30p on Oct 18<sup>th</sup> after waiting the required 30 min. I even created an attendance list (attached) .

Regards,  
Patrick

---

**From:** Chuck Darnell [mailto:Charles.Darnell@mcminnvilleoregon.gov]  
**Sent:** Thursday, December 06, 2018 9:18 AM  
**To:** Patrick Fuchs  
**Subject:** Atticus Conditional Use Application

Hi Patrick,

I am writing to follow up on the Conditional Use application that you submitted for the placement of antennas on the rooftop of the Atticus building at 375 NE Ford Street. The application has been filed with the Planning Department as application CU 2-18.

Based on the materials provided, I am deeming the application incomplete. The materials and findings that you provided meet all of the requirements for information for the conditional use and wireless communications facility review. However, the application did not include evidence of your neighborhood meeting. I know that you had sent some notes and some of the materials over time as you completed the neighborhood meeting, but could you send along all of the required neighborhood meeting evidence to me again in one email? I will need that information to deem the application complete.

The information required in Section 17.72.095(G) of the code is:

- G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:
1. A copy of the meeting notice mailed to surrounding property owners;
  2. A copy of the mailing list used to send the meeting notices;
  3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;
  4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and
  5. Notes of the meeting, which shall include:
    - a. Meeting date;
    - b. Meeting time and location;
    - c. The names and addresses of those attending;
    - d. A summary of oral and written comments received; and

- e. A summary of any revisions made to the proposal based on comments received at the meeting.

Thanks,  
Chuck

**Chuck Darnell**  
Senior Planner  
City of McMinnville  
231 NE 5<sup>th</sup> Street  
McMinnville, OR 97128

503-434-7330  
[chuck.darnell@mcminnvilleoregon.gov](mailto:chuck.darnell@mcminnvilleoregon.gov)

Neighborhood Meeting- Atticus Roof Installation- OnlineNW

Thursday, Oct 18<sup>th</sup> 2018 at 6:00p

**Attendance List**

<b>Name</b>	<b>Address</b>	<b>Email</b>
-------------	----------------	--------------



PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

---

**PUBLIC HEARING NOTICE  
PLANNING COMMISSION REVIEW OF A  
CONDITIONAL USE PERMIT REQUEST  
FOR A WIRELESS COMMUNICATIONS ANTENNA  
375 NE FORD STREET**

NOTICE IS HEREBY GIVEN that an application for a Conditional Use Permit has been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding the application or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Chuck Darnell with any questions at 503-434-7311, or [chuck.darnell@mcminnvilleoregon.gov](mailto:chuck.darnell@mcminnvilleoregon.gov).

---

**DOCKET NUMBER:** CU 2-18 (Conditional Use)

**REQUEST:** Approval of a Conditional Use Permit to allow for the placement of wireless communications antennas on the rooftop of an existing building within the Downtown Design Standards and Guidelines area. The antennas are proposed to be placed on the rooftop of the Atticus Hotel building, which will serve as the alternative antenna support structure for the antennas. The antennas will be at a height of 7 feet above the roof surface after mounting and will be setback 15 feet from the nearest building wall.

**APPLICANT:** Patrick Fuchs, on behalf of McMinnville Access Company

**SITE LOCATION(S):** 375 NE Ford Street (see attached map)

**MAP & TAX LOT(S):** R4421BC04700

**ZONE(S):** C-3 (General Commercial)

**MMC REQUIREMENTS:** McMinnville City Code (MMC), Sections 17.74.030 and 17.55.050 (Wireless Communication Facility Development Review Standards) (see reverse side for specific review criteria)

**NOTICE DATE:** December 28, 2018

**PUBLIC HEARING DATE:** January 17, 2018 at 6:30 P.M.

**HEARING LOCATION:** McMinnville Civic Hall Building  
200 NE 2<sup>nd</sup> Street, McMinnville, OR, 97128

---

**Proceedings:** A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either recommend approval of the application to the McMinnville City Council or deny the application.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person, by attorney, or by mail to assist the

McMinnville Planning Commission in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128, or by email to [chuck.darnell@mcminnvilleoregon.gov](mailto:chuck.darnell@mcminnvilleoregon.gov).

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov).

**Appeal:** Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

### **REVIEW CRITERIA:**

#### **MMC, Section 17.55.050. Development Review Standards**

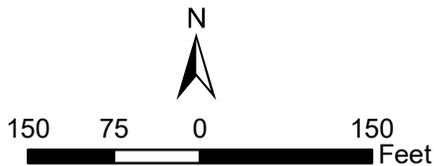
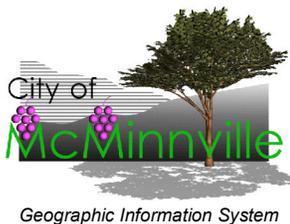
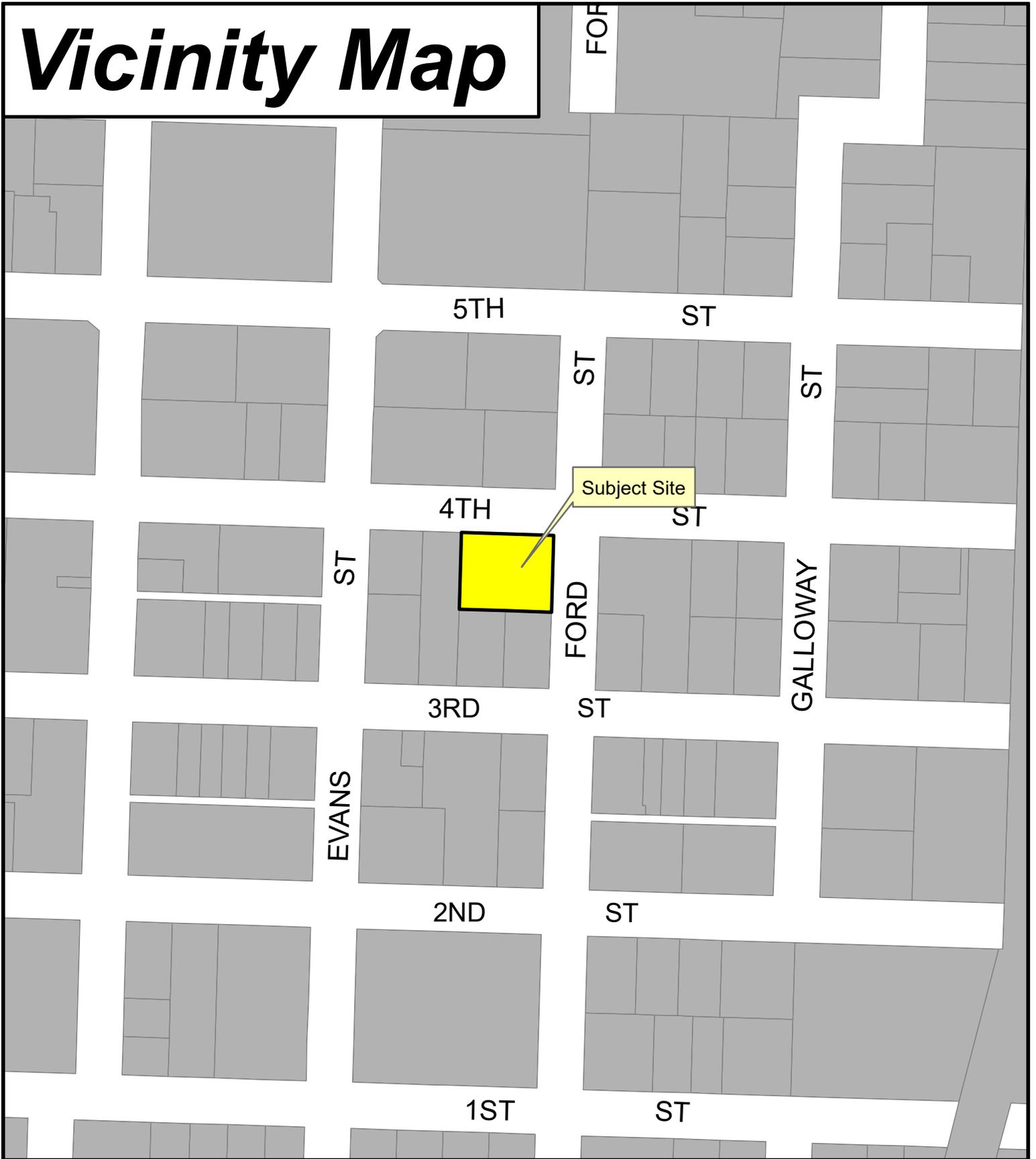
Placement of antennas subject to all wireless communications facility development review standards in Section 17.55.050.

#### **MMC, Section 17.74.030 Authorization to Grant or Deny Conditional Use.**

A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- 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;
- 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;
- 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;
- E. The proposal will preserve environmental assets of particular interest to the community;
- 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.

# Vicinity Map



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

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4421BC03700	424 NE FORD ST	YAMHILL COUNTY	YAMHILL COUNTY	434 NE EVANS ST	MCMINNVILLE OR	97128
2	R4421BC04900	330 NE EVANS ST	HART FAMILY TRUST 3/8	HART FAMILY TRUST 3/8	2490 NW CRIMSON CT	MCMINNVILLE OR	97128
3	R4421BC09900	514 NE 3RD ST	WORRIX MARILYN DELL TRUSTEE	WORRIX MARILYN DELL TRUST 50%	1077 W 10TH ST	EUGENE OR	97402
4	R4421BC04500	601 NE 3RD ST	BLADINE JON E & MICHELLE E TRUSTEES	BLADINE JON E & MICHELLE E TRUSTEES FOR	PO BOX 1487	MCMINNVILLE OR	97128
5	R4421BC04200	628 NE 4TH ST	BLADINE FAMILY LTD PARTNERSHIP	BLADINE FAMILY LTD PARTNERSHIP	PO BOX 1487	MCMINNVILLE OR	97128
6	R4421BC05000	328 NE EVANS ST	OLD OREGON HOTEL PARTNERSHIP	OLD OREGON HOTEL PARTNERSHIP	PO BOX 25501	PORTLAND OR	97298
7	R4421BC04201	619 NE 3RD ST	LEWIS SHERRY	LEWIS SHERRY	14770 NW WILD HAVEN LN	MCMINNVILLE OR	97128
8	R4421BC03800	615 NE 4TH ST	ATLAS LLC	ATLAS LLC	PO BOX 480	MCMINNVILLE OR	97128
9	R4421BC04300	611 NE 3RD ST	BLADINE FAMILY LTD PARTNERSHIP	BLADINE FAMILY LTD PARTNERSHIP	PO BOX 1487	MCMINNVILLE OR	97128
10	R4421BC02900	536 NE 5TH ST	YAMHILL COUNTY	YAMHILL COUNTY	434 NE EVANS ST	MCMINNVILLE OR	97128
11	R4421BC03100	525 NE 4TH ST	YAMHILL COUNTY	YAMHILL COUNTY	434 NE EVANS ST	MCMINNVILLE OR	97128
12	R4421BC05100	525 NE 3RD ST	PARIS ROBERTA J	PARIS ROBERTA J	206 NW 7TH ST	MCMINNVILLE OR	97128
13	R4421BC10400	608 NE 3RD ST	HISTORIC 3RD AND FORD LLC	HISTORIC 3RD AND FORD LLC	421 AVIATION BLVD	SANTA ROSA CA	95403
14	R4421BC03200	414 NE EVANS ST	YAMHILL COUNTY	YAMHILL COUNTY	434 NE EVANS ST	MCMINNVILLE OR	97128
15	R4421BC03900	627 NE 4TH ST	HIXSON MEGAN B	HIXSON MEGAN B	PO BOX 562	CARLTON OR	97111
16	R4421BC06000	445 NE 3RD ST	3RD ST CROSSING PROPERTIES LLC	3RD ST CROSSING PROPERTIES LLC	328 NE DAVIS ST	MCMINNVILLE OR	97128
17	R4421BC04800	521 NE 3RD ST	STANARD ROWENA M TRUSTEE FOR	STANARD ROWENA M TRUSTEE FOR	290 SW HILL RD	MCMINNVILLE OR	97128
18	R4421BC02800	401 NE EVANS ST	EVANS FOURTH LLC	EVANS FOURTH LLC	401 NE EVANS ST	MCMINNVILLE OR	97128
19	R4421BC09800	520 NE 3RD ST	WORRIX MARILYN DELL TRUSTEE	WORRIZ SYLVIA LYN	1077 W 10TH ST	EUGENE OR	97402
20	R4421BC03000	434 NE EVANS ST	YAMHILL COUNTY	YAMHILL COUNTY	434 NE EVANS ST	MCMINNVILLE OR	97128
21	R4421BC10001	502 NE 3RD ST	ANDERLAND LLC	ANDERLAND LLC	PO BOX 545	MCMINNVILLE OR	97128
22	R4421BC05200	555 NE 3RD ST	ODD FELLOWS BUILDING LLC	ODD FELLOWS BUILDING LLC	PO BOX 196	MCMINNVILLE OR	97128
24	R4421BC03600	620 NE 5TH ST	YAMHILL COUNTY	YAMHILL COUNTY	434 NE EVANS ST	MCMINNVILLE OR	97128
25	R4421BC09700	540 NE 3RD ST	WRIGHT FAMILY HOUSE LLC	WRIGHT FAMILY HOUSE LLC	11193 SW GILBERT CREEK RD	WILLAMINA OR	97396
26	R4421BC05300	333 NE EVANS ST	CREEKSIDE COMMUNITY CHURCH	CREEKSIDE COMMUNITY CHURCH	PO BOX 1598	MCMINNVILLE OR	97128
Applicant			MCMINNVILLE ACCESS COMPANY	PATRICK FUCHS	1305 NE LAFAYETTE AVE	MCMINNVILLE OR	97128
Owner	R4421BC04700	375 NE FORD ST	ODD FELLOWS	ODD FELLOWS BUILDING LLC	PO BOX 196	MCMINNVILLE OR	97128