

City of Talent

Community Development Department - Planning



STAFF REPORT

Type II Land Use Application — Administrative Review

Date: February 12, 2019

Item: SPR 2018-008, Verizon Wireless c/o Land Services Northwest

Site: 251 W. Valley View Rd.

Applicant:	Verizon Wireless c/o Land Services Northwest PO Box 302 Bend, OR 97709
Property Owner:	Talent Property Investments 15 SW Colorado Ave. #200 Bend, OR 97702
Requested Action:	Modify antennas and equipment in existing sign structure
Assessor's Map Number:	38-1W-23D, Tax Lot 200
Site Location:	251 W. Valley View Rd.
Zoning:	CH – Highway Commercial
Deemed Complete:	December 24, 2018
Notice Mailed:	February 7, 2019
120-Day Limit:	April 23, 2019

APPROVAL CRITERIA

Talent Zoning Code (TZC) Sections:

8-3D.4, Commercial Zone – Highway

8-3J.9, Wireless Communication Facilities

8-3L.1, Site Development Plan

PROPERTY CHARACTERISTICS



The site is located just north of the intersection of W. Valley View Rd. and Hinkley Rd. The subject parcel is currently used as part of a commercial truck stop. The truck stop business sign doubles as a wireless communication antenna array; the applicant proposed to modify these antennas, as well as some collocated equipment.

AGENCY COMMENTS

No agency comments received.

PROPERTY OWNER COMMENTS

One comment was received from the subject parcel owner encouraging the proposal.

ANALYSIS

Tentative administrative approval is subject to compliance with the approval criteria above, and the underlying zoning district (8-3D.4, Commercial Zone – Highway). Text from the code appears in *italics*.

8-3D.430 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed, except for the following uses, none of which shall include “drive-in,” “drive-up” or “drive-through” facilities. Further, the following uses are permitted subject to the provisions of Article 8-3L.1.

L. Wireless communication antennae subject to the provisions of Section 8-3J.910.

FINDING: The subject parcel is zoned Commercial Highway (CH) and allows Wireless Communication Antenna uses subject to a Type-II Site Development Plan review. The proposed Wireless Communication Antenna and collocated equipment modifications meet the intent of the TZC. **The provisions of this section have been met.**

B. All Wireless Communication Facilities, Towers or Antennae, shall meet the following:

- 1. For existing facilities, a request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of the tower or base shall not be denied (47 USC § 1455 Wireless Facilities Deployment, 2012). These modifications are limited to the following:*
 - a. Collocation of new transmission equipment;*
 - b. Removal of transmission equipment; or*
 - c. Replacement of equipment.*

FINDING: The proposal is for a modification to an existing wireless communication antenna and collocated equipment. **The provisions of this section have been met.**

- 2. All facilities shall be installed and maintained in compliance with the requirements of the Building Code. At the time of building permit, the applicant shall provide written statements from the Federal Aviation Administration (FAA), the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communication Commission that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.*

FINDING: Prior to issuance of building permits, the applicant shall provide written statements from the FAA, ODOT and FCC that the proposed Wireless Communication Facility complies with regulations administered by that agency, or that the facility is exempt from regulation. **The provisions of this section have been met subject to conditions of approval.**

- 3. Strobe lighting is prohibited. Therefore, any facility that requires such illumination is prohibited. If Federal regulations require strobe lighting and an alternative is possible, the alternative shall be used.*

FINDING: No changes to lighting are proposed. **The provisions of this section are not applicable.**

4. *All facility applications shall contain documentation showing that the emissions of the proposed facility, and the cumulative emissions of this facility and any collocated or nearby facilities, shall meet the occupational/controlled and general population/uncontrolled electromagnetic radiation emission standards established by the Federal Communications Commission (FCC), 47CFR§1.1310.*

FINDING: The applicant submittal contains documentation showing electromagnetic radiation meets FCC emission standards. **The provisions of this section have been met.**

5. *Prior to construction of a Wireless Communication Facility the Owner/Operator shall provide a deposit to the City of Talent for the estimated cost of removal and disposal of the facility and equipment as well as give consent to allow city to enter the property.*

FINDING: The construction of a Wireless Communication Facility has not been proposed as part of this application. **The provisions of this section are not applicable.**

6. *If a Wireless Communication Facility ceases to be operational the owner/operator has 6 months to decommission the facility. The Community Development Director may grant a 6-month extension to this requirement. Requests for extensions must be in writing and must be received by the Community Development Director within the initial 6-month period. The property owner shall bear the ultimate responsibility for removal of decommissioned facilities. If the facility is not decommissioned within one year, the City of Talent shall decommission the facility and the owner/ operator shall forfeit the deposit and shall be billed for any remaining balance.*

FINDING: The owner/operator shall decommission the Wireless Communication Facility in accordance with 8-3J.910(B)(6). **The provisions of this section have been met subject to conditions of approval.**

7. *Any application to locate an antenna on a building or structure located in the Old Town Design Review District shall be subject to review by the Talent Architectural Review Committee.*

FINDING: The subject property is not located within the Old Town Design Review District. **The provisions of this section are not applicable.**

- C. ***Type-II Review.*** *Wireless Communications antennae are permitted in all Zones but limited to existing facilities within the public right of way in any zone designated residential under Type-II Site Plan Review application provided the following conditions are met:*

1. *The antenna must be mounted on another structure allowed in the zone, such as a rooftop, light pole, or utility pole and blend in architecturally with the structure to which it is attached.*
2. *Any equipment associated with an antenna must be located within the exterior walls of the building to which the antenna is attached or it must be screened from view of the public right-of-way and any adjacent property by an opaque hedge or fence five to six (5–6) feet high and of a design appropriate to the building or neighborhood. If the equipment is located on the roof it must be set back and screened so that it is not within public view or it must appear to be part of the building.*
3. *A photo of the antenna at a similar installation, including a photo montage that includes the antenna within the surrounding area.*

FINDING: The subject property is not located within a residential zone. **The provisions of this section are not applicable.**

8-3L.150 REQUIRED FINDINGS FOR APPROVAL OF PLAN

After an examination of the site, the Planner shall approve, or approve with conditions the site development plan if all of the following findings are made:

1. *All provisions of this Chapter and other applicable City ordinances and agreements are complied with;*

FINDING: The CH zone allows Wireless Communication Antennas subject to an Administrative Side Development Plan review and notice to the neighboring property owners.

All applicable code sections of the TZC have been addressed within the application submittals or will be made to comply with the attached conditions of approval. **The provisions of this section have been met subject to conditions of approval.**

2. *The proposed development will be in conformance with the intent and objectives of the zone in which it will be located;*

FINDING: According to TZC 8-3D.410 The Highway Commercial Zone (CH) is best located along arterial streets, and due to its exposure, high appearance standards are important. According to the applicant, the proposed antenna modifications are within a sign structure and will not be visible, in line with the CH appearance standards. **The provisions of this section have been met.**

3. *All applicable portions of the City comprehensive plan or other adopted plan are complied with;*

FINDING: The proposed site development plan is consistent with the approval criteria of the TZC and meets the overall intent of the commercial Comprehensive Plan designation. **The provisions of this section have been met.**

4. *The proposed development will be compatible with or adequately buffered from other existing or contemplated uses of land in the surrounding area;*

FINDING: The subject property for the proposed Wireless Communication Antenna and equipment modification is zoned CH, and is entirely surrounded by other commercially zoned parcels. **The provisions of this section have been met.**

5. *That no wastes, other than normal water runoff, will be conducted into City storm and wastewater facilities;*

FINDING: The proposed Wireless Communication Antenna and equipment modification does not create any new impervious surface, or create any waste other than normal runoff. **The provisions of this section have been met.**

6. *The following are arranged so that traffic congestion is avoided, pedestrian and vehicular safety, solar access, historic sites, and the public welfare and safety are protected, and there will be no adverse effect on surrounding property:*

1. *buildings, structures, and improvements;*
2. *vehicular and pedestrian ingress and egress, and internal circulation;*
3. *parking and loading facilities;*
4. *setbacks and views from structures;*
5. *walls, fences, landscaping and street and shade trees;*
6. *lighting and signs; and*
7. *noise generation facilities and trash or garbage depositories.*

FINDING: The proposed Wireless Communication Antenna and equipment modification is limited to an existing sign structure; no adverse changes to traffic, safety or property are expected. **The provisions of this section have been met.**

7. *The applicant has made any required street and other needed public facility and service improvements in conformance with the standards and improvements set forth in this Chapter and the applicable portions of the City Subdivision Code, or has provided for an adequate security arrangement with the city to ensure that such improvements will be made.*

FINDING: The proposed Wireless Communication Antenna and equipment modification is limited to an existing sign structure, no public facility or service improvements are required as part of this request. **The provisions of this section have been met.**

DISCUSSION

Overall, staff is supportive of the proposed site development plan because of its ability to meet the intent of the Commercial Highway zone, the proposed antenna modifications are within a sign structure and will not be visible, in line with the CH appearance standards.

RECOMMENDATION

Staff **APPROVES** the Site Development Plan application subject to the following conditions:

GENERAL CONDITIONS

1. The owner/operator shall decommission the Wireless Communication Facility in accordance with 8-3J.910(B)(6).

PRIOR TO ISSUANCE OF BUILDING PERMITS

2. The applicant shall provide written statements from the FAA, ODOT and FCC that the proposed Wireless Communication Facility complies with regulations administered by that agency, or that the facility is exempt from regulation.



Jeff Wilcox
Community Development Assistant

February 12, 2019

Date