

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Third Reading and Third Public Hearing
Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 826 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO TELECOMMUNICATION FACILITIES STANDARDS**

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 826 proposes to amend the Community Development Code (CDC) to: streamline the review process and submittal requirements for telecommunication facilities; restructure Special Use Section 430-109 to be clearer and more user friendly; and update the code to comply with federal requirements for telecommunication facilities. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

On September 19, 2017, the Board directed engrossment to make a number of changes to the ordinance. A description of these changes was included in the staff report for the October 10 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 826 on October 10, 2017 and continued the hearing to October 24, 2017.

The staff report for the Board will be provided prior to the October 24, 2017 hearing and posted on the above land use ordinance webpage. Copies of the report will also be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to two minutes for individuals and five minutes for a representative of a group.

Clerk's Desk Item: Staff Report *(click to access electronic copy)*

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 826 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 826 and related findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>5.a.</u>
Date:	10/24/17

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 826

An Ordinance Amending the Community
Development Code Relating to
Telecommunication Facilities Standards

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-811, 813-815, and 820.

B. As part of its ongoing planning efforts Washington County staff has identified the need for updates to the Community Development Code, an element of the Comprehensive Plan, specifically those related to telecommunication facilities. The proposed changes update

1 the Community Development Code to comply with federal regulations, and streamline the
2 review process and submittal requirements for telecommunication facilities. The Board
3 recognizes that such changes are necessary from time to time for the benefit and welfare of
4 the residents of Washington County, Oregon.

5 C. Under the provisions of Washington County Charter Chapter X, the
6 Department of Land Use and Transportation has carried out its responsibilities, including
7 preparation of notices, and the County Planning Commission has conducted one or more
8 public hearings on the proposed amendments and has submitted its recommendations to the
9 Board. The Board finds that this Ordinance is based on that recommendation and any
10 modifications made by the Board, as a result of the public hearings process.

11 D. The Board finds and takes public notice that it is in receipt of all matters and
12 information necessary to consider this Ordinance in an adequate manner and finds that this
13 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
14 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
15 County Charter, the Washington County Community Development Code, and the Washington
16 County Comprehensive Plan.

17 SECTION 2

18 The following exhibit, attached hereto and incorporated herein by reference, is adopted
19 as an amendment to the designated document as follows:

20 A. Exhibit 1 (67 pages), amends the following sections of the Community
21 Development Code:

- 22 1. Section 106 – Definitions;

- 1 2. Section 201 – Development Permit;
- 2 3. Section 302 – R-5 District (Residential 5 Units per Acre);
- 3 4. Section 303 – R-6 District (Residential 6 Units per Acre);
- 4 5. Section 304 – R-9 District (Residential 9 Units per Acre);
- 5 6. Section 305 – R-15 District (Residential 15 Units per Acre);
- 6 7. Section 306 – R-24 District (Residential 24 Units per Acre);
- 7 8. Section 307 – R-25+ District (Residential 25 Units or More per Acre);
- 8 9. Section 308 – Future Development 20-Acre District (FD-20);
- 9 10. Section 309 – Future Development 10-Acre District (FD-10);
- 10 11. Section 311 – Neighborhood Commercial District (NC);
- 11 12. Section 312 – Office Commercial District (OC);
- 12 13. Section 313 – Community Business District (CBD);
- 13 14. Section 314 – General Commercial District (GC);
- 14 15. Section 320 – Industrial District (IND);
- 15 16. Section 330 – Institutional District (INST);
- 16 17. Section 340 – Exclusive Farm Use (EFU);
- 17 18. Section 342 – Exclusive Forest and Conservation District (EFC);
- 18 19. Section 344 – Agriculture and Forest District (AF-20);
- 19 20. Section 346 – Agriculture and Forest District (AF-10);
- 20 21. Section 348 – Agriculture and Forest District (AF-5);
- 21 22. Section 350 – Rural Residential Five Acre Minimum District (RR-5);
- 22 23. Section 352 – Rural Commercial District (R-COM);

- 1 24. Section 354 – Rural Industrial District (R-IND);
2 25. Section 356 – Land Extensive Industrial District (MAE);
3 26. Section 375 – Transit Oriented Districts;
4 27. Section 377 – Special Industrial Overlay District (SID);
5 28. Section 390 – North Bethany Subarea Overlay District; and
6 29. Section 430 – Special Use Standards.

7 SECTION 3

8 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
9 which are not expressly amended or repealed herein, shall remain in full force and effect.

10 SECTION 4

11 All applications received prior to the effective date shall be processed in accordance
12 with ORS 215.427.

13 SECTION 5

14 If any portion of this Ordinance, including the exhibit, shall for any reason be held
15 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
16 affected thereby and shall remain in full force and effect.

17 SECTION 6

18 The Office of County Counsel and Department of Land Use and Transportation are
19 authorized to prepare planning documents to reflect the changes adopted under Section 2 of
20 this Ordinance, including deleting and adding textual material and maps, renumbering pages
21 or sections, and making any technical changes not affecting the substance of these
22 amendments as necessary to conform to the Washington County Comprehensive Plan format.

1 SECTION 7

2 This Ordinance shall take effect on November 24, 2017.

3 ENACTED this 24th day of October, 2017, being the third reading
4 and third public hearing before the Board of County Commissioners of Washington
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 *Andy Osd*
CHAIRMAN

10 *A. D. Noyak*
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First September 19, 2017
13 Second October 10, 2017
14 Third October 24, 2017
15 Fourth _____
16 Fifth _____
17 Sixth _____

12 First September 19, 2017 (Engrossment
13 Second October 10, 2017 ordered)
14 Third October 24, 2017
15 Fourth _____
16 Fifth _____
17 Sixth _____

18 VOTE: Aye: Rogers, Schouten,
Terry, Malinowski

Nay: _____ Abstained: Duyck

19 Recording Secretary: Ana D. Noyak Date: 10-24-2017

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. SECTION 106 - DEFINITIONS

106-1 The definitions contained in this Code are used as follows:

106-1.1 Words used in present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.

106-1.2 The term "shall" is always mandatory and the word "may" is permissive.

106-1.3 Any word or term not herein defined shall be used as defined by "Webster's Third New International Dictionary," copyright 1993, located in the Washington County Department of Land Use & Transportation Law Library.

106-1.4 Where words or terms are defined by ORS or OAR and are applicable to this Code, those definitions shall apply as defined herein. Where words or terms are further defined by OAR Chapter 660, Division 33 Agricultural Land, and are different from ORS, those definitions shall apply as defined in the OAR.

106-1.5 Terms and definitions related to specific uses may be located within their own sections.

106-10.9 Oregon Department of Aviation (ODA). The state agency responsible for developing aviation as an integral part of Oregon's transportation network; creating and implementing strategies to protect and improve Oregon's aviation system; encouraging aviation-related economic development; supporting aviation safety and education; and increasing commercial air service and general aviation in Oregon. ~~The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.~~

106-10.10 Federal Aviation Administration (FAA). A division of the United States Department of Transportation primarily responsible for the advancement, safety, and regulation of civil aviation. ~~The Federal Aviation Administration.~~

~~106-174 Terms Relating to Receiving and Transmitting Antennas, Communication and Broadcast Towers~~

~~106-174.1 **Antenna.** A device for transmitting or receiving radio frequency (RF) signals or electromagnetic radiation, such as digital and analog signals, radio frequencies, broadcast signals, such as television and radio signals, and other communication signals. Antennas are typically mounted on a supporting tower, pole or mast, building or other suitable structure. Types of antennas include directional antennas, such as panel antennas, microwave dishes, and omni-direction antennas, such as whip antennas, but not domestic satellite dishes. Additionally, some antennas operate as both transmitting and receiving devices.~~

~~106-174.2 **Base (or Primary Station).** The primary sending and receiving site in a wireless service provider's telecommunication network and generally consisting of one or more antennas mounted on a communication tower.~~

abcdef Proposed additions

~~abcdef~~ Proposed deletions

- ~~106-174.3 **Broadcast Tower**. A tower, pole, or mast whose primary purpose is to elevate an antenna above the surrounding terrain or structures for the transmission of radio or television signals. The actual broadcast tower itself may also function as the antenna, (i.e., for AM broadcast radio) if part of the apparatus is necessary to produce a clear signal or message within the licensee's operating range, as allowed by the Federal Communications Commission. Broadcast towers are often sited within a non-staffed broadcast facility for the transmission of radio or television signals.~~
- ~~106-174.4 **Communication Tower**. A tower, pole, or mast whose primary purpose is to elevate an antenna above the surrounding terrain or structures for the transmission and/or receiving of radio frequency (RF) signals or electromagnetic radiation to provide wireless telecommunication service, including wireless Internet service. Communication towers are often sited within a non-staffed wireless telecommunication facility for the transmission of radio frequency (RF) signals. Said facility usually consists of an equipment shelter, cabinet or other enclosed structure housing electronic equipment, a communication tower, and antennas, including repeaters and microcells, or other transmission and reception devices used to provide cellular, specialized mobile radio and personal communication services (PCS) services.~~
- ~~106-174.5 **Equipment Shelter**. An enclosed structure or cabinet usually placed at or near the base of the communication tower within which are housed electrical and other equipment necessary for the operation of the facility. Cables connect the shelters to the antenna(s).~~
- ~~106-174.6 **Federal Aviation Administration (FAA)**. The FAA, a division of the United States Department of Transportation, was established by the Federal Aviation Act of 1958, and is primarily responsible for the advancement, safety and regulation of civil aviation.~~
- ~~106-174.7 **Federal Communications Commission (FCC)**. The FCC is an independent government agency that was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable.~~
- ~~106-174.8 **Microcell**. A low-power facility used to provide increased capacity to wireless telecommunications demand areas or provide infill coverage in areas of weak reception, including a separate transmitting and receiving station serving the facility. (See also "Repeater")~~
- ~~106-174.9 **Non-Residential Districts**. FD-20, FD-10, NC, OC, CBD, GC, IND, INST, SID, TO:RC, TO:EMP, TO:BUS, EFU, EFC, AF-20, R-COM, R-IND, NCC-NB, NCMU-NB, INST-NB and MAE Land Use Districts.~~
- ~~106-174.10 **Oregon Department of Aviation (ODA)**. The state agency that is responsible for developing aviation as an integral part of Oregon's transportation network; creating and implementing strategies to protect and improve Oregon's aviation system; encouraging aviation-related economic development; supporting aviation safety and education; and increasing commercial air service and general aviation in Oregon.~~
- ~~106-174.11 **Radio Frequency Emission**. Electromagnetic radiation that is of low photon energy unable to cause ionization and is generated by a transmitting antenna.~~

- ~~106-174.12~~ — **Radio Frequency Engineer** . An engineer specializing in electrical or microwave engineering, licensed in the state of Oregon, with a degree in engineering, and experience to perform and certify radio frequency radiation measurements.
- ~~106-174.13~~ — **Receiving Antenna** . A device that only receives non-ionizing electromagnetic energy and does not emit radio frequency energy.
- ~~106-174.14~~ — **Repeater** . A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from the base or primary station.
- ~~106-174.15~~ — **Replacement Tower** . A new communication or broadcast tower capable of supporting co-located antennas that is intended to replace an existing tower that is not capable of supporting co-located antennas. A replacement tower has the same height and base diameter, and same site improvements as the existing tower.
- ~~106-174.16~~ — **Residential District** . R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, R-24 NB, R-25+ NB, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, AF-5, AF-10 and RR-5 Land Use Districts.
- ~~106-174.17~~ — **Site** . A parcel or portion of, which is owned or leased by one or more broadcast or wireless telecommunications providers and upon which a broadcast or communication tower and required site improvements, including landscaping, are located. With the exception of site access, these sites are usually fenced off from the remainder of the parcel.
- ~~106-174.18~~ — **Speculation or "Spec" Tower** . A tower for the purpose of providing location mounts for future antennas without a binding contractual commitment by a service provider to locate an antenna upon the tower at time of the original application submittal.
- ~~106-174.19~~ — **Stealth Design** . The design of new antennas or towers in a manner that camouflages, conceals, or disguises the facilities as described in Sections 430-109.3 and 430-109.6. The direct results of applying "stealth" technology are broadcast and communication towers designed in an aesthetically pleasing and acceptable manner typically. "Stealth" facilities are generally not easily discernible or easily noticeable.
- ~~106-174.20~~ — **Telecommunication Facility** . All equipment, including antennas for the transmitting and/or receiving of radio frequency signals or electromagnetic radiation (i.e., wireless telecommunication service and wireless Internet/'Wi-Fi'), broadcast signals (i.e., radio and television), and other communication signals, tower, accessory equipment, and improvements, such as landscaping, fencing and parking areas, located on the site.
- ~~106-174.21~~ — **Telecom Hotel** . A building or structure designed to warehouse telecommunications equipment, including utility hookups and connections to fiber-optic networks. Telecom hotels generally require thousands to hundreds of thousands of square feet, but relatively few employees.
- ~~106-174.22~~ — **Top-Hat Antenna Array** . A horizontal platform or enclosed framework of metal supports attached to a communication tower, or other building or structure, that is generally triangular or square in shape on which antennas are mounted. This type of antenna array is used to facilitate the transmission or reception of an omni-directional or 360-degree signal.

106-174.23 ~~Tower~~ (e.g., broadcast and communication) types include:

- A. ~~Guyed tower~~. A tower that is permanently connected to the ground by cables (guy-wires).
- B. ~~Lattice tower~~. A self-supporting multiple-leg tower comprised of an open framework of either structural steel or diagonal cables or a combination thereof.
- C. ~~Monopole~~. A self-supporting, single, upright pole and requiring no guy wires or diagonal cables to stabilize the structure. Monopoles are typically constructed of wood or steel.

106-174.24 ~~Transmitting Antenna~~. A device that emits and may receive non-ionizing electromagnetic energy.

106-174.25 ~~Uses Accessory to an Antenna~~. A use that is customarily incidental to a receiving or transmitting antenna and is generally situated on the same property as the antenna, such as an equipment shelter.

106-174.26 ~~Visually Subordinate~~. The relative visibility of a broadcast or communication tower where the tower does not noticeably contrast with the surrounding built or natural landscape. Visibly subordinate towers may be partially visible, but not visually dominate in relation to their immediate surroundings.

2. SECTION 201 – DEVELOPMENT PERMIT

201-2 Exclusions from Permit Requirement

201-2.30 Installation of compact pole-mounted receiving and transmitting antennas on electric and other utility poles in the public road right-of-way, ~~excluding street lights on power poles and traffic signal lights~~, where the subject support pole is part of an existing above ground electric transmission, distribution, communication or signal line, and where "pole" is defined as a monopole, double pole or lattice utility structure, subject to the following:

- A. Within the public road right-of-way, existing poles may be replaced with new poles in order to support the new antenna, provided the new pole is not more than twenty (20) ~~fifteen (15)~~ feet higher than pole to be replaced;
- B. No more than three (3) ~~one (1)~~ associated equipment cabinets not to exceed seventeen (17) ~~twelve (12)~~ cubic feet may be mounted on the pole. The cabinet shall be painted with or constructed of material with a non-reflective neutral color that matches or is similar to that of the pole. All associated ground-mounted equipment shelters located in the right-of-way are subject to the applicable standards of ODOT or Washington County ~~to occupy or perform operations upon the affected roadway~~;
- C. Installation of receiving and transmitting antennas on County-owned street furniture is prohibited. Street furniture includes but is not limited to street lights, utility poles, and traffic signals;
- DG. Antennas, excluding whip antennas, shall extend no more than ten (10) feet above the pole it is mounted on. Antennas, excluding whip antennas, shall be

either flush-mounted or located within a cylindrical enclosure on top of the pole (including omni-directional antennas) in order to minimize visual impacts. Antennas shall be painted with a non-reflective neutral color that matches or is similar to that of the pole;

- ED. All cabling shall be painted with non-reflective neutral colors that match or are similar to that of the pole. If cabling is contained in protective conduit then the conduit shall be of the same or similar color as the pole; ~~and~~
- FE. Service providers shall provide to the Review Authority upon completion of the installation, copies of all plans and elevation schematics for purposes of maintaining an accurate inventory of these exempt facilities. Service providers are encouraged, though not required, to include in future submittal materials pursuant to this Section, the same information for exempt facilities they maintain that were installed since October 5, 2000, the effective date of Ordinance No. 560;:-
- GF. All applicable county, state and federal right-of-way and/or building permits; ~~-and~~
- HG. Except as exempt under Sections 201-2.30 or 201-2.31, Receiving and Transmitting Antennas, Communication and Broadcast Towers and associated equipment are subject to review under CDC Section 430-109. Additional exemptions are listed under CDC Section 430-109.34.

3. SECTION 302 – R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)

302-2 Uses Permitted Through a Type I Procedure

- 302-2.11 ~~Co-located of~~ antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3-
- 302-2.12 ~~Facility 2 communication towers~~ New Telecommunication Facilities with towers using Stealth Design to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.4-

302-3 Uses Permitted Through a Type II Procedure

- 302-3.8 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

302-4 Uses Which May Be Permitted Through a Type III Procedure

- 302-4.12 New Telecommunication Facilities with towers not using Stealth Design, Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet - Section 430-109.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

- ~~302-4.13 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.~~
- 302-4.1345 School - Section 430-121.
- 302-4.1446 Special Recreation Use - Section 430-131.
- 302-4.1547 Storage Area for Recreation Vehicles - Section 430-133.
- 302-4.1648 Religious Institution - Section 430-116.

4. SECTION 303 - R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)

303-2 Uses Permitted Through a Type I Procedure

- 303-2.11 Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.
- 303-2.12 New Telecommunication Facilities with towers using Stealth Design Facility-2 ~~communication towers~~ to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.4.

303-3 Uses Permitted Through a Type II Procedure

- 303-3.13 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

303-4 Uses Which May Be Permitted Through a Type III Procedure

- 303-4.12 New Telecommunication Facilities with towers not using Stealth Design, Facility-3 and 4 ~~communication towers~~, to a maximum height of one hundred (100) feet - Section 430-109.

~~303-4.13 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.~~

303-4.1344 School - Section 430-121.

303-4.1445 Special Recreation Use - Section 430-131.

303-4.1546 Storage Area for Recreation Vehicles - Section 430-133.

303-4.1647 Religious Institution - Section 430-116.

5. SECTION 304 - R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

304-2 Uses Permitted Through a Type I Procedure

- 304-2.12 Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.

- 304-2.13 New Telecommunication Facilities with towers using Stealth Design Facility-2 ~~communication towers~~ to a maximum height of one hundred (100) feet, excluding

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those towers exempt pursuant to Sections 430-109.3~~4~~ and 201-2 - Section 430-109.4.

304-3 Uses Permitted Through a Type II Procedure

304-3.12 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

304-4 Uses Which May be Permitted Through a Type III Procedure

304-4.12 New Telecommunication Facilities with towers not using Stealth Design, Facility 3 and 4 communication towers to a maximum height of one hundred (100) feet - Section 430-109.

~~304-4.13 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.~~

304-4.13~~14~~ School - Section 430-121.

304-4.14~~15~~ Special Recreation Use - Section 430-131.

304-4.15~~16~~ Religious Institution - Section 430-116.

6. SECTION 305 - R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

305-2 Uses Permitted Through a Type I Procedure

305-2.12 ~~Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.3~~4~~ and 201-2 - Section 430-109.3.~~

305-2.13 New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.3~~4~~ and 201-2 - Section 430-109.4.

305-3 Uses Permitted Through a Type II Procedure

305-3.13 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

305-4 Uses Which May Be Permitted Through a Type III Procedure

305-4.8 New Telecommunication Facilities with towers not using Stealth Design, Facility 3 and 4 communication towers to a maximum height of one hundred (100) feet - Section 430-109.

~~305-4.9 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.~~

305-4.9~~10~~ Special Recreation Use - Section 430-131.

305-4.1014 Religious Institution - Section 430-116.

7. SECTION 306 - R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)

306-2 Uses Permitted Through a Type I Procedure

306-2.12 ~~Co-located of~~ antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.

306-2.13 New Telecommunication Facilities with towers using Stealth Design Facility-2 ~~communication towers~~ to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.4.

306-3 Uses Permitted Through a Type II Procedure

306-3.11 Expansion of Existing Telecommunication Facilities, co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

306-4 Uses Which May Be Permitted Through a Type III Procedure

306-4.7 New Telecommunication Facilities with towers not using Stealth Design, Facility-3 and 4 ~~communication towers~~ to a maximum height of one hundred (100) feet - Section 430-109.

~~306-4.8 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.~~

306-4.89 Special Recreation Use - Section 430-131.

306-4.940 Religious Institution - Section 430-116.

8. SECTION 307 - R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)

307-2 Uses Permitted Through Type I Procedure

307-2.11 ~~Co-located of~~ antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.

307-2.12 New Telecommunication Facilities with towers using Stealth Design Facility-2 ~~communication towers~~ to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.

307-3 Uses Permitted Through a Type II Procedure

307-3.11 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

abcdef Proposed additions

abedef Proposed deletions

307-4 Uses Which May Be Permitted Through a Type III Procedure

307-4.9 New Telecommunication Facilities with towers not using Stealth Design, Facility 3 and 4 communication towers to a maximum height of one hundred (100) feet - Section 430-109.

~~307-4.10 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.~~

307-4.1011 Special Recreation Use - Section 430-131.

307-4.1112 Transit Center - Section 430-137.

9. SECTION 308 - FUTURE DEVELOPMENT 20-ACRE DISTRICT (FD-20)

308-2 Uses Permitted Through a Type I Procedure:

308-2.10 Co-location of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3; see also Section 308-7.1.

308-2.11 New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.4; see also Section 308-7.1.

308-3 Uses Permitted Through a Type II Procedure

308-3.5 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109; see also Section 308-7.1.

308-4 Uses Which May Be Permitted Through a Type III Procedure

308-4.9 New Telecommunication Facilities with towers not using Stealth Design, Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet - Section 430-109; see also Section 308-7.1.

~~308-4.10 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109; this use is prohibited in the North Bethany Subarea Plan.~~

308-4.1011 School - Section 430-121, except as prohibited in Areas of Special Concern 7 and 9 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6, 7 and 8 in the East Hillsboro Community Plan; see also Section 308-7.1.

308-4.1112 Religious Institution - Section 430-116 except as prohibited in Areas of Special Concern 7 and 9 in Policy 41 of the Comprehensive Framework Plan for the Urban

Area, and Areas of Special Concern 6, 7 and 8 in the East Hillsboro Community Plan; see also Section 308-7.1.

10. SECTION 309 - FUTURE DEVELOPMENT 10-ACRE DISTRICT (FD-10)

309-2 Uses Permitted Through a Type I Procedure

309-2.10 ~~Co-located of~~ antennas, excluding those antennas exempt pursuant to Sections 430-109.3~~4~~ and 201-2 - Section 430-109.3.

309-2.11 New Telecommunication Facilities with towers using Stealth Design Facility 2 ~~communication towers~~ to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.3~~4~~ and 201-2 - Section 430-109.4.

309-3 Uses Permitted Through a Type II Procedure

309-3.5 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2- Section 430-109.

309-4 Uses Which May Be Permitted Through a Type III Procedure

309-4.9 New Telecommunication Facilities with towers not using Stealth Design, Facility 3 and 4 ~~communication towers~~ to a maximum height of one hundred (100) feet - Section 430-109.

~~309-4.10 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.~~

309-4.10~~11~~ Religious Institution - Section 430-116.

11. SECTION 311 - NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

311-2 Uses Permitted Through a Type I Procedure

311-2.7 New Telecommunication Facilities with towers not using Stealth Design Facility 3 and 4 ~~communication towers~~ that:

- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site. - Section 430-109.

311-2.8 ~~Co-located of~~ antennas, excluding those antennas exempt pursuant to Sections 430-109.3~~4~~ and 201-2 - Section 430-109.3.

311-2.9 New Telecommunication Facilities with towers using Stealth Design, Facility 2
~~communication towers~~ excluding those towers exempt pursuant to Sections 430-109.34 and 201-2, that:

- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, New Telecommunication Facilities with towers using Stealth Design, Facility 2 ~~communication towers~~ may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

311-3 Uses Permitted Through a Type II Procedure

311-3.17 New Telecommunication Facilities with Communication towers greater than sixty-five (65) feet and up to two hundred (200) feet in height - Section 430-109.

311-3.25 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

311-4 Uses Which May Be Permitted Through a Type III Procedure

311-4.5 New Telecommunication Facilities with Communication towers greater than two hundred (200) feet in height - Section 430-109.

~~311-4.6 Broadcast Towers - Section 430-109.~~

311-4.6-7 Religious Institution - Section 430-116.

12. SECTION 312 - OFFICE COMMERCIAL DISTRICT (OC)

312-2 Uses Permitted Under a Type I Procedure

312-2.6 New Telecommunication Facilities with towers not using Stealth Design Facility 3 and 4 ~~communication towers~~ that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.

312-2.7 Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.

312-2.8 New Telecommunication Facilities with towers using Stealth Design, Facility 2 ~~communication towers~~ excluding those towers exempt pursuant to Sections 430-109.34 and 201-2, that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, New Telecommunication Facilities with towers using Stealth Design Facility 2 ~~communication towers~~ may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

312-3 Uses Permitted Through a Type II Procedure

312-3.23 New Telecommunication Facilities with ~~Communication~~ towers greater than seventy-five (75) feet and up to two hundred (200) feet in height - Section 430-109.

312-3.27 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

312-4 Uses Which May Be Permitted Through a Type III Procedure

312-4.5 New Telecommunication Facilities with ~~Communication~~ towers greater than two hundred (200) feet in height - Section 430-109.

~~312-4.6 Broadcast Towers - Section 430-109.~~

13. SECTION 313 - COMMUNITY BUSINESS DISTRICT (CBD)

313-2 Uses Permitted Through a Type I Procedure

313-2.6 New Telecommunication Facilities with towers not using Stealth Design Facility 3 ~~and 4 communication towers~~ that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated

public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.

313-2.7 ~~Co-located~~ of antennas, excluding those antennas exempt pursuant to Sections 430-109.3~~4~~ and 201-2 - Section 430-109.3.

313-2.8 New Telecommunication Facilities with towers using Stealth Design Facility 2 ~~communication towers~~ excluding those towers exempt pursuant to Sections 430-109.3~~4~~ and 201-2, that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, New Telecommunication Facilities with towers using Stealth Design Facility 2 ~~communication towers~~ may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

313-3 Uses Permitted Through a Type II Procedure

313-3.34 New Telecommunication Facilities with Communication towers greater than seventy-five (75) feet and up to two hundred (200) feet in height - Section 430-109.

313-3.39 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

313-4 Uses Which May be Permitted Through a Type III Procedure

313-4.4 New Telecommunication Facilities with Communication towers greater than two hundred (200) feet in height - Section 430-109.

~~313-4.5 Broadcast Towers - Section 430-109.~~

313-4.5~~6~~ Uses accessory and incidental to a residential development provided for the service and convenience of the residents:

14. SECTION 314 - GENERAL COMMERCIAL DISTRICT (GC)

314-2 Uses Permitted Through a Type I Procedure

314-2.6 New Telecommunication Facilities with towers not using Stealth Design Facility 3 and 4 ~~communication towers~~ that:

- A. Do not exceed a maximum height of sixty-five (65) feet; and

- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site Section 430-109.

314-2.7 ~~Co-located of~~ antennas, excluding antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.

314-2.8 New Telecommunication Facilities with towers using Stealth Design Facility 2 ~~communication towers~~ excluding those towers exempt pursuant to Sections 430-109.34 and 201-2, that:

- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, New Telecommunication Facilities with towers using Stealth Design Facility 2 ~~communication towers~~ may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

314-3 Uses Permitted Through a Type II Procedure

314-3.39 New Telecommunication Facilities ~~Communication Towers~~ with towers greater than sixty-five (65) feet and up to two hundred (200) feet in height - Section 430-109.

314-3.44 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2- Section 430-109.

314-4 Uses Which May Be Permitted Through a Type III Procedure

314-4.6 New Telecommunication Facilities with ~~Communication~~ towers greater than two hundred (200) feet in height - Section 430-109.

~~314-4.7 Broadcast Towers - Section 430-109.~~

15. SECTION 320 - INDUSTRIAL DISTRICT (IND)

320-2 Uses Permitted Through a Type I Procedure

320-2.6 New Telecommunication Facilities with towers not using Stealth Design Facility 3 and 4 ~~communication towers~~ that:

- A. Do not exceed a maximum height of sixty-five (65) feet; and

- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.

320-2.7 ~~Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.~~

320-2.8 New Telecommunication Facilities with towers using Stealth Design Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.34 and 201-2, that:

- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

320-3 Uses Permitted Through a Type II Procedure

320-3.17 New Telecommunication Facilities with Communication towers up to two hundred (200) feet in height, not otherwise allowed through a Type I Procedure - Section 430-109.

320-3.18 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

320-3.19 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

320-4 Uses Which May be Permitted Through a Type III Procedure

320-4.6 New Telecommunication Facilities with Communication towers greater than two hundred (200) feet in height - Section 430-109.

~~320-4.7 Broadcast Towers - Section 430-109.~~

320-4.78 Auto wrecking yards - Section 430-15.

320-6 Dimensional Requirements

- C. Height:

- (1) The maximum height for structures shall be sixty-five (65) feet, except as modified by other Sections of this Code.
- (2) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the sixty-five (65) foot building height limit to a maximum height of eighty (80) feet.
- (3) The height of Telecommunication Facilities receiving and transmitting antennas and communication towers is regulated by the Permitted Use sections of this land use district, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

16. SECTION 330 - INSTITUTIONAL DISTRICT (INST)

330-3 Uses Permitted Through a Type I Procedure

330-3.7 New Telecommunication Facilities with towers not using Stealth Design, Facility 3 and 4 communication towers that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this Subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.

330-3.8 Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.

330-3.9 New Telecommunication Facilities with towers using Stealth Design, Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.34 and 201-2, that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

330-4 Uses Permitted Through a Type II Procedure

330-4.4 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

330-4.54 New Telecommunication Facilities with ~~Communication~~ towers up to two hundred (200) feet in height, not otherwise allowed through a Type I Procedure - Section 430-109.

330-4.65 Construction of a local street not in conjunction with a development application or within existing right-of-way.

330-4.76 Uses accessory and incidental to an allowed use, not otherwise permitted by Section 330-3.2:

330-4.87 Day Care Facility - 430-53.2 I.

330-4.98 Tree removal in areas identified in the applicable ~~C~~community ~~P~~plan as Significant Natural Resources, subject to Section 407-3.

330-4.109 Indoor Marijuana Production - Section 430-80.

330-5 Uses Which May be Permitted Through a Type III Procedure

330-5.17 New Telecommunication Facilities with ~~Communication~~ towers greater than two hundred (200) feet in height - Section 430-109.

~~330-5.18 Broadcast Towers - Section 430-109.~~

330-5.1819 Religious Institution - Section 430-116.

17. SECTION 340 - EXCLUSIVE FARM USE DISTRICT (EFU)

340-3 Uses Permitted Through a Type I Procedure

340-3.5 Co-located of antennas, excluding those antennas regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.

340-4 Uses Permitted Through a Type II Procedure

The uses listed in Sections 340-4.1 and 340-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 340-4.3.

340-4.1 Permitted Uses which are exempt from Section 340-4.3:

abcdef Proposed additions

~~abedef~~ Proposed deletions

- K. ~~New Telecommunication Facilities with Broadcast and Communication towers less than two hundred (200) feet in height that are utility facilities necessary for public service - Section 430-109.11.~~
- L. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201 - Section 430-109.11.

- R. Utility facilities necessary for public service, including wetland waste treatment systems. Utility facilities necessary for public service do not include:
 - (1) Commercial facilities for the purpose of generating power for public use by sale;
 - (2) Transmissions towers over two hundred (200) feet in height;
 - (3) ~~Telecommunication Facilities Receiving and transmitting antennas, broadcast and communication towers listed under J. and K. and L. above~~ and under Section 340-5.2 ~~L-M.~~ below;

340-5 Uses Which May be Permitted Through a Type III Procedure

340-5.1 Uses which may be allowed, but are not subject to Section 340-5.3:

- L. New Telecommunication Facilities with Broadcast and Communication towers greater than two hundred (200) feet in height - Section 430-109.

18. SECTION 342 - EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)

342-2 Uses Permitted through a Type I Procedure

342-2.9 ~~Co-located~~ of antennas, excluding those antennas exempt pursuant to Sections 430-109.3~~1~~ and 201-2, provided that all new accessory equipment shelters meet the Type I fire structure siting and fire safety standards in Section 428-3 ~~- For required standards, see Section 430-109.3.~~

342-2.10 New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.3~~1~~ and 201-2, provided that the towers and all new accessory equipment shelters meet the Type I fire structure siting and fire safety standards in Section 428-3 - For required standards, see Section 430-109.4.

342-3 Uses Permitted Through a Type II Procedure

abcdef Proposed additions

~~abcdef~~ Proposed deletions

342-3.2 Permitted Uses which are subject to Section 342-3.3:

- M. New Telecommunication Facilities with towers~~Microwave facilities, Broadcast and Communication Towers~~, excluding communication towers allowed under Section 342-2.10, ~~and transmission towers up to two hundred (200) feet in height - Section 430-109.~~

- V. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

342-4 Uses Which May be Permitted Through a Type III Procedure

342-4.1 Uses which may be allowed:

- J. New Telecommunication Facilities with towers~~Microwave facilities, Broadcast and Communication towers and transmission towers~~ greater than two hundred (200) feet in height - Section 430-109.

342-5 Creation of Lots or Parcels by a Land Division Through a Type II Procedure

342-5.2 Creation of a parcel less than eighty (80) acres - only uses listed in the following sections may be permitted - See Section 610-1.1 C for required standards.

- C. New Telecommunication Facilities with towers~~Communication facilities & transmission towers~~- Sections 342-3.2 M. and 342-4.1 J.;

19. SECTION 344 - AGRICULTURE AND FOREST DISTRICT (AF-20)

344-3 Uses Permitted Through a Type I Procedure

344-3.5 Co-located~~ed~~ of antennas, excluding those antennas regulated by ~~Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.~~

344-4 Uses Permitted Through a Type II Procedure

344-4.1 Permitted Uses which are exempt from Section 344-4.3:

K. ~~New Telecommunication Facilities with towers Broadcast and Communication towers less than two hundred (200) feet in height that are utility facilities necessary for public service - Section 430-109.44.~~

L. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.44.

R. Utility facilities necessary for public service, including wetland waste treatment systems. Utility facilities necessary for public service do not include:

- (1) Commercial facilities for the purpose of generating power for public use by sale;
- (2) Transmissions towers over two hundred (200) feet in height;
- (3) ~~New Telecommunication Facilities Receiving and transmitting antennas, broadcast and communication towers listed under J. and K. and L. above~~ and under Section 344-5.2 LM. below;

344-5 Uses Which May be Permitted Through a Type III Procedure

344-5.2 Uses which may be allowed subject to Section 344-5.3:

L. New Telecommunication Facilities with Broadcast and Communication towers greater than two hundred (200) feet in height - Section 430-109.

20. SECTION 346 - AGRICULTURE AND FOREST DISTRICT (AF-10)

346-2 Uses Permitted Through a Type I Procedure

346-2.10 ~~Co-located of~~ antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.

346-2.11 New Telecommunication Facilities with towers using Stealth Design Facility-2 communication towers to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.4.

346-3 Uses Permitted Through a Type II Procedure

346-3.5 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

346-4 Uses Which May be Permitted Through a Type III Procedure

346-4.1 Uses which may be allowed:

U. New Telecommunication Facilities with towers not using Stealth Design, Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet - Section 430-109.

~~X. Broadcast Towers to a maximum height of one hundred (100) feet - Section 430-109.~~

X~~Y~~. Religious Institution - Section 430-116.

21. SECTION 348 - AGRICULTURE AND FOREST DISTRICT (AF-5)

348-2 Uses Permitted Through a Type I Procedure

348-2.10 Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.3~~4~~ and 201-2 - Section 430-109.3.

348-2.11 New Telecommunication Facilities with towers using Stealth Design, Facility 2 communication towers to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.3~~4~~ and 201-2 - Section 430-109.4.

348-3 Uses Permitted Through a Type II Procedure

348-3.5 Expansion of Existing Telecommunication Facilities, including Co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

348-4 Uses Which May be Permitted Through a Type III Procedure

348-4.1 Uses which may be allowed:

T. New Telecommunication Facilities with towers not using Stealth Design Facility 3 and 4 communication towers to a maximum height of one hundred (100) feet - Section 430-109.

U. Home Occupation - Section 430-63.3.

~~V. Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.~~

V~~W~~. Religious Institution - Section 430-116.

22. SECTION 350 - RURAL RESIDENTIAL FIVE ACRE MINIMUM DISTRICT (RR-5)

350-2 Uses Permitted Through a Type I Procedure

350-2.9 Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.

350-2.10 New Telecommunication Facilities with towers using Stealth Design Facility-2 communication towers to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

350-3 Uses Permitted Through a Type II Procedure

350-3.5 Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

350-4 Uses Which May be Permitted Through a Type III Procedure

350-4.1 Uses which may be allowed:

J. New Telecommunication Facilities with towers not using Stealth Design, Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet - Section 430-109.

~~P. Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.~~

PQ. Religious Institution - Section 430-116.

23. SECTION 352 - RURAL COMMERCIAL DISTRICT (R-COM)

352-2 Uses Permitted Through a Type I Procedure

352-2.5 New Telecommunication Facilities with towers not using Stealth Design Facility-3 and 4 communication towers ~~Telecommunication tower with no stealth design that:~~

352-2.6 Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.

352-2.7 New Telecommunication Facilities with towers using Stealth Design, Facility-2 communication towers ~~excluding those towers exempt pursuant to Sections 430-109.34 and 201-2, that:~~

A. Do not exceed a maximum height of seventy-five (75) feet; and

- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

352-3 Uses Which May Be Permitted Through a Type II Procedure

352-3.1 Permitted Uses:

- Z. New Telecommunication Facilities with Communication towers greater than seventy-five (75) feet and up to two hundred (200) feet in height - Section 430-109.

- BB. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

352-4 Uses Which May Be Permitted Through a Type III Procedure

352-4.1 Uses which may be allowed:

- B. New Telecommunication Facilities with Communications towers greater than two hundred (200) feet in height - Section 430-109.
- C. ~~Broadcast Towers - Section 430-109.~~

24. SECTION 354 - RURAL INDUSTRIAL DISTRICT (R-IND)

354-2 Uses Permitted Through a Type I Procedure

- 354-2.4 New Telecommunication Facilities with towers not using Stealth Design Facility 3 and 4 communication towers ~~Telecommunication tower with no stealth design that:~~

- 354-2.5 Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.

- 354-2.6 New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers, excluding those towers exempt pursuant to Sections 430-109.34 and 201-2, that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and

- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

354-3 Uses Permitted Through a Type II Procedure

354-3.1 Permitted Uses:

- H. New Telecommunication Facilities with Communication towers greater than seventy-five (75) feet and up to two hundred (200) feet in height - Section 430-109.

- T. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

354-4 Uses Which May be Permitted Through a Type III Procedure

354-4.1 Uses which may be allowed:

- F. New Telecommunication Facilities with Communication towers greater than two hundred (200) feet in height - Section 430-109.
- G. ~~Broadcast Towers - Section 430-109.~~

25. SECTION 356 - LAND EXTENSIVE INDUSTRIAL DISTRICT (MAE)

356-2 Uses Permitted Through a Type I Procedure

- 356-2.6 New Telecommunication Facilities with towers not using Stealth Design Facility 3 and 4 communication towers that:

- 356-2.7 Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3.

- 356-2.8 New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers excluding those towers exempt pursuant to Sections 430-109.34 and 201-2, that:

- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

356-3 Uses Permitted Through a Type II Procedure

- J. New Telecommunication Facilities with Communication towers greater than sixty-five (65) feet and up to two hundred (200) feet in height, Section 430-109.
- U. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

356-4 Uses Which May be Permitted Through a Type III Procedure

- 356-4.7 New Telecommunication Facilities with Communication towers greater than two hundred (200) feet in height - Section 430-109.
- ~~356-4.8 Broadcast Towers - Section 430-109.~~

26. SECTION 375 - TRANSIT ORIENTED DISTRICTS

375-5 Prohibited Uses

- 375-5.3 New Telecommunication Facilities with towers not using Stealth Design Facility 3 and 4 communication towers.
- ~~375-5.4 New Broadcast Towers.~~
- 375-5.45 Telecom Hotels.
- 375-5.56 Outdoor Marijuana Production - Section 430-80.

Table A. Permitted and Prohibited Uses in Transit Oriented Districts

USE	DISTRICT								
	TO: RC	TO: BUS	TO: EMP	TO: R9-12	TO: R12-18	TO: 18-24	TO: R24-40	TO: R40-80	TO: R80-120
Accessory, Secondary, and Temporary Uses and Structures									
Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.3 (26)	I	I	I	I	I	I	I	I	I
<u>Expansion of Existing Telecommunication Facilities, including co-located antennas not otherwise allowed through a Type 1 procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 (26)</u>	II	II	II	II	II	II	II	II	II
<u>New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109 (26)</u>	I	I	I	I	I	I	I	I	I
<u>New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers greater than one hundred (100) feet and up to two hundred (200) feet in height, excluding those towers exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109 (26)</u>	II	II	II	N	N	N	N	N	N

abcdef Proposed additions

~~abcdef~~ Proposed deletions

<p><u>New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers greater than two-hundred (200) feet in height, excluding those towers exempt pursuant to Sections 430-109.3 430-109.4 and 201-2 - Section 430-109 (26)</u></p>	III	III	III	N	N	N	N	N	N
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27. SECTION 377 - SPECIAL INDUSTRIAL OVERLAY DISTRICT (SID)

377-5 Uses Permitted

377-5.1 Uses Permitted Through a Type I Procedure:

F. New Telecommunication Facilities with towers not using Stealth Design Facility 3 and 4 communication towers that:

G. Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and, 201-2.304 - Section 430-109.3.

H. New Telecommunication Facilities with towers using Stealth Design, Facility 2 communication towers excluding those towers exempt pursuant to Sections 430-109.34 and 201-2, that:

- (1) Do not exceed a maximum height of sixty-five (65) feet; and
- (2) Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, New Telecommunication Facilities with towers using Stealth Design Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

377-5.2 Uses Permitted Through a Type II Procedure:

E. New Telecommunication Facilities with Communication towers greater than sixty-five (65) feet and up to two hundred (200) feet in height - Section 430-109.

G. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

377-5.4 Uses Which May be Permitted Through a Type III Procedure.

G. New Telecommunication Facilities with~~Communication~~ towers greater than two hundred (200) feet in height - Section 430-109.

H. ~~Broadcast Towers - Section 430-109.~~

28. SECTION 390 - NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-8 R-6 North Bethany District (R-6 NB)

390-8.2 Uses Permitted Through a Type I Procedure

C. Co-located~~of~~ antennas, excluding those antennas exempt pursuant to Sections 430-109.3~~4~~ and 201-2, located on existing legally established communication towers - Section 430-109.3.

G. New Telecommunication Facilities with towers using Stealth Design Facility-2~~communication towers~~ to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.3~~4~~ and 201-2 - Section 430-109.4.

390-8.3 Uses Permitted Through a Type II Procedure

I. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2- Section 430-109.

390-9 R-9 North Bethany District (R-9 NB)

390-9.2 Uses Permitted Through a Type I Procedure

C. Co-located~~of~~ antennas, excluding those antennas exempt pursuant to Sections 430-109.3~~4~~ and 201-2, located on existing legally established communication towers - Section 430-109.3.

G. New Telecommunication Facilities with towers using Stealth Design Facility-2~~communication towers~~ to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.3~~4~~ and 201-2 - Section 430-109.4.

390-9.3 Uses Permitted Through a Type II Procedure

- C. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

390-10 R-15 North Bethany District (R-15 NB)

390-10.2 Uses Permitted Through a Type I Procedure

- C. Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.~~34~~ and 201-2, located on existing legally established communication towers - Section 430-109.~~3~~.

- F. New Telecommunication Facilities with towers using Stealth Design Facility-2 ~~communication towers~~ to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.~~34~~ and 201-2 - Section 430-109.~~4~~.

390-10.3 Uses Permitted Through a Type II Procedure

- C. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

390-11 R-24 North Bethany District (R-24 NB)

390-11.2 Uses Permitted Through a Type I Procedure

- C. Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.~~34~~ and 201-2, located on existing legally established communication towers - Section 430-109.~~3~~.

- F. New Telecommunication Facilities with towers using Stealth Design Facility-2 ~~communication towers~~ to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.~~34~~ and 201-2 - Section 430-109.~~4~~.

390-11.3 Uses Permitted Through a Type II Procedure

- B. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.3.

390-12 R-25+ North Bethany District (R-25+ NB)

390-12.2 Uses Permitted Through a Type I Procedure

- C. Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2, located on existing legally established communication towers - Section 430-109.3.

- E. New Telecommunication Facilities with towers using Stealth Design-Facility-2 communication towers to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.34 and 201-2 - Section 430-109.4.

390-12.3 Uses Permitted Through a Type II Procedure

- B. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

390-13 Neighborhood Corner Commercial District (NCC NB)

390-13.2 Uses Permitted Through a Type I Procedure

- D. Co-located of antennas, excluding those antennas exempt pursuant to Sections 430-109.34 and 201-2, located on existing legally established communication towers - Section 430-190.3.
- E. New Telecommunication Facilities with towers using Stealth Design, Facility-2 communication towers-excluding those towers exempt pursuant to Sections 430-109.34 and 201-2 that do not exceed a maximum height of one hundred (100) feet - Section 430-109.4.

390-13.3 Uses Permitted Through a Type II Procedure

- A. Expansion of Existing Telecommunication Facilities, including co-located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

- B. Commercial School - Section 390-16.3.
- C. New Telecommunication Facilities with~~Communication~~ towers greater than one hundred (100) feet - Section 430-109.

390-14 Neighborhood Commercial Mixed Use District (NCMU NB)

390-14.2 Uses Permitted Through a Type I Procedure

- C. Co-located~~ed~~ of antennas, excluding those antennas exempt pursuant to Sections 430-109.~~34~~ and 201-2, located on existing legally established communication towers - Section 430-109.~~3~~.
- D. New Telecommunication Facilities with towers using Stealth Design~~Facility-2 communication towers~~, excluding those towers exempt pursuant to Sections 430-109.~~34~~ and 201-2, that do not exceed a maximum height of one hundred (100) feet.

390-14.3 Uses Permitted Through a Type II Procedure

- B. Expansion of Existing Telecommunication Facilities, including ~~Co-~~located antennas, not otherwise allowed through a Type I Procedure pursuant to Section 430-109.5 or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.
- C. Commercial School, such as vocational, music, dance, martial arts, when developed as part of a mixed-use development - Section 390-16.3.
- D. New Telecommunication Facilities with ~~Communication~~ towers greater than one hundred (100) feet in height - Section 430-109.

390-15 Institutional North Bethany District (INST NB)

390-15.2 Uses Permitted Through a Type I Procedure

- C. Co-located~~ed~~ of antennas, excluding those antennas exempt pursuant to Sections 430-109.~~34~~ and 201-2, located on existing legally established communication towers - Section 430-109.
- D. New Telecommunication Facilities with ~~Communication~~ towers, excluding those towers exempt pursuant to Sections 430-109.~~34~~ and 201-2 that do not exceed a maximum height of one hundred (100) feet.

390-15.3 Uses Permitted Through a Type II Procedure

- A. New Telecommunication Facilities with ~~Communication towers~~ greater than one hundred (100) feet in height - Section 430-109.

390-16 Special Use Standards

390-16.14 Public Utilities - North Bethany

- H. Exemptions from the Requirements of Section 390-16.14:

- (4) Public utility facilities in the form of ~~Telecommunication Facilities receiving and transmitting antennas and communication towers~~. These uses are subject to the applicable provisions of Section 430-109, except as exempt under CDC Sections 201-2.30 or 430-109.34.

29. SECTION 430 - SPECIAL USE STANDARDS

430-109 ~~Telecommunication Facilities Receiving and Transmitting Antennas, Communication and Broadcast Towers~~

The standards of this Section apply to all telecommunication facilities except as otherwise provided in Sections 201-2 and 430-109.3.

430-109.1 Intent and Purpose

This Section is intended to promote and protect the public health, safety and welfare; preserve the aesthetic character of the community; and reasonably regulate the development and operation of telecommunication facilities within the county to the extent permitted under state and federal law.

These regulations seek to ensure that telecommunication facilities are designed and located to minimize the number of towers and mitigate visual impacts while providing necessary communication services to the county.

This Section addresses three (3) different types of telecommunication facilities:

- A. Co-location of antennas
- B. Expansion of existing telecommunication facilities
- C. New Telecommunication Facilities:
 - (1) With towers using Stealth Design; or
 - (2) With towers not using Stealth Design.

430-109.2 Telecommunication Facility Definitions

Terms and definitions that apply throughout the Community Development Code are found in Section 106. Following are definitions for the terms found in Section 201-2.30 and Section 430-109:

Antenna. A device for transmitting or receiving radio frequency (RF) signals or electromagnetic radiation, such as digital and analog signals, radio frequencies, broadcast signals, such as television and radio signals, and other communication signals. Antennas are typically mounted on a supporting tower, pole or mast, building or other approved structure. Types of antennas include directional antennas such as panel antennas, microwave dishes, and omni-direction antennas such as whip antennas. Antennas do not include domestic satellite dishes. Additionally, some antennas operate as both transmitting and receiving devices.

Broadcast Tower. A tower, pole, or mast whose primary purpose is to elevate an antenna above the surrounding terrain or structures for the transmission of radio or television signals. The actual broadcast tower itself may also function as the antenna, (e.g., for AM broadcast radio) if part of the apparatus is necessary to produce a clear signal or message within the licensee's operating range, as allowed by the Federal Communications Commission. Broadcast towers are often sited within a non-staffed broadcast facility for the transmission of radio or television signals.

Co-location. The installation of one or more antennas and/or improvements to accessory equipment facilities, on an existing tower, structure, or building for transmitting and/or receiving radio frequency signals for communications purposes.

Concealment. When design elements are used to minimize the visual appearance of telecommunication facilities; also known as stealth design.

Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving co-location of new transmission equipment or replacement of transmission equipment.

Eligible Support Structure. Any tower or base station, as defined in this Section, lawfully established at the time of the Eligible Facility Request.

Equipment Shelter. An enclosed structure or cabinet usually placed at or near the base of a communication tower where electrical and other equipment necessary for the operation of the facility are housed. Cables connect the shelters to the antenna(s).

Essential Public Communication Service. Emergency communication network for emergency response by public agencies including fire and rescue, medical, law enforcement and other public agencies, including but not limited to water and sanitary and storm sewer providers.

Essential Public Communication Service Facility. All equipment including antennas for the transmission and reception of radio frequency signals (wireless telecommunication, wireless Internet, radio/television broadcast, and other related wireless communications) for essential public communication services. These facilities also include associated towers, equipment shelters, accessory support equipment (generators, fuel sources, HVAC), landscaping, fencing, and parking areas located on the site for the network.

Federal Communications Commission (FCC). An independent government agency established by the Communications Act of 1934 and charged with regulating interstate and international communications by radio, television, wire, satellite and cable.

Flush Mounted Antenna. Antenna or antenna array attached directly to the face of a tower or building.

Microcell (Also known as small cell). A low-power facility used to provide increased capacity to wireless telecommunications demand areas or provide infill coverage in areas of weak reception, including a separate transmitting and receiving station serving the facility. (See also "Repeater")

Non-Residential Land Use Districts. FD-20, FD-10, NC, OC, CBD, GC, IND, INST, SID, TO:RC, TO:EMP, TO:BUS, EFU, EFC, AF-20, R-COM, R-IND, NCC NB, NCMU NB, INST NB and MAE.

Radio Frequency Emission. Electromagnetic radiation that is of low photon energy unable to cause ionization and is generated by a transmitting antenna.

Repeater. A small receiver/relay transmitter and antenna of relatively low-power output designed to provide service to areas unable to receive adequate coverage directly from the base or primary station.

Replacement Tower. A new telecommunication tower capable of supporting co-located antennas that is intended to replace an existing tower that is incapable of supporting co-located antennas.

Residential Land Use District. R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, R-24 NB, R-25+ NB, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, AF-5, AF-10 and RR-5.

Speculation or "Spec" Tower. A tower for the purpose of providing location mounts for future antennas without a binding contractual commitment by a service provider to locate an antenna upon the tower at time of the original application submittal.

Stealth Design. The design of new antennas or towers in a manner that camouflages, conceals, or disguises the facilities so that they are visually compatible with the surroundings as described in Section 430-109.7 A. Examples include an indigenous evergreen tree, flag pole, light post, pole sign, clock or bell tower, steeple, or silo.

Telecom Hotel. A building or structure designed to warehouse telecommunication equipment, including utility hookups and connections to fiber-optic networks.

Telecommunication Facility. All equipment, including: antennas for the transmitting and/or receiving of radio frequency signals or electromagnetic radiation (e.g., wireless telecommunication service and wireless internet/'Wi-Fi'), broadcast signals (e.g., radio and television), and other communication signals; broadcast or telecommunication tower or existing structures used to support antennas; accessory equipment and accessory improvements such as landscaping, fencing and parking areas, located on the site.

Telecommunication Facility Site. A whole or a portion of a parcel, which is owned or leased by one or more broadcast or wireless telecommunications provider where a broadcast or

communication tower and its supporting equipment are located. The site also includes the equipment shelter and required site improvements, including landscaping, but does not include site access. When located on a portion of a parcel, these areas are usually fenced off from the remainder of the parcel.

Telecommunication Tower: Any structure built for the sole or primary purpose of elevating any FCC-licensed or authorized antenna above the surrounding terrain, or structures for the transmission and/or receiving of radio frequency (RF) signals or electromagnetic radiation to provide wireless telecommunication service, including wireless internet service. This includes structures that are constructed for wireless communication services (e.g., broadcast and communication). Tower types include:

Guyed tower. A tower that is permanently connected to the ground by cables (guy wires).

Lattice tower. A self-supporting multiple-leg tower comprised of an open framework of either structural steel or diagonal cables or a combination thereof.

Monopole tower. A self-supporting, single, upright pole requiring no guy wires or diagonal cables to stabilize the structure.

430-109.3 Exemptions

The standards of this Section apply to all wireless telecommunication facilities except as otherwise provided herein. The following are exempt from the standards in this Section:

- A. Telecommunication facilities that are exempt from a development permit under Section 201-2;
- B. Reconstruction or replacement of telecommunication facilities lawfully established after November 26, 1992, the effective date of Ordinance No. 402, provided that it:
 - (1) Does not increase the height or base diameter of the existing tower or structure as originally approved or constructed;
 - (2) Does not expand the existing fenced equipment area around the tower or structure;
 - (3) Does not reduce existing landscape buffers unless replaced with vegetation with similar characteristics, plant densities and maturity;
 - (4) Does not use colors or lights that make the tower or antenna more visually obtrusive, unless required by either the Oregon Department of Aviation (ODA) or the Federal Aviation Administration (FAA);
 - (5) Uses antennas and transmitters that are similar in nature to the antennas and transmitters they are replacing; and
 - (6) Does not increase the number of antennas or transmitters.

Reconstruction or replacement of telecommunication facilities, excluding transmitter and antenna replacements pursuant to Section 430-109.3 B., approved before November 26, 1992 is subject to the provisions of Section 440, Nonconforming Uses, and applicable provisions of 430-109 as required by Section 440.

C. Co-location on lawfully established telecommunication facilities (Eligible Facility Request) provided that:

(1) For towers outside of the public right-of-way:

- a. The height increase is no more than twenty (20) feet or ten (10) percent of the existing tower height, whichever is greater;
- b. Antennas and appurtenances do not protrude from the edge of an existing tower by more than twenty (20) feet or the width of the tower structure at the level of appurtenance, whichever is greater; and
- c. If an appurtenance protrudes into the right-of-way, a right-of-way permit shall be obtained.

(2) For other existing support structures (including towers within the public right-of-way):

- a. The height increase is no more than ten (10) feet or ten (10) percent of the existing height, whichever is greater; and
- b. Antennas and appurtenances do not protrude from the edge of the structure by more than six (6) feet.

(3) The co-location requires installation of no more than four (4) new equipment cabinets on the site;

(4) Excavation or deployment is not required outside the current telecommunication facility site;

(5) Design does not defeat concealment elements, if approved with the existing facility; and

(6) Design complies with the conditions of approval associated with the existing facility, unless non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation or deployment that complies with the requirements in subsection 1 through 4 above.

D. The following telecommunication facilities that are regulated by the Federal Communications Commission (FCC) pursuant to the Code of Federal Regulations:

(1) Industrial, scientific, and medical equipment;

(2) Military and government radar antennas and associated communication and broadcast towers used for aviation services; and

(3) Amateur (ham) and citizen band transmitting and receiving antennas and associated communication and broadcast towers.

E. A telecommunication facility as a temporary use - Section 430-135.1 H.;

F. Temporary telecommunication facilities used solely for emergency communications by essential public communication service providers in the event of a natural disaster, emergency preparedness or for public health or safety purposes;

G. Antennas to provide enhanced 911 (i.e., E911) network coverage when required by the FCC, subject to the following:

- (1) E911 antennas shall not increase existing facility height and shall be painted or otherwise constructed of materials with the same or similar color as the tower; and
- (2) Accessory equipment and related equipment are either located completely within the existing structure (e.g., tower, building or other structure), or are located within an existing fenced site. In the case of a tower that includes stealth design, E911 antennas shall also incorporate stealth design.

Existing 911 antennas may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing 911 antennas to the E911 antennas.

430-109.4 Prohibited Uses

The following uses are prohibited in all land use districts:

- A. Installation of towers without antennas based on speculation of future antenna installation, also known as speculation ("spec") towers;
- B. The attachment of any antennas or associated equipment to trees; and
- C. Installation of antennas on County-owned street furniture. Street furniture includes but is not limited to street lights, utility poles, and traffic signals.

430-109.5 Co-location Requiring Type I Review

Co-locations that do not qualify for an Exemption pursuant to Section 430-109.3.C shall be processed through a Type I procedure provided that the following requirements are met:

- A. Antennas attached to a lawfully established tower or structure (e.g., water tanks or electric transmission towers) shall meet the following requirements:
 - (1) Antennas do not increase existing facility height by more than twenty (20) feet or 10 (ten) percent of the height of the tower or existing structure, whichever is greater.
 - (2) The expansion of site for new accessory equipment is less than twenty-five (25) percent of existing the area.
 - (3) New equipment shelters comply with the standards in Sections 430-109.8 E and 430-109.9 A.(2).
- B. Antennas on top of or attached to the side or roof edge of existing buildings shall meet the following requirements:
 - (1) Antennas located on top of a building are to be screened from public view by being placed behind a parapet or other architectural feature or being incorporated into an architectural feature of the building, such as a dormer, chimney, clock, or bell tower.
 - (2) Antennas located in a residential district do not extend more than twenty (20) feet above the building.
 - (3) Antennas located in a non-residential district do not extend more than thirty (30) feet above the building.

- (4) Antennas attached to the side or roof edge of a building in a residential district include Stealth Design incorporating the type and/or color of the building materials of the wall or roof on which the antennas are proposed to be attached.
- (5) Antennas attached to the side or roof edge of a building in a non-residential district are painted to match the exterior building surface and are flush-mounted.
- (6) New accessory equipment is located either completely within the footprint of the existing structure or located within or on top of the building. Equipment located on top of a building is screened from public view or incorporated into an architectural feature of the building.

430-109.6 Expansion of Existing Telecommunication Facilities

Expansion of a lawfully established telecommunication facility, including co-location not otherwise allowed pursuant to Sections 201-2, 430-109.3 and 430-109.5, shall be processed through a Type II procedure and subject to the following:

- A. Telecommunication facilities and related site improvements lawfully in existence after November 26, 1992, are considered conforming uses. However, because these uses may not be designed in accordance with the current development standards (e.g., setbacks, landscaping, screening and fencing, etc.) future expansions, excluding replacement of antennas and transmitters pursuant to Section 430-109.3.B, shall be subject to the development standards in effect at that time, including this Section, to the extent reasonably practicable.

Where the applicant can show that the existing tower design or site configuration is not reasonably practicable to apply a current development standard, a new development action may be requested. The applicant shall provide an alternative development proposal that equally or better meets the purpose of the particular development standard. When the outcome of the proposed expansion results in a use subject to Type III review in another Section, review shall occur through the Type III procedure; otherwise requests subject to this section shall be reviewed through the Type II procedure.

- B. Enclosures shall be screened or otherwise be hidden from public view.
- C. Comply with the standards in Sections 430-109.8 and 430-109.9.
- D. Comply with concealment elements, if approved on a lawfully established facility.
- E. Comply with the conditions of approval associated with the lawfully established facility.
- F. Telecommunication facilities and related site improvements that were lawfully in existence prior to November 26, 1992, are considered nonconforming uses and shall be subject to the provisions of this section as well as the provisions of Section 440, Nonconforming Uses and Structures. However, existing antennas and transmitters replaced pursuant to Section 430-109.3, or co-location consistent with 430-109.5 are not subject to the provisions of this section or Section 440.

430-109.7 New Telecommunication Facilities

- A. Telecommunication Facilities with towers using Stealth Design

abcdef Proposed additions

~~abcdef~~ Proposed deletions

Telecommunication facilities with towers using stealth design may be permitted in all land use districts, excluding those towers exempt pursuant to Sections 430-109.3 and 201-2, through a Type I Procedure subject to the following requirements:

- (1) The tower is designed to resemble an object, other than a wireless telecommunication facility, in appearance, physical dimensions, proportion and scale. The object shall be one that exists or would commonly exist on-site or in the surrounding area based on the site's land use designation and natural features.
- (2) The tower design results in a tower that takes into account the site context and surrounding environment, camouflages or hides the antennas from public view;
- (3) The tower shall function in a manner consistent with its design, unless doing so would interfere with the operation of the antennas. For example, a flagpole-designed tower shall be able to function as a flagpole, and accessory attachments, such as flags, are sized in proportion to the tower;
- (4) Roof and ground-mounted accessory equipment (i.e., equipment shelters) shall be completely screened or hidden from public view. Examples of acceptable methods include placement within the interior of the building or structure, behind a roof parapet, or landscaping and a site-obscuring fence, within architectural elements such as a clock or bell tower, or concealed (e.g., placed within a shell made of material resembling a boulder). Alternatively, placement of equipment shelters in underground vaults is encouraged as an acceptable means of concealment; and
- (5) New individual antennas attached to a stealth tower shall be consistent with the stealth design of the tower.

B. Telecommunication Facilities with towers not using Stealth Design

Telecommunication facilities with towers not using stealth design may be located in land use districts specified in Article III subject to the following requirements:

- (1) New individual antennas attached to a tower, shall be concealed, flush-mounted, or mounted on davit arms extending a maximum of five (5) feet from the tower;
- (2) In residential districts, where permitted, analysis is required to show that the tower and antennas meet the following requirements:
 - (a) The structures and accessory uses shall be arranged to minimize visual and noise impacts on adjacent developments and surrounding land uses; and
 - (b) The structures and uses shall be located and designed in a manner that preserves scenic views or vistas identified in the applicable community plan and viewable from adjacent properties or public thoroughfares, by considering setbacks, building height, bulk and landscaping.

430-109.8 General Design Standards for Telecommunication Facilities

- A. New towers not using Stealth Design shall be painted or otherwise treated in a manner that blends in with the surrounding area in order to minimize visual impact, unless state or federal regulations require different colors. The exterior color of the tower shall also be non-reflective in nature and make the tower as visually unobtrusive as possible. If there

are stands of trees or other site-obscuring vegetation on site or in the immediate area, the tower shall be painted or finished to blend with the landscape;

- B. New towers shall be illuminated only when required by the ODA, FAA or other state or federal agency;
- C. Antennas on towers not using Stealth Design shall be made of a non-reflective material and painted to match the tower or structure. The antennas shall be flush-mounted, or mounted on davit arms extending a maximum of five (5) feet from the tower. In the case of co-locating, the antennas shall match the design of the approved facility;
- D. Cabling and wiring shall be hidden from public view through installation internal to the tower or painted to match the color of the tower;
- E. When ground-mounted equipment shelters extend above site-obscuring fencing, the shelters shall be constructed of materials and/or finished with earth-tone colors that are non-reflective in nature and no taller than twelve (12) feet high;
- F. Accessory equipment shall be screened or otherwise hidden from public view; and
- G. Documentation shall be submitted indicating the telecommunication facility can feasibly comply with the requirements of the FAA, the Oregon Department of Aviation, the FCC and any other applicable state or federal regulation.

430-109.9 Site Standards for Telecommunication Facilities

- A. Setbacks (See 430-109.9 Table B and Illustrations at end of Section 430-109).
 - (1) New telecommunication facilities shall comply with the setback provisions of the individual land use districts, unless greater setbacks are required by Table B;
 - (2) New ground-mounted equipment shelters shall comply with the setback provisions of the individual land use districts, except as set forth below:
Underground vaults containing equipment cabinets and other associated equipment supportive of wireless telecommunication facilities may be located in a required setback, except as otherwise restricted by the Uniform Building Code (UBC), the Uniform Fire Code (UFC) or subsection C. below.
 - (3) Notwithstanding the requirements set forth in (1) and (2) above, the Review Authority may reduce the required setbacks through a Type III adjustment process, provided that the applicant can demonstrate to the Hearings Officer that the proposed site development plan will reduce the impacts on surrounding land uses. The Hearings Officer may approve an adjustment to the setbacks based on findings that:
 - (a) The applicant has submitted an alternate siting and/or stealth tower design and development plan which utilizes existing on-site vegetation (e.g., trees) and/or buildings, topography or other site-specific factors or constraints to more effectively screen the tower and accessory equipment; and
 - (b) Impacts to surrounding properties are less with the alternate setback as compared to the setbacks required by Table B, and can be mitigated for the benefit of the surrounding property owners by an adjustment to the setbacks.

B. Access

- (1) In residential districts, when a site fronts a local street and a collector or a local street and an arterial, site access shall be from the Collector or Arterial subject to all applicable County standards. Access may be taken from the local street when access to a Collector or Arterial does not meet the applicable standards.
- (2) In non-residential districts, site access may be from a local street, a collector or arterial, subject to all applicable County standards.
- (3) Access to the site shall be oriented away from existing dwellings.

C. Landscaping, Screening and Fencing

- (1) Landscaping, screening and buffering, including fencing, shall be provided as required by Sections 407 and 411 to screen the site from public view except when the equipment shelter is hidden from public view, such as when located within an existing building, designed to resemble a natural object, such as a boulder, or when it does not exhibit any visible exterior characteristics, such as cables, of an equipment shelter. However, in no case shall the screening and buffering within or adjacent to a residential district be less than what is required by Section 411-6.3. Tree and shrub species shall be selected that will attain a minimum height of twelve (12) feet at maturity;
- (2) Fencing shall be a minimum six (6)-foot tall, site-obscuring (e.g., solid wood fence, chain link fence with slat inserts, or other solid material fencing) and installed in accordance with Sections 418 and 419. Barbed or razor wire is not permitted unless required by federal regulations for Essential Public Communication Services Facilities; and
- (3) In lieu of the standards in (1) and (2) above, the Review Authority may approve an alternate detailed landscape, screening and fencing plan through a Type II or III procedure. The plan shall be designed to screen and buffer towers and accessory uses when the plan accomplishes the same degree of screening achieved in (1) and (2) above, except when less screening is required to provide adequate visibility for security purposes or for continued operation of existing agricultural or forest uses.

D. Clustering

In an urban residential district, a new telecommunication tower cannot be located within one thousand (1000) feet of any existing telecommunication towers, except those exempt pursuant to Sections 430-109.3 and 201-2. This restriction does not apply to the siting of new antennas on existing towers or for Essential Public Communication Services Facilities. The one thousand (1000) foot radius shall be measured from the center of the footprints of the towers, not from property lines or guy wire anchors.

E. Signs

Notwithstanding the provisions of Section 300 and 414, all telecommunication facilities shall be identified with a sign not exceeding four (4) square feet. The sign shall list the owner or operator's name and emergency telephone number and shall be posted in a location visible to the general public. Other signs may be located on the site as allowed by the underlying land use district.

430-109.10 Submittal Requirements for Telecommunication Facilities not otherwise exempt under Sections 430-109.3 and 201-2:

- A. All applications for telecommunication facilities, except as otherwise noted, shall include the following:
- (1) An accurate, scaled site plan and on-site analysis, consistent with Section 404-1, showing the location of the tower(s), guy anchors (if any), equipment shelter(s) and other uses accessory to the telecommunication facility; and
 - (2) An accurate, scaled elevation drawing(s) showing the tower design, dimensions, materials and color of the tower and antennas, including the mounting type(s) and locations of all proposed antennas, and other uses accessory to the telecommunication facility.
- B. Applications for new telecommunication facilities shall also include:
- (1) A report demonstrating the need for the new facility, justifying the location of the proposed facility and that the proposed antenna(s) cannot be co-located on an existing or approved tower, building or other suitable structure within the identified search area; and
 - (2) Information confirming the facility is designed to accommodate co-location.
 - (3) Essential Public Communication Services Facilities shall be exempt from accommodating co-location.
- C. For telecommunication facilities with towers up to two hundred (200) feet tall in the EFU and AF-20 districts, the applicant shall demonstrate that the facility is necessary for public service pursuant to ORS 215.213 (1)(c) and OAR 660-033-0130 (16). Applications shall include a report consistent with ORS 215.275.

430-109.11 Abandonment

- A. All antennas and towers shall be considered abandoned when no licensed service provider has operated from the facility site for a period of one (1) year. Within ninety (90) days of abandonment, the property owner shall remove all facilities from the site and restore the site to its previous condition. In the event the communication or broadcast facilities are not removed within this time period, Washington County may remove the facilities and restore the site and assess the cost for such actions against the last service provider using the facilities, the owner of the facilities and the property owner.
- B. If any abandoned facilities have not been removed from a site, no new communication or broadcast facility in unincorporated Washington County shall be approved for that site.

Section 430-109.9 - Table B: Setback Provisions

<u>PERMITTED USE</u>	<u>SETBACK PROVISION</u> (see below)	<u>ILLUSTRATION</u>
<u>RESIDENTIAL DISTRICTS:</u>		
(a) <u>Antennas located on previously approved towers</u>		<u>Not applicable</u>
(b) <u>Towers and antennas located on existing structures or buildings</u>	<u>S</u>	<u>Fig. 1</u>
(c) <u>Free-standing towers and antennas to maximum height of 100 feet.</u>	<u>R</u>	<u>Fig. 2</u>
<u>NON-RESIDENTIAL DISTRICTS:</u>		
(a) <u>Antennas located on previously approved towers</u>		<u>Not applicable</u>
(b) <u>Towers and antennas located on existing structures or buildings</u>	<u>S</u>	<u>Fig. 1</u>
(c) <u>Free-standing towers and antennas to maximum height of underlying district for buildings</u>	<u>D</u>	<u>Fig. 3</u>
(d) <u>Free-standing towers and antennas</u>	<u>NR</u>	<u>Fig. 4</u>

S - Structure-Mounted: The base of the antenna and/or its supporting tower shall maintain setbacks at least equal to the height of the antenna and its supporting tower. Dish or panel antennas shall be located at least fifty (50) feet above grade and meet the minimum yard requirements of the underlying land use district (Figure 1).

R - Residential District: Provide setbacks for the tower/antenna at least equal to the height of the tower/antenna above grade, between the base of the tower and the property line. Provide setbacks of at least fifty (50) feet between any guy anchors and the property line. Provide a setback of at least twenty-five (25) feet between any accessory structures (except fences) and the property line (Figure 2).

D - District Height: Provide setbacks as required by the underlying land use district. However, in no case shall the setbacks be less than one hundred (100) percent of the height of the tower above grade, between the base of the tower and the boundary of any residential district existing at the time the application is submitted (Figure 3).

NR - Non-Residential District: Provide setbacks for the antenna/tower equal to thirty (30) percent of the height of the tower above grade between the base of the tower and the property line. In no case shall the setback be less than one hundred (100) percent of the height of the tower above grade, between the base of the tower and the boundary of any residential district existing at the time the application is submitted. Provide setbacks for guy anchors and accessory uses (except fences) in accordance with the provisions of the underlying land use district (Figure 4).

Notwithstanding the provisions of NR above, within the FD-10, FD-20, EFU, AF-20 and EFC land use districts, the setbacks shall also not be less than one hundred (100) percent of the height of the tower above grade between the base of the tower and any dwelling unit in these districts existing at the time the application is submitted.

**430-109-9
SETBACK ILLUSTRATIONS**

Figure 1
Structure Mounted

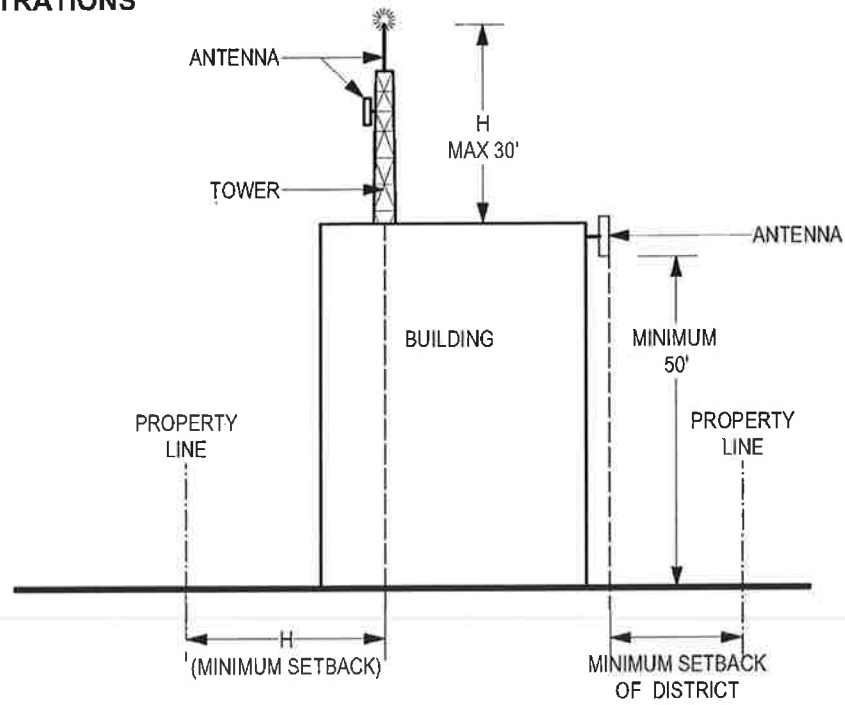


Figure 2
Freestanding Tower and Antenna to
Maximum Height of
100' in Residential
Districts

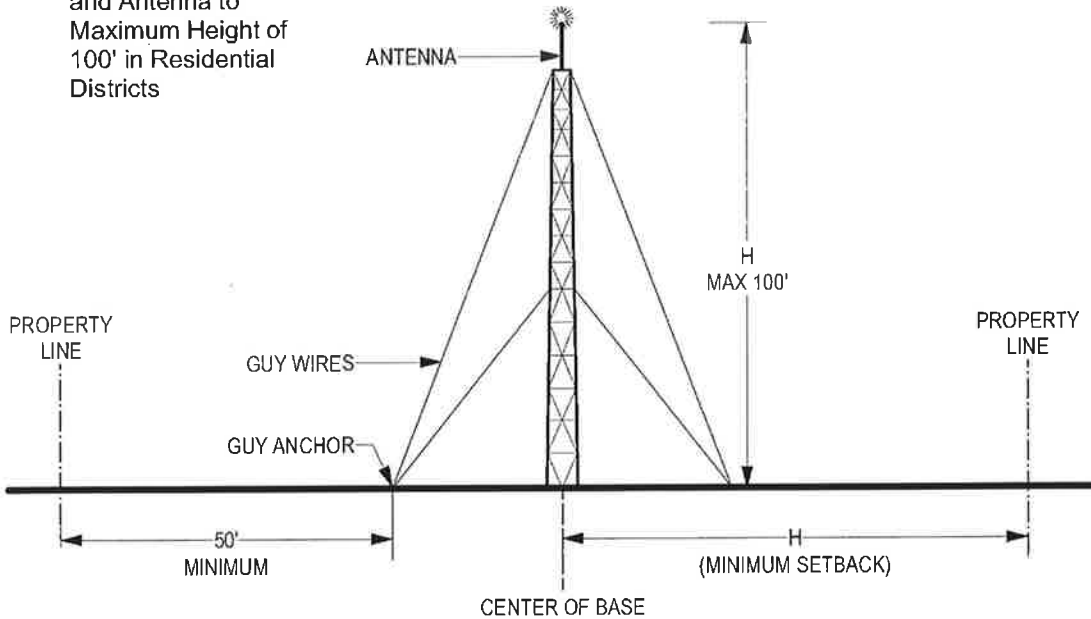


Figure 2, Cont'd.
Freestanding Tower and Antenna to
Maximum Height of
100' in Residential
Districts

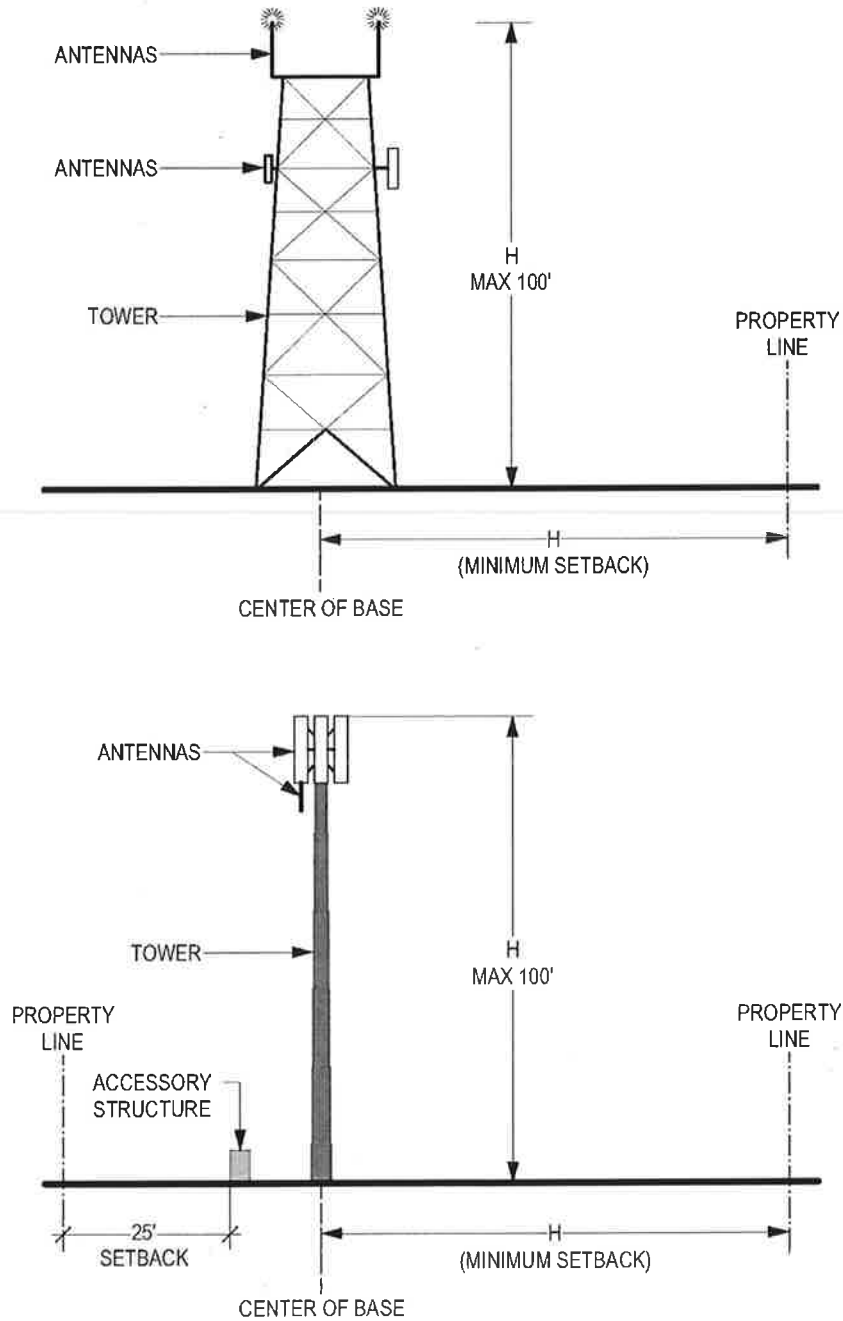


Figure 3
Freestanding Tower
and Antenna to
Maximum Height of
District or Building

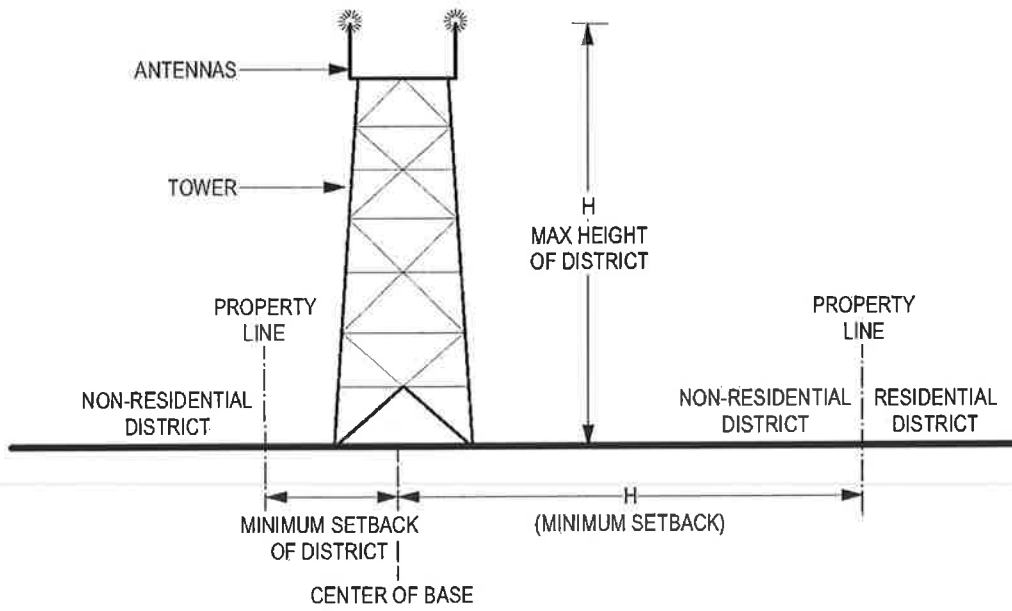
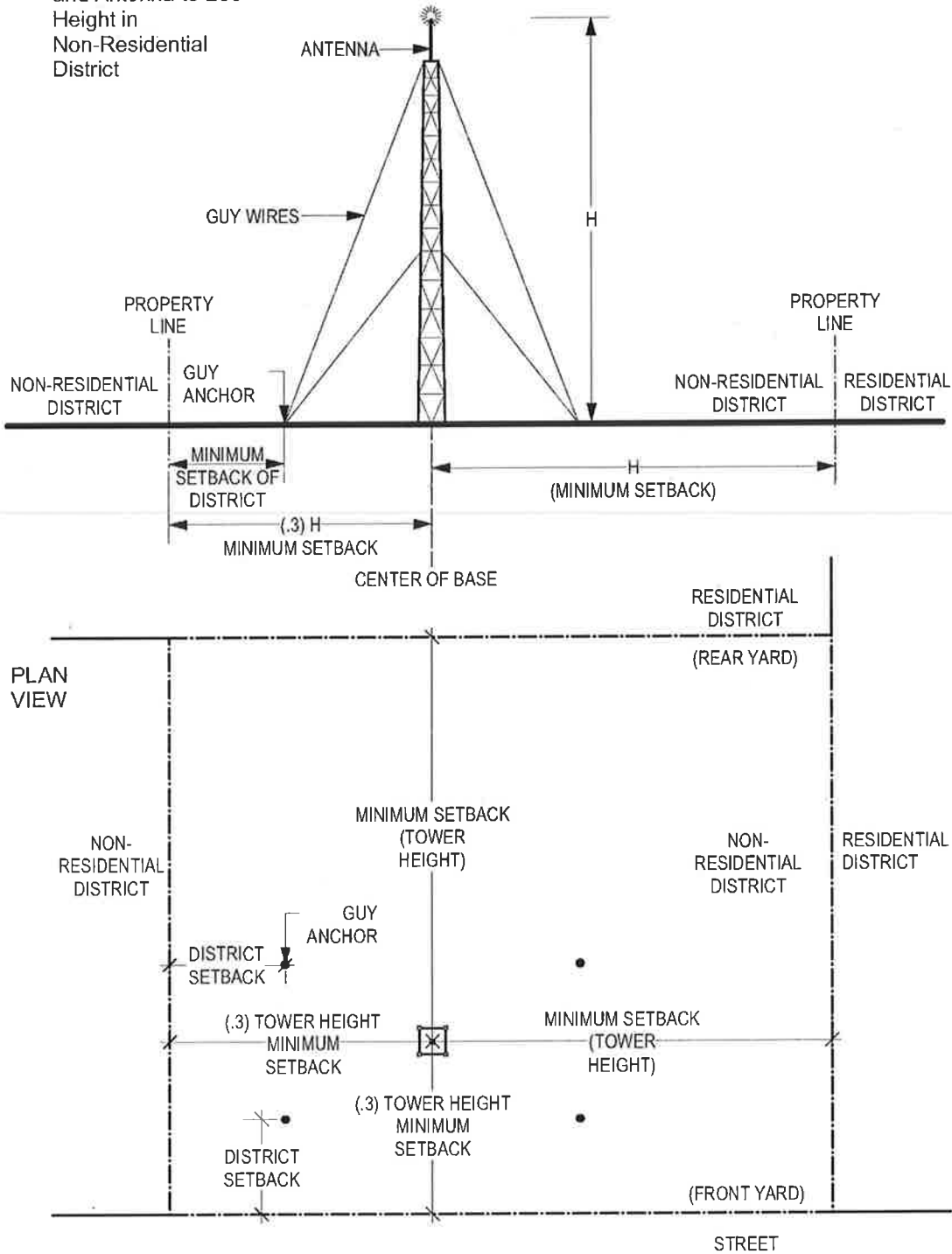


Figure 4
Freestanding Tower
and Antenna to 200'
Height in
Non-Residential
District



430-135 Temporary Use

A temporary use is one of an impermanent nature, or one used for a limited time.

430-135.1 Type I:

- A. Temporary uses or structures incidental to construction work may be allowed through a Type I procedure, provided such uses or structures are removed within thirty (30) days of completion or abandonment of the construction work.

H. Temporary Telecommunication Facilities

- (1) A telecommunication facility for non-emergency communications operating for not more than thirty (30) days within a six (6) month period commencing when transmission or receiving begins. The antenna(s) and associated structures must be removed within thirty (30) days after they are no longer used.

The emergency use of a telecommunication facility shall not exceed a period of one (1) year commencing when transmission or receiving begins. The antenna(s) and associated structures must be removed within thirty (30) days after they are no longer used.

- (2) Temporary communication uses, including, but not limited to, wireless telecommunications, mobile services and other types of broadcast towers used solely for emergency communications by non-emergency service providers (i.e., private, for-profit wireless service providers) in the event of a loss of service or communications due to an act of God, natural disaster, or other occurrence that necessitates the re-establishment of services for the public benefit, subject to the following:
- (a) Notification of the placement of the temporary tower is provided to the Director within two (2) days of placement; and
- (b) The emergency use of the broadcast or communication tower shall not exceed a period of one (1) year commencing when transmission or receiving begins. The tower and associated structures must be removed within thirty (30) days after they are no longer in use, unless land use approval is obtained through the appropriate procedure to allow their continued use in accordance with all applicable requirements.

Original text within 430-109 is being struck. Original drawings are re-drawn for clarity

~~Receiving and Transmitting Antennas, Communication and Broadcast Towers~~

The standards of this Section apply to all telecommunication facilities except as otherwise provided herein.

~~430-109.1 The following are exempt from the standards provided in this Section:~~

~~A. Telecommunication facilities that are otherwise exempt from a development permit under Section 201-2;~~

~~B. Replacement of existing antennas and transmitters on lawfully established telecommunication facilities, provided:~~

~~(1) They are mounted using similar techniques as that of the antennas and transmitters they are replacing in order to minimize visual impact, or in the case of replacing antennas and transmitters on a Facility 2 tower, replacement antennas and transmitters shall also be designed as Facility 2;~~

~~(2) They are made of non-reflective material and painted to match the telecommunication facility or existing antennas and transmitters, whichever results in the replacement antennas and transmitters being less visible, or are placed in the tower;~~

~~(3) Replacement does not result in an increase in the number of antennas or transmitters (e.g., like antennas or transmitters may be replaced with like antennas or transmitters). Notwithstanding, existing antennas and transmitters may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing antennas or transmitters to the replacement antennas or transmitters; and~~

~~(4) Replacement antennas or transmitters do not exceed the size (e.g., area or length) of existing antennas or transmitters by more than twenty (20) percent.~~

~~C. Reconstruction or replacement of telecommunication facilities, excluding the replacement of transmitters, antennas, approved after November 26, 1992, the effective date of Ordinance 402, subject to the following:~~

~~(1) Does not increase the height or base diameter of the existing tower or structure as originally approved or constructed;~~

~~(2) Does not reduce existing landscape buffers unless replaced with vegetation with similar characteristics, plant densities and maturity; and~~

~~(3) Does not use colors or lights that make the tower or antenna more visually obtrusive, unless required by either the Oregon Department of Aviation (ODA) or the Federal Aviation Administration (FAA).~~

~~Reconstruction or replacement of telecommunication facilities, excluding transmitter and antenna replacements pursuant to Section 430-109.1 B., approved before November 26, 1992 is subject to the provisions of Section~~

~~440, Nonconforming Uses, and applicable provisions of 430-109 as required by Section 440;~~

~~D. The following telecommunication facilities that are regulated by the Federal Communications Commission (FCC) pursuant to the Code of Federal Regulations as may be amended:~~

- ~~(1) Industrial, scientific, and medical equipment;~~
- ~~(2) Military and government radar antennas and associated communication and broadcast towers used for aviation services; and~~
- ~~(3) Amateur (ham) and citizen band transmitting and receiving antennas and associated communication and broadcast towers.~~

~~E. A telecommunication facility as a temporary use—Section 430-135.1 H.;~~

~~F. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer, watercraft, or aircraft, including cellular phone or mobile broadcast studio;~~

~~G.~~

~~A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens and radio control toys; or is in storage, shipment, or on display for sale, provided such machines are not operated except for demonstration purposes;~~

~~H. Temporary telecommunication facilities used solely for emergency communications by public officials in the event of a natural disaster, emergency preparedness or public health or safety purposes;~~

~~I. Two-way transmitting antennas used on a temporary basis by "911" emergency services, including fire and rescue, medical, and law enforcement, as well as essential public utility providers, including but not limited to water and sanitary and storm sewer providers;~~

~~J. Temporary communication uses, including, but not limited to, wireless telecommunications, mobile services and other types of broadcast towers used solely for emergency communications by non-emergency service providers (i.e., private, for-profit wireless service providers) in the event of a loss of service or communications due to an act of God, natural disaster, or other occurrence that necessitates the re-establishment of services for the public benefit are subject to the following:~~

- ~~(1) Notification of the temporary tower is provided to the Director within two~~
- ~~(2) days of placement; and~~
- ~~(2) The emergency use of the broadcast or communication tower shall not exceed a period of one (1) year commencing when transmissions or receiving begins. The tower and associated structures must be removed within 30 days after they are no longer used, unless land use approval is obtained through the appropriate procedure to allow their continued use in accordance with all applicable requirements.~~

~~K. Antennas to provide enhanced 911 (i.e., E911) network coverage when required by the FCC, subject to the following:~~

~~(1) E911 antennas shall be flush-mounted or installed using davit arms a maximum of five (5) feet from the tower and painted or otherwise constructed of materials with the same or similar color as the tower; and~~

~~(2) Accessory equipment and related equipment are either located completely within the existing structure (i.e., tower, building or other structure), or are located within an existing fenced site. In the case of a tower designed as a Facility 2, E911 antennas shall also be designed as a Facility 2.~~

~~Notwithstanding, existing 911 antennas may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing 911 antennas to the E911 antennas.~~

~~430-109.2 Expansion or Alteration of Existing Telecommunication Facilities:~~

~~A. Telecommunication facilities and related site improvements that were lawfully in existence after November 26, 1992 are considered to be conforming uses. However, because these uses may not be designed in accordance with the current development standards (i.e., setbacks, landscaping, screening and fencing, etc.) future expansions or alterations, excluding replacement of antennas and transmitters pursuant to Section 430-109.1 B., shall be subject to the development standards in effect at that time, including this Section, to the extent reasonably practicable. Where the tower design or site configuration makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of a particular development standard, the Review Authority shall waive the application of that standard.~~

~~B. Telecommunication facilities and related site improvements that were lawfully in existence prior to November 26, 1992 are considered to be nonconforming uses and shall be subject to the provisions of this chapter as well as the provisions of Section 440, Nonconforming Uses and Structures. However, existing antennas and transmitters replaced pursuant to Section 430-109.1 B. are not subject to the provisions of this chapter or Section 440.~~

~~430-109.3 Antennas may be co-located (i.e., Facility 1) in all land use districts, excluding those antennas regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2, through the Procedure Type I provided:~~

~~A. Antennas attached to previously approved existing towers shall be:~~

~~(1) Flush-mounted or mounted using similar techniques that minimize visual impact, or in the case of co-locating on a Facility 2 tower, co-located antennas shall also be designed as Facility 2;~~

~~(2) Made of non-reflective material and painted to match the tower or existing antennas, whichever results in the new antennas being less visible; and~~

~~(3) No higher than fifteen (15) feet above the existing tower.~~

~~B. Antennas attached to previously approved existing structures other than towers (i.e., water tanks or electric transmission towers) shall be:~~

- ~~(1) Flush-mounted to the greatest extent practicable or otherwise mounted in ways that minimizes visual impacts;~~
- ~~(2) Made of non-reflective material and painted to match the tower or existing antennas, whichever results in the new antennas being less visible; and~~
- ~~(3) No higher than fifteen (15) feet above the existing structure.~~

~~Notwithstanding, an existing electric transmission pole may be replaced with a new electric transmission pole in order to support the co-location of antennas, provided that the replacement pole is painted to match adjacent poles in the system and is not more than fifteen (15) feet taller than the pole to be replaced.~~

~~C. Antennas, excluding whip antennas, on top of or attached to the side or roof edge of existing buildings shall be:~~

~~(1) When located on top of a building in all land use districts: Screened from public view by placing them behind a parapet or other architectural feature designed to resemble an architectural feature of the building, such as dormers, chimneys, or a clock or bell tower; and~~

~~(a) When located in a residential district: Extend no more than ten (10) feet above the building; and~~

~~(b) When located in a non-residential district: Extend no more than thirty (30) feet above the building.~~

~~(2) When attached to the side or roof edge of a building in a residential district: Camouflaged (i.e., Facility 2) by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached.~~

~~(3) When attached to the side or roof edge of a building in a non-residential district: At minimum, painted the same color as the exterior building and flush-mounted. Otherwise antennas shall be camouflaged by incorporating into their design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.~~

~~D. Whip antennas located on top of an existing building shall be:~~

- ~~(1) Made of non-reflective material;~~
- ~~(2) No higher than fifteen (15) feet above the existing structure; and~~
- ~~(3) Limited to applications involving five (5) or fewer whip antennas.~~

~~E. External cabling and wiring shall be painted to match the tower, structure or building.~~

~~F. New accessory equipment shall be screened or otherwise hidden from public view and:~~

- ~~(1)~~

~~When serving antennas pursuant to A. above: Located completely within the existing site.~~

~~(2) When serving antennas pursuant to B. above: Located completely within the footprint of the structure to the greatest extent practicable.~~

~~(3) When serving antennas pursuant to C. and D. above: Located within or on top of the building.~~

~~G. The application complies with Sections 430-109.6; 430-109.7 A., B., F., and G.; 430-109.8 H.; 430-109.9 A., B., C., D., E., F., and H.; 430-109.10; and 430-109.12. When applicable, existing fencing shall be made sight-obscuring in accordance with Section 430-109.9 C. (3).~~

~~430-109.4 Communication Towers (i.e., Facility 2) may be located in all land use districts, excluding those towers regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2, through the Procedure Type I provided:~~

~~A. The tower is designed to resemble an object, other than a wireless telecommunication facility, in appearance, physical dimensions, proportion and scale. The object shall be one that exists or would commonly exist on-site or in the surrounding area based on the site's land use designation and natural features. Examples include an indigenous evergreen tree, flag pole, light post, pole sign, clock or bell tower, steeple, cross/religious symbol, or silo.~~

~~B. The tower design results in a tower that is not easily recognized as a structure design to support antennas and in a manner appropriate to the site's context and surrounding environment, camouflages or hides the antennas from public view.~~

~~C. The tower functions to the extent practicable in a manner consistent with its design, unless doing so would interfere with the operation of the antennas. For example, a flagpole-designed tower shall be able to fly a flag.~~

~~D. Accessory attachments, such as flags, are sized in proportion to the tower.~~

~~E. Roof and ground-mounted accessory equipment (i.e., equipment shelters) are completely screened or hidden from public view. Examples of acceptable methods include placing them within the interior of the building or structure, behind a roof parapet or landscaping and a sight-obscuring fence, within architectural elements such as a clock or bell tower, or concealed (i.e., placed within a shell made of material resembling a boulder). Alternatively, placement of equipment shelters in underground vaults is encouraged as an acceptable means of hiding them from public view.~~

~~F. Cabling and wiring are hidden from public view.~~

~~G. The application complies with Sections 430-109.6; 430-109.7 A., B., C., F., and G.; 430-109.8 G. and H.; 430-109.9, excluding G.; 430-109.10; 430-109.12; and the height provisions of the individual land use district.~~

~~430-109.5 Facility Siting Requirements for Procedure Type II and III Applications, excluding telecommunication facilities regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 or 201-2:~~

Telecommunication facilities shall be designed and located so as to minimize their visual impacts and minimize the number of new towers. New antennas and towers shall be sited using the hierarchy described below. The order of ranking by Facility, from highest to lowest, shall be 1, 2, 3, 4. When a lower ranked facility is proposed (e.g., 4), the applicant shall submit documentation which demonstrates that the higher ranked facilities are not technically feasible, available, or reasonably practicable.

A. Facility 1: Co-location. Co-location means the placement of two or more antenna systems and accessory equipment facilities by one or more FCC license holders (service providers) on an existing structure such as a tower or the placement of one or more antenna systems and accessory equipment facilities on a structure such as a building, water tank, utility pole or electric transmission tower.

B. Facility 2: Concealment. Concealment means to:

(1) Hide an antenna in or on a structure to minimize its appearance, such as placing an antenna behind a building parapet or hiding an antenna and/or tower through the use of innovative technology referred to as "stealth". Stealth technology includes designing the tower and antennas to resemble a natural or man-made object that is or would be commonly found on the site or in the surrounding area based upon the site's land use designation. Examples of such facilities can include an indigenous evergreen tree, rock feature, building architectural feature (i.e., a clock or bell tower), and a flag or light pole.

(2) Hide roof-mounted and ground-mounted accessory equipment (i.e., equipment shelters) from public view to the extent practicable. Examples of acceptable methods include placing them within the interior of the building or structure, behind a sight-obscuring fence and landscaping or roof parapet, or within some other architectural element such as a clock or bell tower. Alternatively, placement of equipment shelters in underground vaults is encouraged as an acceptable means of hiding them from public view.

(3) Hide cabling and wiring from public view to the greatest extent practicable.

C. Facility 3: Screening of New Towers. Screening means to use existing evergreen vegetation, topography, and/or buildings to substantially screen the proposed tower from view and cause the facility to be visually subordinate to the surrounding area. Screened facilities may be partially visible, but not visually dominant in relation to their surroundings. The height of the existing trees, buildings or topography that is used as screening shall be at least seventy (70) percent of the height of the tower.

D. Facility 4: New towers with no screening (i.e., Facility 3) or concealment (i.e., Facility 2).

430-109.6 The following are prohibited in all land use districts:

A. Speculation ("spec") towers; and

~~B. The attachment of any antennas or associated equipment to trees.~~

~~430-109.7 Submittal Requirements for Telecommunication Facilities not otherwise exempt under Sections 430-109.1 and 201-2:~~

~~All applications for telecommunication facilities, except as otherwise noted, shall include the following:~~

~~A. An accurate, scaled site plan and on-site analysis (Section 404-1) showing the location of the tower(s), guy anchors (if any), equipment shelter(s) and other uses accessory to the telecommunication facility;~~

~~B. An accurate, scaled elevation drawing(s) showing the tower design, dimensions, materials and color of the tower and antennas, including the mounting type(s) and locations of all proposed antennas, and other uses accessory to the telecommunication facility;~~

~~C. An Alternative Sites Analysis (Facilities 2 through 4 and those regulated under Section 430-109.11 only) demonstrating that the proposed antenna(s) cannot be co-located on an existing or approved tower, building or other suitable structure within the identified search ring.~~

~~For the purpose of this analysis:~~

~~(1) Antenna(s) can be accommodated on an existing or approved tower, building or other suitable structure unless:~~

~~(a) Existing or approved towers, buildings or other suitable structures do not have the structural or leasable capacity to support additional antennas;~~

~~(b) Existing or approved towers, buildings or other suitable structures are not appropriately located or tall enough for the antenna(s) to effectively provide the proposed service; or~~

~~(c) Addition of the proposed antenna(s) to an existing or approved tower, building or other suitable structure would cause radio frequency emissions at that location in excess of the levels allowed by the FCC.~~

~~(2) Use of an existing or approved tower, building or suitable structure is not precluded simply because a reasonable lease fee is charged for use of the tower or structure or because of reasonable costs necessary to adapt the proposed antenna(s) to said tower, building or structure.~~

~~(3) The analysis shall include a map showing the locations of all existing towers, buildings or other suitable structures included in the search ring and a written analysis as to their capability and availability to support additional antennas in response to items (1) and (2) above.~~

~~D. A Tower Sharing Plan (Facilities 2 through 4 and those regulated under Section 430-109.11 only)~~

~~(1) All new towers and replacement towers shall provide for the future co-location of antenna systems by other service providers as follows:~~

~~(a) Towers under one hundred (100) feet in height shall provide for a minimum of two antenna systems (the proposed service provider and a future co-location site) in a manner that will accommodate the additional antenna system without the need to increase the height or base diameter of the tower.~~

~~(b) Towers greater than one hundred (100) feet in height shall provide for a minimum of three antenna systems (the proposed service provider and two future co-location sites) in a manner that will accommodate the additional antenna system(s) without the need to increase the height or base diameter of the tower.~~

~~(2) A tower subject to this subsection may be approved only subject to a condition that the applicant negotiate in a timely manner and in good faith for shared use of the tower by third parties. The applicant shall allow shared use of the tower if the third party agrees in writing to pay a reasonable pro-rata charge for sharing, including all charges necessary to modify the tower to accommodate shared use. An applicant will not be required to permit shared use of any unused tower capacity that the applicant demonstrates is needed for the applicant's future system expansion or modification plans as set forth in an approved business plan. This condition shall run with the land and be binding on subsequent purchasers of the tower or site. Failure to comply with this condition shall be grounds for revocation of the permit for the tower and removal of the tower in accordance with Section 430-109.12.~~

~~(3) Tower Sharing Plans shall contain certified documentation from a structural engineer licensed in Oregon that the tower has been designed to safely accommodate the proposed antennas in addition to future co-located antennas required pursuant to (1)(a) and (b) above. Tower Sharing Plans shall also show the mounting locations for future co-located antennas required by this section.~~

~~E. A District Siting Analysis (Residential Districts only) demonstrating that the tower or antenna(s), excluding co-located antennas (i.e., Facility 1 applications), cannot be sited in a non-residential district.~~

~~For the purpose of this analysis:~~

~~(1) The proposed tower or antenna(s) can be sited in a non-residential district unless:~~

~~(a) Existing non-residential sites would not accommodate the proposed antenna(s) or tower associated with the antenna(s) considering the site area needed for the tower, topography and other physical characteristics of possible alternative sites, and the communication or transmission services to be provided by the proposed antenna(s);~~

~~(b) The tower or antenna(s) would pose a hazard to aircraft; and~~

~~(c) The proposed antenna(s) cannot function effectively given the communication or transmission services to be provided and the user group or areas it is intended to serve.~~

(2) Clustering

~~(a) New telecommunication facilities may not be sited in a residential district within one thousand (1000) feet of any existing telecommunication facilities, except those exempt pursuant to Sections 430-109.1 and 201-2. This restriction does not apply to the siting of new antennas on existing towers.~~

~~(b) If a new telecommunication facility is proposed to be sited in a residential district, the applicant shall submit evidence that there are no existing telecommunication facilities, except those exempt pursuant to Sections 430-109.1 and 201-2, located within one thousand (1000) feet of the proposed facility. The one thousand (1000) foot radius shall be measured from the center of the footprints of any existing and the proposed towers and/or antennas, not from property lines or guy wire anchors.~~

F. An engineering report that addresses the requirements in B., C., D., and E., above and contains the following information:

~~(1) Certified documentation from a structural engineer licensed in Oregon that the tower is structurally sound and complies with all applicable building and structural codes and that it is feasible to safely site the tower as well as all accessory equipment on the site as shown on the site plan. Notwithstanding, tower design specifications and other related structural information, including the foundation design and failure characteristics of the tower, are not required to be submitted with the land use application, unless they are needed to demonstrate the feasibility of siting the proposed telecommunication facility on the site. Otherwise they shall be submitted prior to issuance of the Building Permit pursuant to Section 430-109.9.~~

~~(2) Evidence that it is feasible to comply with applicable DEQ noise standards if the installation contains heating, cooling, electrical generating or other equipment likely to produce noise.~~

G. ~~When applicable, a copy of a signed contractual agreement, excluding financial information, between the tower provider and a telecommunications service provider to provide wireless service on the proposed tower.~~

~~430-109.8 General Design Standards for Procedure Type II and III Antennas, Towers and Equipment Shelters:~~

~~A. New individual antennas attached to a tower, excluding those employing concealment technology (i.e., Facility 2), shall be flush-mounted, mounted on davit arms extending a maximum of five (5) feet out from the tower, or mounted using other similar techniques that minimize visual impact;~~

~~B. New antennas, excluding whip antennas, mounted on top of buildings in all land use districts shall be designed as a Facility 2 and extend no more than ten (10) feet above buildings in residential districts and no more than thirty (30) feet above buildings in non-residential districts;~~

~~C. New antennas mounted to the side or roof edge of an existing building or structure in a residential district shall be designed as a Facility 2;~~

~~D. New antennas mounted to the side or roof edge of an existing building or structure in a non-residential district shall at a minimum be the same color as the exterior of the building or structure and be flush-mounted;~~

~~E. New antennas mounted to existing structures (i.e., water reservoir tanks or electric transmission towers) that are not buildings or previously approved towers shall be flush-mounted to the greatest extent practicable or otherwise mounted in ways that minimize visual impacts, extend no more than fifteen (15) feet above the structure, and be the same color as the structure;~~

~~F. New whip antennas shall be made of non-reflective material and no higher than fifteen (15) feet above the tower, building or structure;~~

~~G. New towers, except those approved as a Facility 2, shall be painted or otherwise treated in a manner that blends in with the surrounding area in order to minimize visual impact, unless state or federal regulations require different colors. The exterior color of the tower shall also be non-reflective in nature and make the tower as visually unobtrusive as possible. If there are stands of trees or other sight-obscuring vegetation on site or in the immediate area, the tower shall be painted or finished to blend with the landscape;~~

~~H. New towers shall be illuminated only when required by the ODA, FAA or other state or federal agency; and~~

~~I. Ground-mounted equipment shelters shall be constructed of materials and/or painted with earth-tone colors that are non-reflective in nature. They shall also be no taller than twelve (12) feet high.~~

~~430-109.9 Site-Specific Standards for Procedure Type II and III Antennas, Towers and Equipment Shelters:~~

~~A. Setbacks~~

~~(1) New telecommunication facilities shall comply with the setback provisions of the individual land use districts, unless greater setbacks are required by Table A, except as set forth below:~~

~~Antennas that are co-located on an existing building in accordance with Section 430-109.3 C.~~

~~(2) New ground-mounted equipment shelters shall comply with the setback provisions of the individual land use districts, except as set forth below:~~

~~Underground vaults containing equipment cabinets and other associated equipment supportive of wireless telecommunication or broadcast facilities may be located in a required setback, except as otherwise restricted by the UBC, the Uniform Fire Code (UFC) or subsection C. below.~~

~~(3) Notwithstanding the requirements set forth in (1) and (2) above, the Review Authority may reduce the required setbacks through a Procedure Type III adjustment process, provided that the applicant can demonstrate to the Hearings Officer that the proposed site development plan will reduce the~~

impacts on surrounding land uses. The Hearings Officer may approve an adjustment to the setbacks based on findings that:

~~(a) The applicant has submitted an alternate siting and/or tower design (e.g., Facility 2) and development plan which utilizes existing on-site vegetation (e.g., trees) and/or buildings, topography or other site-specific factors or constraints to more effectively screen the tower and accessory equipment; and~~

~~(b) Impacts to surrounding properties are less with the alternate setback as compared to the setbacks required by Table A and can be mitigated for the benefit of the surrounding property owners by an adjustment to the setbacks.~~

B. Access

~~(1) In residential districts, when a site fronts a local street and a collector or a local and an arterial, site access shall be from the collector or arterial subject to all applicable county standards. Access may be taken from the local street when access to a collector or arterial does not meet the applicable standards.~~

~~(2) In non-residential districts, site access may be from a local street, a collector or arterial, subject to all applicable county standards.~~

~~(3) Access to the site shall be oriented away from existing dwellings.~~

C. Landscaping, Screening and Fencing

~~(1) Landscaping, screening and buffering, including fencing, shall be provided as required by Sections 407 and 411 to screen the site from public view. Notwithstanding, landscaping, screening and buffering is not required for Facility 2 uses when the equipment shelter is hidden from public view, such as when located within an existing building, designed to resemble a natural object, such as a boulder, or when it does not exhibit any visible exterior characteristics, such as cables, of an equipment shelter. However, in no case shall the screening and buffering within or adjacent to a residential district be less than what is required by Section 411-6.3. Tree and shrub species shall be selected which will attain a minimum height of twelve (12) feet;~~

~~(2) Native on-site vegetation shall be preserved to the greatest practical extent. The landscape plan shall show all existing significant vegetation to be removed (as described in Section 407-4.2 B.) and vegetation to be replanted to replace that vegetation which will be removed;~~

~~(3) All fencing shall be sight-obscuring (i.e., solid wood fence, chain link fence with slat inserts, or other solid material fencing) and installed in accordance with Sections 418 and 419. Barbed or razor wire is not permitted; and~~

~~(4) In lieu of the standards in (1) through (3) above, the approval authority may approve an alternate detailed landscape, screening and fencing plan through a Type II or III procedure. The plan shall be designed to screen and~~

~~buffer towers and accessory uses when the plan accomplishes the same degree of screening achieved in (1) through (3) above, except when less screening is required to provide adequate visibility for security purposes and for continued operation of existing bona fide agricultural or forest uses, including but not limited to produce farms, nurseries, and tree farms.~~

~~D. Radio Frequency Emissions~~

~~(1) All applications shall contain a certified statement from a licensed, qualified professional engineer experienced in radio frequencies that the proposed facility will comply with all FCC standards for radio frequency emissions or television signal transmissions.~~

~~E. Signs~~

~~Notwithstanding the provisions of Section 414, all antennas and towers, which are not located at the user's place of business or operation, shall be identified with a sign not exceeding four (4) square feet. The sign shall list the owner or operator's name and emergency telephone number and shall be posted in a conspicuous place visible to the general public. Other signs may be located on the site as allowed by the underlying land use district.~~

~~F. Noise~~

~~If the installation contains heating, cooling, emergency power or other potentially noise-producing equipment, the service provider shall submit documentation prepared by qualified personnel documenting that the operation complies with applicable Department of Environmental Quality (DEQ) noise standards. Such evidence shall be submitted within ninety (90) days of completion and operation.~~

~~G. Additional Standards for Procedure Type II and III Telecommunication Facilities, excluding those regulated under Section 430-109.11:~~

~~(1) Arrange structures and accessory uses to minimize visual and noise impacts on adjacent developments and surrounding land uses;~~

~~(2) Locate and design structures and uses to preserve, to the greatest extent possible, scenic views or vistas identified in the applicable community plan and viewable from adjacent properties or public thoroughfares, by considering setbacks, building height, bulk and landscaping;~~

~~(3) Placement of more than one tower on a non-residential lot shall be permitted, provided all applicable regulations are met. Structures may be located as close to each other as technically feasible, provided failure characteristics of the towers on the site will minimize the potential for multiple failures in the event that one fails; and~~

~~(4) New towers shall be no taller than necessary to provide adequate communications for immediate and future planned use, except as otherwise limited by the provisions in this section or in the individual land use districts.~~

~~H. The following shall be submitted to the Director prior to issuance of a Building Permit, except as otherwise noted:~~

~~(1) Proof of liability insurance coverage for the proposed telecommunication facility. Liability insurance shall be maintained until the tower or antenna is dismantled. Failure to maintain insurance coverage shall constitute a violation of this Code.~~

~~(2) A copy of the recorded restrictive covenant by the property owner setting forth the requirements of Section 430-109.12. The covenant shall specifically include the following language: "In the event the antenna(s) and/or tower are not removed and the site restored within the time period specified in Section 430-109.12, Washington County may remove the facilities and restore the site pursuant to Section 430-109.12. Washington County's costs to remove the facilities and restore the site shall be a lien on the property of the owner." The copy shall be provided to the Director prior to issuance of the building permit (Procedure Type I applications) and prior to issuance of final land use approval (Procedure Type II and III applications). The restrictive covenant shall not be modified or released without the written signature of the Director.~~

~~(3) Certification from a structural engineer licensed in Oregon that the tower is structurally sound and complies with all applicable building and structural codes and that it is feasible to safely site the tower and accessory equipment on the site as shown on the final approved site plan.~~

~~(4) Tower design specifications and other related structural information, including the foundation design and failure characteristics of the tower, unless they were submitted with the initial land use application.~~

~~(5) Ice hazard mitigation measures to be employed (e.g., increased setbacks or de-icing equipment) or evidence documenting why mitigation measures are not needed.~~

~~430-109.10 Agency Coordination Documentation~~

~~The applicant shall provide the following information prior to issuance of a building permit for a Procedure Type I telecommunication facility application and prior to issuance of final land use approval for Procedure Type II and II telecommunication facility applications:~~

~~A. FAA notification that the antenna or tower has been found not to be a hazard to air navigation pursuant to Section 77.19 of Part 77 of the Federal Aviation Regulations, unless the proposed antenna or tower is exempt from notification pursuant to Section 77.19 of Part 77.~~

~~B. ODA notification that the antenna or tower has been found not to be a hazard to air navigation pursuant to OAR 738-070-0090, unless the proposed antenna or tower is exempt from notification pursuant to OAR 738-070-0060.~~

~~C. A copy of the operating license issued to the service provider for the proposed antenna or tower. In the event that the FCC does not issue an individual operating license for the proposed use and location, a copy of the service provider's current geographic area license shall be provided.~~

~~430-109.11 Application Requirements for Telecommunication Facilities less than two hundred (200) feet proposed on lands designated EFU and AF-20:~~

~~A. The applicant shall demonstrate that the facility is necessary for public service pursuant to ORS 215.213 (1)(d) and OAR 660-033-0130 (16). Applications shall include a report containing an alternative analysis consistent with ORS 215.275. The report shall be accepted by the Director as complete prior to the submission of the application. The Director may require an outside peer review of the applicant's ORS 215.275 and Section 430-109.7 F. reports by an engineer selected by the Director to assist staff determine the report's completeness. The applicant shall be responsible for the cost of this review; and~~

~~B. In addition to the requirements set forth in state law, these telecommunication facilities are subject to Sections 430-109.2; 430-109.6; 430-109.7, excluding E.; 430-109.8; 430-109.9, excluding G.; 430-109.10; and 430-109.12.~~

~~430-109.12 Abandonment~~

~~A. All antennas and towers shall be considered abandoned when there has not been a licensed service provider operating from the site facility for a period of one year. Within ninety (90) days of abandonment, the service provider shall remove all facilities from the site and restore the site to its previous condition. In the event the communication or broadcast facilities are not removed within this time period, Washington County may remove the facilities and restore the site and assess the cost for such actions against the last service provider using the facilities, the owner of the facilities and the property owner.~~

~~B. If any abandoned facilities have not been removed from a site, no new communication or broadcast facility in unincorporated Washington County shall be approved for the service provider or property owner.~~

~~C. The service provider shall annually provide the Director with written documentation verifying that the antenna(s) continue to operate in accordance with the requirements of Section 430-109, all conditions of approval and all applicable state and federal regulations.~~

Figure 1.

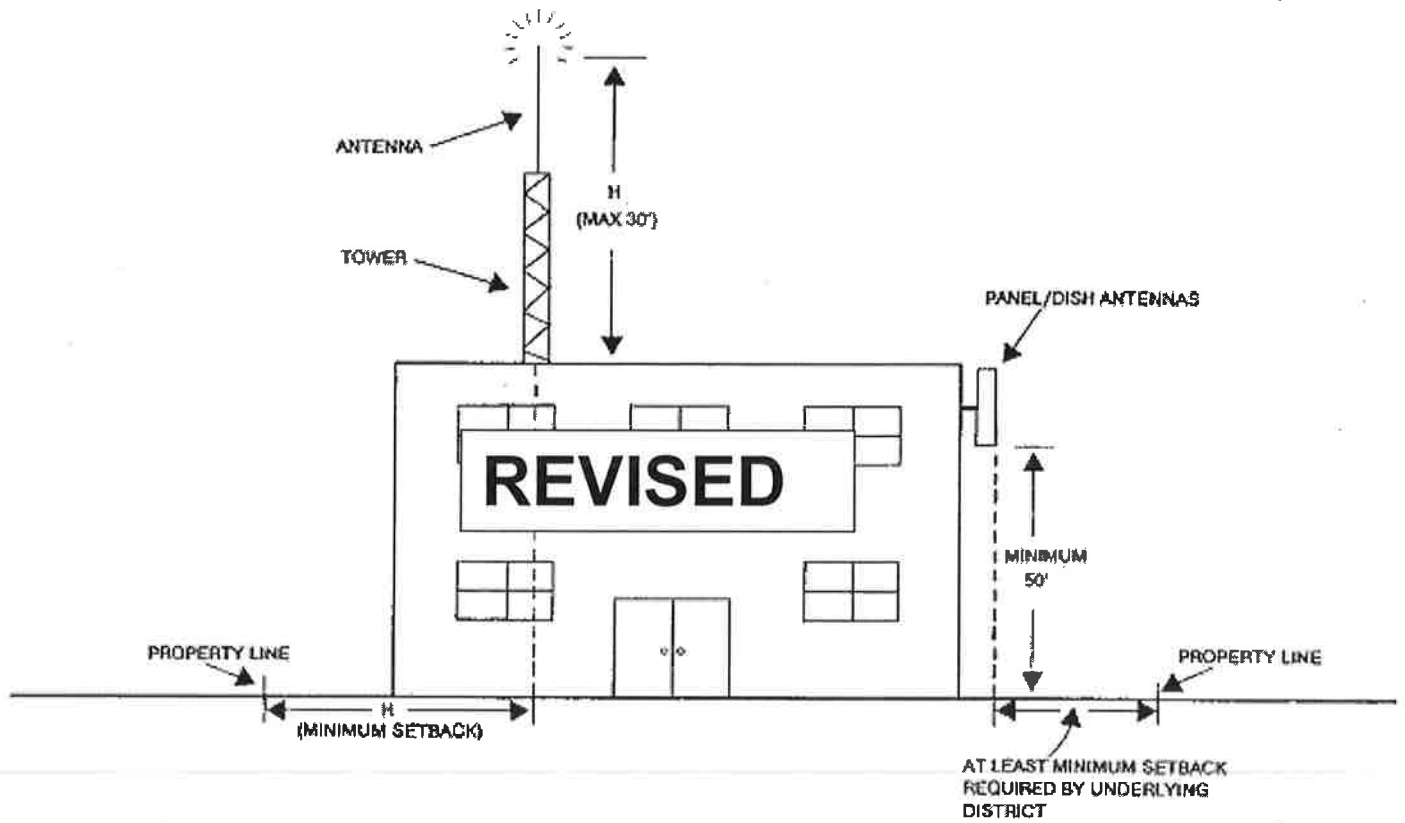


Figure 2.

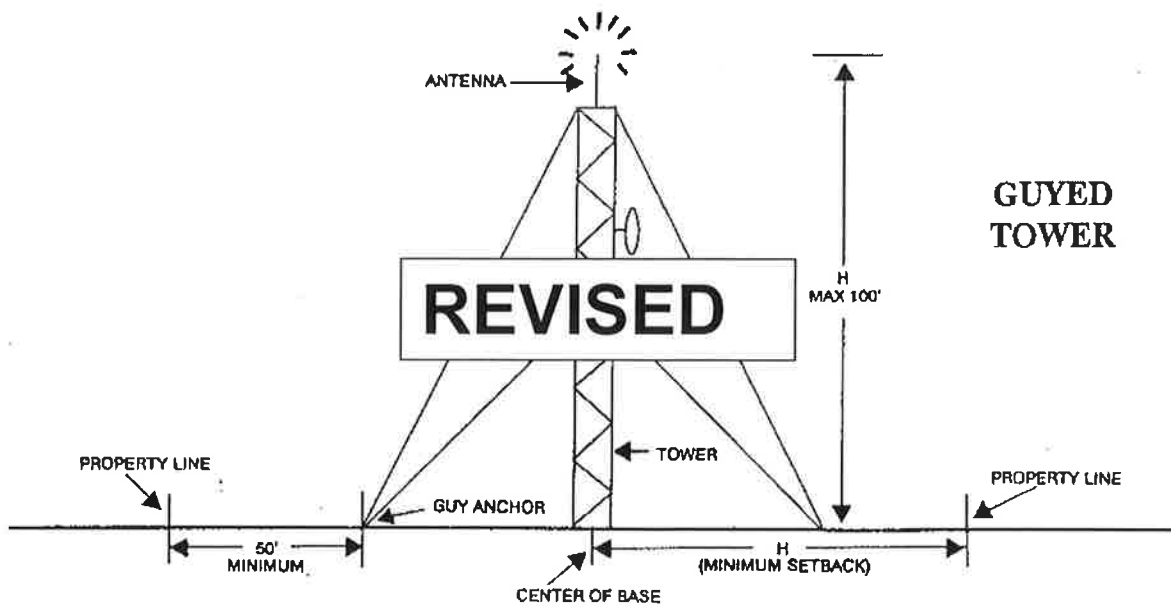
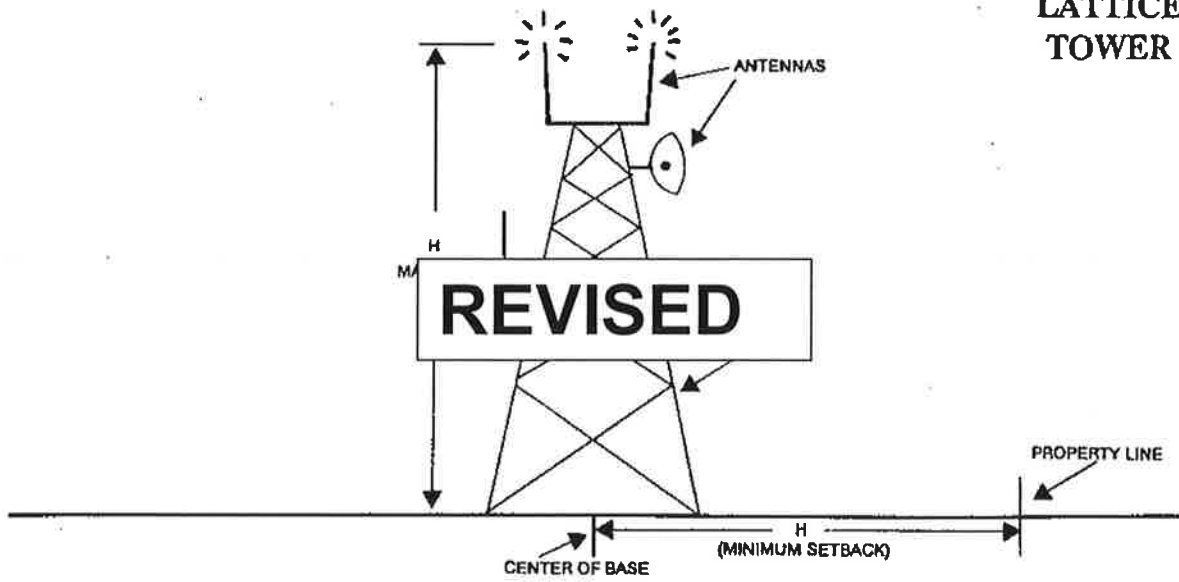


Figure 2, Cont.

abcdef Proposed additions
abcdef Proposed deletions

**LATTICE
TOWER**



MONOPOLE

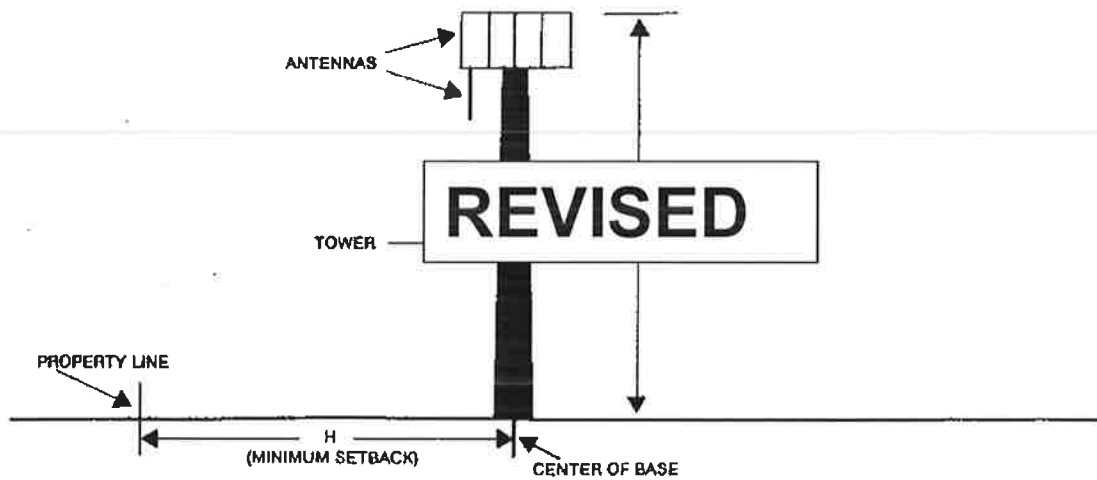


Figure 3.

TYPE I
(E.G., Neighborhood
Commercial District)

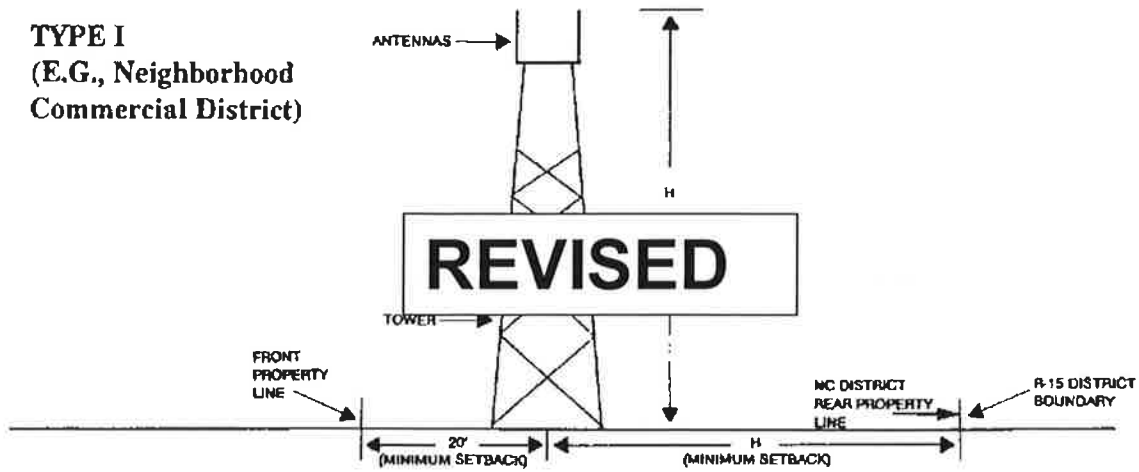
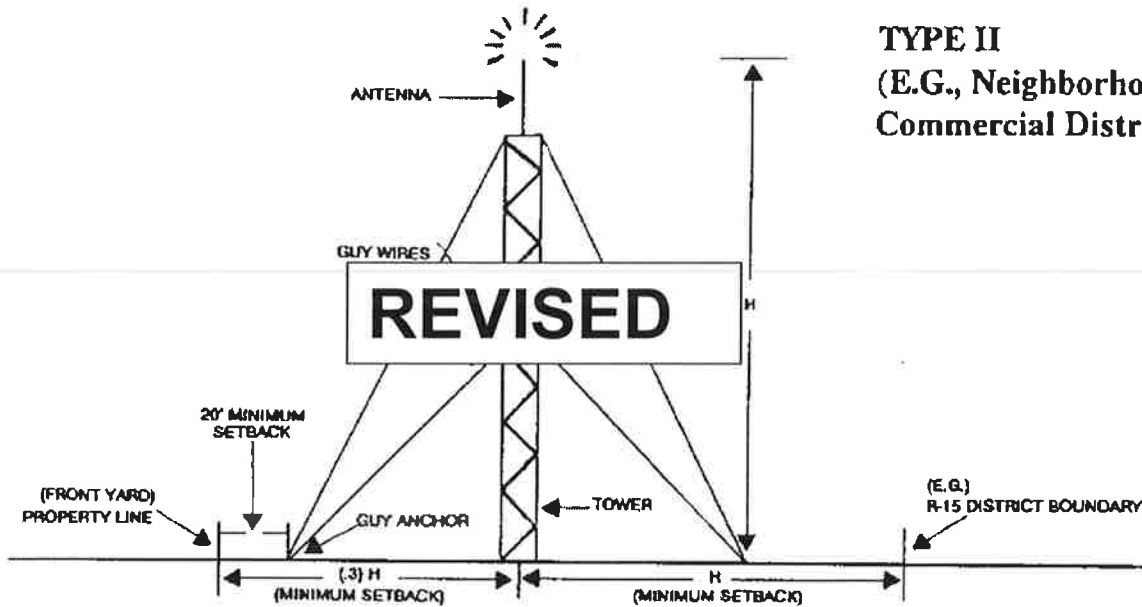
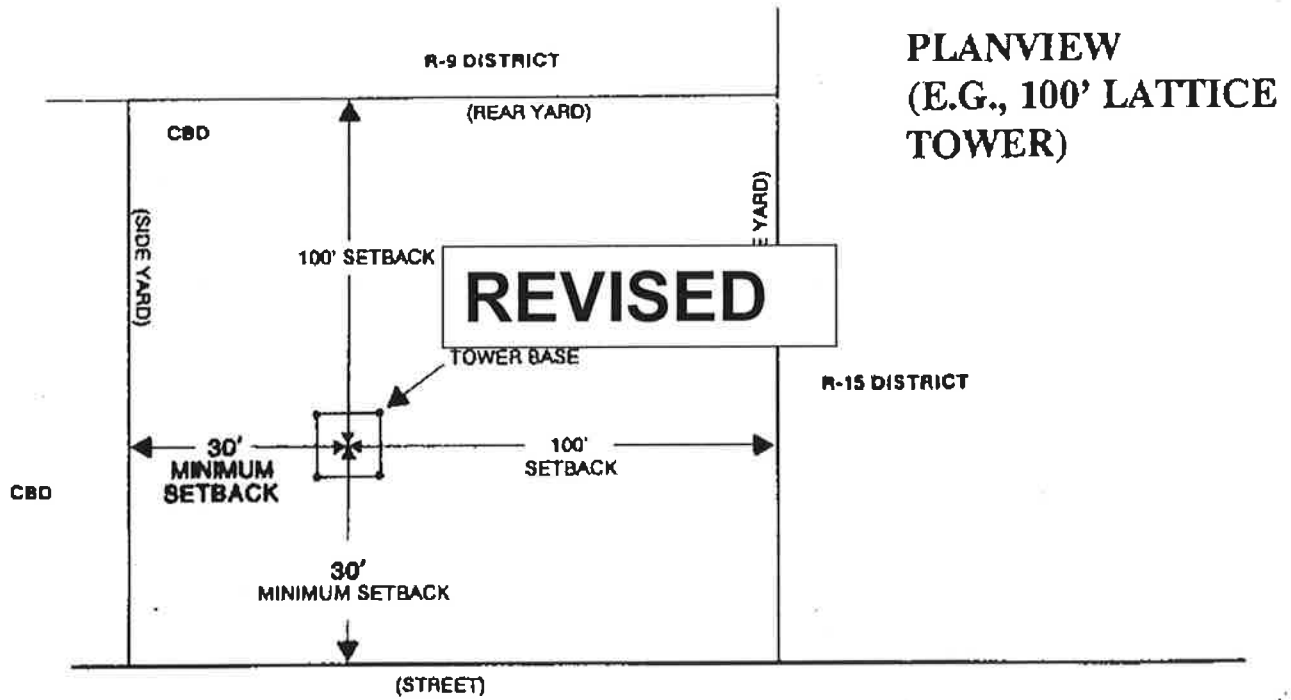


Figure 4.

TYPE II
(E.G., Neighborhood
Commercial District)





430-109

TABLE A – SETBACK PROVISIONS

ALLOWED USE	SETBACK PROVISION (see below)	ILLUSTRATION
RESIDENTIAL DISTRICTS		
Type II Uses:		
(a) Towers and antennas located on existing structures or buildings		II-R/I-NR Fig-1
(b) Antennas located on previously approved towers		Not applicable
Type III Uses:		
(c) Free-standing towers and antennas to a maximum height of 100 feet		III-R Fig-2
NONRESIDENTIAL DISTRICTS		
Type I Uses:		
(a) Free-standing towers and antennas to maximum height of underlying district		I-NR Fig-3
(b) Towers and antennas located on existing structures or buildings		II-R/I-NR Fig-4
(c) Antennas located on previously approved towers		Not applicable
Type II Uses:		
(d) Free-standing towers and antennas up to 200 feet in height		III-NR Fig-4
(e) Towers and antennas on parcels with 50% or more of perimeter abutting		III-NR Fig-

abcdef Proposed additions
 abcdef Proposed deletions

ALLOWED USE	SETBACK PROVISION (see below)	ILLUSTRATION
RESIDENTIAL DISTRICTS		
residential districts		4
Type III Uses:		
(f) Free-standing towers and antennas over 200 feet in height	III-NR	Fig. 4

R = RESIDENTIAL DISTRICT; NR = NONRESIDENTIAL DISTRICT

II-R/I-NR:

The base of the antenna and/or its supporting tower shall maintain setbacks at least equal to the height of the antenna and its supporting tower. Dish or panel antennas shall be located at least fifty (50) feet above grade and meet the minimum yard requirements of the underlying district (Figure 1).

III-R:

Provide setbacks for the tower/antenna at least equal to the height of the tower/antenna above grade between the base of the tower and the outer boundary of the site. Provide setbacks of at least fifty (50) feet between any guy anchors and the outer boundary of the site. Provide a setback of at least twenty-five (25) feet between any accessory structures (except fences) and the outer boundary of the site (Figure 2).

I-NR:

Provide setbacks as required by the underlying land use district. However, in no case shall the setbacks be less than one hundred (100) percent of the height of the tower above grade between the base of the tower and the boundary of any residential district existing at the time the application is submitted (Figure 3).

III-NR:

Provide setbacks for the antenna/tower equal to thirty (30) percent of the height of the tower above grade between the base of the tower and the outer boundary of the site. In no case shall the setback be less than one hundred (100) percent of the height of the tower above grade between the base of the tower and the boundary of any residential district existing at the time the application is submitted. Provide setbacks for guy anchors and accessory uses (except fences) in accordance with the provisions of the underlying land use district (Figure 4).

Notwithstanding the provisions of III-NR above, within the EFU, AF-20 and EFC Land Use Districts, the setbacks shall also not be less than one hundred (100) percent of the height of the tower above grade between the base of the tower and any dwelling unit in these districts

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (All CPOs)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 826

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

A-Engrossed Ordinance No. 826 amends the Community Development Code, an element of the County's Comprehensive Plan. Ordinance No. 826 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 826. Prior to the October 24, 2017 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage, and available at the Clerk's desk.

Attachment: Resolution and Order

RO Exhibit A (Ordinance Findings) is linked online.

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 826 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 17-106

Agenda Item No. 6.a.

Date: 10/24/17

IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of A-Engrossed Ordinance No. 826) No. **17-106**

This matter having come before the Washington County Board of Commissioners at its meeting of October 24, 2017; and

It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 826; and

It appearing to the Board that the findings attached and herein incorporated as "Exhibit A" constitute appropriate legislative findings with respect to the adopted ordinance; and

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on September 6, 2017, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission's proceedings, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of A-Engrossed Ordinance No. 826 are hereby adopted.

DATED this 24th day of October, 2017.

	AYE	NAY	ABSENT
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED AS TO FORM:



County Counsel
For Washington County, Oregon

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON



Chairman



Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 826

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO TELECOMMUNICATION FACILITIES STANDARDS

October 24, 2017

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 1:

GENERAL FINDINGS

A-Engrossed Ordinance No. 826 amends the Community Development Code (CDC) relating to telecommunication facilities to include the following: streamline the review process and submittal requirements for telecommunication facilities, restructure this special use section to be clearer and more user friendly, and update the CDC to comply with federal requirements for telecommunication facilities.

Key Ordinance Provisions

The amendments proposed by A-Engrossed Ordinance No. 826 address the following:

- Relocated terms and definitions specifically related to telecommunication facilities from Section 106 (Definitions) to Section 430-109 (Telecommunication Facilities).
- Updated uses related to telecommunications in all land use districts to include the types of telecommunication facilities identified in Section 430-109.
- Created a new exemption section to include co-location requests that comply with the federal Spectrum Act.
- Restructured Section 430-109 to include renaming the section title to Telecommunication Facilities, adding a new Intent and Purpose section, and renaming references to Facility Types 1 through 4.
- Updated prohibited uses to include co-location of antennas on County-owned assets.
- Updated review procedures and standards for co-location, expansion of telecommunication facilities, and new telecommunication facilities.
- Updated general design and site standards for telecommunication facilities including the setback provision table and associated illustrations.
- Updated submittal requirements for telecommunication facilities.
- Updated temporary telecommunication facilities in Section 430-135 to include a new temporary use.
- Modified the maximum allowed cabinet size to be 17 cubic feet, and allowing this to be accomplished with up to three cabinets.
- Modified Section 430-109.3 (Exemptions) and several definitions to be more consistent with FCC language.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

The County is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 826 is consistent with applicable Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro's Urban Growth Management Functional Plan (UGMFP), and Washington County's Comprehensive Plan (Plan). The County's Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The County follows the post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to text of the Plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County's Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of A-Engrossed Ordinance No. 826.

Along with providing standard notice inviting public comment/participation, staff included stakeholders to provide an assessment of the current regulations on telecommunication facilities, recommend changes, and review the proposed amendments filed by the County. Stakeholders chosen were those that had experience using the County code or were industry experts.

Goal 2 - Land Use Planning

Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Plan, which includes documents such as the Rural/Natural Resource Plan (RNRP), Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, CDC, and Transportation System Plan (TSP). Washington County utilized this process to adopt A-Engrossed Ordinance No. 826.

Notice was coordinated with all affected governmental entities and comments received regarding A-Engrossed Ordinance No. 826 were addressed either as part of the proceedings or with subsequent staff coordination.

Goal 3 - Agricultural Lands

Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state's agricultural land use policies. Policy 15, Implementing Strategies (a) and (j), of the RNRP include provisions for the preservation of agricultural lands.

A-Engrossed Ordinance No. 826 does not amend the applicable Plan policies, Community Plans or CDC standards related to Goal 3. Plan compliance with Goal 3 is maintained with the amendments made by A-Engrossed Ordinance No. 826. The amendments are consistent with the County's acknowledged policies and standards for protection of Goal 3 resources.

Goal 4 – Forest Lands

Goal 4 addresses the conservation of forest lands by maintaining the forest land base and protecting the state's forest economy by making possible economically efficient forest practices. Policy 16, Implementing Strategies (a) and (j) of the include provisions for the conservation and maintenance of forest lands.

A-Engrossed Ordinance No. 826 does not amend the applicable Plan policies, Community Plans or CDC standards related to Goal 4. Plan compliance with Goal 4 is maintained with the amendments made by A-Engrossed Ordinance No. 826. The amendments are consistent with the County's acknowledged policies and standards for protection of Goal 4 resources.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon's livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments (PAPAs) when the PAPA 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site.

Policies 10, 11 and 12 of the CFP, Policies 7, 9, 10, 11, 12 and 13 of the RNRP, and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

A-Engrossed Ordinance No. 826 does not amend the applicable Plan policies, Community Plans or CDC standards related to Goal 5 resources. Plan compliance with Goal 5 is maintained with the amendments made by A-Engrossed Ordinance No. 826. The amendments are consistent with the County's acknowledged policies and standards for protection of Goal 5 resources.

Goal 6 - Air, Water and Land Resources Quality

Goal 6 requires the maintenance and improvement of the quality of the air, water and land resources of the state through the implementation of local plans that address waste and process discharge. Policies 4, 5, 6 and 7 of the CFP and Policies 4, 5, 6, and 7 of the RNRP provide for the maintenance and improvement of the quality of air, water and land resources.

A-Engrossed Ordinance No. 826 does not amend the applicable Plan policies, Community Plans or CDC standards related to Goal 6. Plan compliance with Goal 6 is maintained with the amendments made by A-Engrossed Ordinance No. 826. The amendments are consistent with the County's acknowledged policies and standards for protection of Goal 6 resources.

Goal 7 - Areas Subject to Natural Hazards

Goal 7 requires the implementation of local land use programs that reduce the risk to people and property from natural hazards such as floods, landslides and earthquakes. Policy 8 of the CFP and Policy 8 of the RNRP set out the County's policy to protect life and property from natural disasters and hazards.

A-Engrossed Ordinance No. 826 does not amend the applicable Plan policies and strategies for natural disasters and hazards or CDC standards related to flood plain areas. Plan compliance with Goal 7 is maintained with the amendments made by A-Engrossed Ordinance No. 826. The amendments are consistent with the County's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7.

Goal 8 - Recreational Needs

Goal 8 requires local jurisdictions to satisfy the recreational needs of citizens and visitors by planning and providing for the siting of necessary recreational facilities. Policies 33, 34 and 35 of the CFP, Policy 24 of the RNRP and the individual Community Plans address the recreational needs of Washington County's residents and visitors.

A-Engrossed Ordinance No. 826 does not amend the applicable Plan policies or Community Plans regarding recreational needs. Plan compliance with Goal 8 is maintained with the amendments made by A-Engrossed Ordinance No. 826. The amendments are consistent with the County's acknowledged policies and standards for satisfying recreational needs as required by Goal 8.

Goal 9 – Economic Development

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20 and 21 of the RNRP set out the County's policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 826 does not amend the applicable Plan policies or CDC standards relating to economic development. Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 826. The amendments are consistent with the County's acknowledged policies and standards for strengthening the local economy as required by Goal 9.

Goal 10 - Housing

Goal 10 requires the provision of housing, including adequate numbers of units within a range of prices, types and densities that provide realistic options to meet citizen needs. Policies 21, 22, 23 and 24 of the CFP, and Policies 19 and 26 of the RNRP address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 826 does not amend the applicable Plan policies or CDC standards relating to housing. Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No. 826. The amendments are consistent with the County's acknowledged policies and standards for strengthening the local economy as required by Goal 10.

Goal 11 - Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP, and Policy 22 of the RNRP address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

Telecommunication facilities are a type of utility provided both in the urban and rural areas of unincorporated Washington County. The amendment is to update the CDC to comply with federal regulations and to streamline the telecommunication facilities regulations to be more user-friendly. Consistent with Goal 11, the amendments may improve installation of this type of utility.

Goal 12 - Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multi-modal, and economic transportation system. Policy 32 of the CFP, Policy 23 of the RNRP, and in particular the Washington County Transportation System Plan (TSP) describes the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans, and the CDC.

A-Engrossed Ordinance No. 820 does not include amending the TSP, nor does it include any transportation-related amendments to the CDC.

The amendments are consistent with the County's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12). Brief summaries of the applicable TPR provisions are followed by findings of compliance.

OAR 660-012-0060 sets forth requirements for plan and land use regulation amendments.

A-Engrossed Ordinance No. 826 proposes changes to telecommunication facilities standards and does not significantly affect the transportation system as described by the criteria in OAR 660-012-0060. The amendments in A-Engrossed Ordinance No. 826 do not change the functional classification of an existing or planned transportation facility; change standards implementing a functional classification system; result in types or levels of travel or access that are inconsistent with the adopted functional classification system designated by the acknowledged TSP for any existing or planned transportation facility; or degrade the performance of any existing or planned transportation facility. The amendments in A-Engrossed Ordinance No. 826 are therefore, consistent with TPR.

Goal 13 - Energy Conservation

Goal 13 requires developed land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Policies 35, 36, 37, 38, and 39 of the CFP, and Policy 25 of the RNRP address energy conservation in the urban and rural areas of unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV.

A-Engrossed Ordinance No. 826 does not amend the applicable Plan policies or CDC standards relating to energy conservation. Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance No. 826. The amendments are consistent with the County's acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

Goal 14 - Urbanization

Goal 14 requires provisions for the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. Policies 13, 14, 15, 16, 17, 18, 19, 41, 43 and 44 of the CFP and Policy 27 of the RNRP address urbanization within the Regional Urban Growth Boundary. The CDC implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development.

A-Engrossed Ordinance No. 826 does not amend the applicable Plan policies or CDC standards relating to urbanization. Plan compliance with Goal 14 is maintained with the amendments made

by A-Engrossed Ordinance No. 826. The amendments are consistent with the County's acknowledged policies and strategies for the transition of land between rural to urban land uses as required by Goal 14.

Part 3:
URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP) requires that county comprehensive plan changes be consistent with the UGMFP. The following A-Engrossed Ordinance No. 826 findings have been prepared to address Title 8 of the UGMFP.

Title 8 - Compliance Procedures

Title 8 sets forth Metro's procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

Consistent with Title 8, a copy of proposed Ordinance No. 826 was sent July 12, 2017 to Metro, 37days prior to the first evidentiary hearing. A copy of A-Engrossed Ordinance No. 826 was mailed September 29, 2017 to Metro. Metro provided no comments on A-Engrossed Ordinance No. 826.