



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 856 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO TELECOMMUNICATION FACILITIES**

Presented by: Stephen Roberts, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 856 proposes to amend the Community Development Code relating to telecommunication facilities located in County road right-of-way (ROW) and on private property to accommodate federally-required small wireless facilities in all land use districts. In addition, the ordinance would update definitions related to telecommunication facilities to ensure consistency with federal provisions and remove outdated terms. A-Engrossed Ordinance No. 856 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

The Board conducted public hearings Aug. 6 and Sept. 17, 2019 for Ordinance No. 856. After its Sept. 17 hearing, the Board directed engrossment of the ordinance to make a number of changes. A summary of the amendments were included in the staff report for the Sept. 17 hearing. The Board conducted its first hearing for A-Engrossed Ordinance No. 856 on Oct. 15 and continued the hearing to Oct. 22, 2019.

A staff report will be provided to the Board prior to the Oct. 22 hearing and posted on the above land use ordinance webpage. Copies of the report will 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.

(continued)

The Staff Report is hyperlinked here and is also available at the Clerk's Desk.

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 856 by title only and conduct the fourth public hearing for the engrossed ordinance. At the conclusion of the public testimony, adopt A-Engrossed Ordinance No. 856 and associated findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	3.b.
Date:	10/22/19

**CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 856 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO TELECOMMUNICATION FACILITIES
BCC 10/22/19**

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition): None known at this time.

Legal History/Prior Board Action:

- Engrossment Hearing No. 1: Oct. 15, 2019
- Board orders engrossment of Ordinance No. 856: Sept. 17, 2019
- Ordinance No. 856: (Board Work Session briefing) July 23, 2019; first public hearing Aug. 6, second public hearing Sept. 17
- Issue Paper 2019-01: *Telecommunication Facilities Located in the Right-of-Way* briefing (Board Work Session May 7, 2019)
- Previous land use ordinances relating to Telecommunication Facilities (Ordinance Nos. 826, 788, 692, 623, 605, 591, 576, 560, 540, 402)

Budget Impacts: None known at this time.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 856

An Ordinance Amending the Community
Development Code Relating to
Telecommunication Facilities

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, 820, 822-824, 826-828, 831-835, 838, 840-42, 845, 847, and 851.

B. As part of its ongoing planning efforts, Washington County staff has identified necessary amendments to the Community Development Code related to telecommunication

1 facility permitting requirements. The Board recognizes that such changes are necessary for
2 the health, safety and welfare of the residents of Washington County, Oregon.

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

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

15 SECTION 2

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

18 A. Exhibit 1 (18 pages), amends the following provisions of the Community
19 Development Code:

- 20 1. Section 201 – Development Permit;
- 21 2. Section 302 – R-5 District (Residential 5 Units per Acre);
- 22 3. Section 303 – R-6 District (Residential 6 Units per Acre);

- 1 4. Section 304 – R-9 District (Residential 9 Units per Acre);
- 2 5. Section 305 – R-15 District (Residential 15 Units per Acre);
- 3 6. Section 306 – R-24 District (Residential 24 Units per Acre);
- 4 7. Section 307 – R-25+ District (Residential 25 Units or More per Acre);
- 5 8. Section 308 – Future Development 20-Acre District (FD-20);
- 6 9. Section 309 – Future Development 10-Acre District (FD-10);
- 7 10. Section 311 – Neighborhood Commercial District (NC);
- 8 11. Section 312 – Office Commercial District (OC);
- 9 12. Section 313 – Community Business District (CBD);
- 10 13. Section 314 – General Commercial District (GC);
- 11 14. Section 320 – Industrial District (IND);
- 12 15. Section 330 – Institutional District (INST);
- 13 16. Section 340 – Exclusive Farm Use District (EFU);
- 14 17. Section 342 – Exclusive Forest and Conservation District (EFC);
- 15 18. Section 344 – Agriculture and Forest District (AF-20);
- 16 19. Section 346 – Agriculture and Forest District (AF-10);
- 17 20. Section 348 – Agriculture and Forest District (AF-5);
- 18 21. Section 350 – Rural Residential Five Acre Minimum District (RR-5);
- 19 22. Section 352 – Rural Commercial District (R-COM);
- 20 23. Section 354 – Rural Industrial District (R-IND);
- 21 24. Section 356 – Land Extensive Industrial District (MAE);
- 22 25. Section 375 – Transit Oriented Districts;

1 26. Section 377 – Special Industrial Overlay District (SID);

2 27. Section 390 – North Bethany Subarea Overlay District; and

3 28. Section 430 – Special Use Standards.

4 SECTION 3

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

7 SECTION 4

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

10 SECTION 5

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

14 SECTION 6

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

20 ///

21 ///

1 SECTION 7

2 This Ordinance shall take effect November 28, 2019.

3 ENACTED this 22 day of Oct, 2019, being the 4th reading
4 and 4th 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 *Kathy Hoyt* 10/22/19
CHAIR

10 *Jacobson*
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First 8.6.19
13 Second 9.17.19
14 Third 10.15.19
15 Fourth 10.22.19
16 Fifth _____
17 Sixth _____

12 First 8.6.19
13 Second 9.17.19
14 Third 10.15.19
15 Fourth 10.22.19
16 Fifth _____
17 Sixth _____

16 VOTE: Aye: 4

Nay: 0

17 Recording Secretary: *Jacobson*

Date: 10.22.19

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

1. SECTION 201 – DEVELOPMENT PERMIT

201-2 Exclusions from Permit Requirement

The following activities are permitted in each district but are excluded from the requirement of obtaining a development permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

201-2.30 The following telecommunication facilities located in the public road right-of-way:
~~Installation of compact pole-mounted receiving and transmitting antennas on electric and other utility poles in the public road right-of-way 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. Small wireless facilities, as defined in Section 430-109.2, subject to the following:
~~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 20 feet higher than pole to be replaced;~~
 - ~~(1)B-~~ No more than three associated equipment cabinets, not to exceed a total of 17 cubic feet, may be mounted on the pole. The cabinet shall be painted with or constructed of material with a nonreflective neutral color that matches or is similar to that of the pole. All associated ground mounted equipment shelters located in the right-of-way isare subject to the applicable standards of the road authority (e.g., ODOT, or Washington County);
 - 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;~~
 - ~~(2)D-~~ Antennas, excluding whip antennas, shall extend no more than 10 feet above the pole it is mounted on. Antennas, excluding whip antennas, shall be minimally off-set/flush-mounted, as defined in Section 430-109.2, or located within a cylindrical enclosure mounted on top of the pole (including omni-directional antennas) in order to minimize visual impacts. Visible Aantennas shall be colored or painted with a nonreflective neutral color that matches or is similar to that of the pole;
 - ~~(3)E-~~ All cabling shall be colored or painted with nonreflective 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;

- ~~(4)F.~~ Service providers shall provide to the roadway 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;~~
- (5) Notwithstanding Sections 201-2.30 (1), (3), and (4), reflective elements may be allowed when determined necessary by the applicable roadway authority;
- ~~(6)G.~~ All applicable county, state and federal right-of-way and/or building permits;
- ~~(7)H.~~ Except as exempt under Sections 201-2.30, ~~or 201-2.31 or 430-109.3,~~ telecommunication facilities 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 430-109.3; and~~
- (8) Abandonment - Section 430-109.11.

B. Colocation of antennas on electric and other utility poles in the public road right-of-way 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:

- (1) All requirements of 201-2.30.A. above; and
- (2) Within the public road right-of-way, existing poles may be replaced provided the new pole is not more than 20 feet higher than pole to be replaced and antennas, excluding whip antennas, extend no more than 10 feet above the support pole.

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

302-2 Uses Permitted Through a Type I Procedure

302-2.12 New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 – Section 430-109.

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

303-2 Uses Permitted Through a Type I Procedure

303-2.12 New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 – Section 430-109.

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

304-2 Uses Permitted Through a Type I Procedure

304-2.13 New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109

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

305-2 Uses Permitted Through a Type I Procedure

305-2.13 New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 – Section 430-109.

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

306-2 Uses Permitted Through a Type I Procedure

306-2.13 New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

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

307-2 Uses Permitted Through Type I Procedure

307-2.12 New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

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

308-2 Uses Permitted Through a Type I Procedure

308-2.11 New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers-facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109; see also Section 308-7.1.

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

309-2 Uses Permitted Through a Type I Procedure

309-2.11 New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers-facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

10. 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 that:

- A. Do not exceed a maximum height of 65 feet; and
- B. Are located on a lot or parcel of which less than 50% 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.

311-2.9 New Telecommunication Facilities with Towers using Stealth Design and new Small Wireless Facilities, excluding those ~~towers-facilities~~ exempt pursuant to Sections 430-109.3 and 201-2, that:

- A. Do not exceed a maximum height of 65 feet when utilizing Stealth Design; or and
- B. Do not exceed the height maximums for Small Wireless Facilities, as defined in Section 430-109.2 ~~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 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.~~

11. SECTION 312 – OFFICE COMMERCIAL DISTRICT (OC)

312-2 Uses Permitted Under a Type I Procedure

312-2.8 ~~New Telecommunication Facilities with Towers using Stealth Design and new Small Wireless Facilities, excluding those towers/facilities exempt pursuant to Sections 430-109.3 and 201-2, that:~~

- A. ~~Do not exceed a maximum height of 75 feet when utilizing Stealth Design; or and~~
- B. ~~Do not exceed the height maximums for Small Wireless Facilities, as defined in Section 430-109.2. 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 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.~~

12. SECTION 313 – COMMUNITY BUSINESS DISTRICT (CBD)

313-2 Uses Permitted Through a Type I Procedure

313-2.8 ~~New Telecommunication Facilities with Towers using Stealth Design and new Small Wireless Facilities, excluding those towers/facilities exempt pursuant to Sections 430-109.3 and 201-2, that:~~

- A. ~~Do not exceed a maximum height of 75 feet when utilizing Stealth Design; or and~~
- B. ~~Do not exceed the height maximums for Small Wireless Facilities, as defined in Section 430-109.2. 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.~~

13. SECTION 314 – GENERAL COMMERCIAL DISTRICT (GC)

314-2 Uses Permitted Through a Type I Procedure

314-2.8 New Telecommunication Facilities with Towers using Stealth Design and new Small Wireless Facilities, excluding those ~~towers~~ facilities exempt pursuant to Sections 430-109.3 and 201-2, that:

- A. Do not exceed a maximum height of 65 feet when utilizing Stealth Design; or and
- B. Do not exceed the height maximum for Small Wireless Facilities, as defined in Section 430-109.2 ~~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 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.~~

14. SECTION 320 – INDUSTRIAL DISTRICT (IND)

320-2 Uses Permitted Through a Type I Procedure

320-2.8 New Telecommunication Facilities with Towers using Stealth Design and new Small Wireless Facilities, excluding those ~~towers~~ facilities exempt pursuant to Sections 430-109.3 and 201-2, that:

- A. Do not exceed a maximum height of 65 feet when utilizing Stealth Design; or and
- B. Do not exceed the height maximum for Small Wireless Facilities, as defined in Section 430-109.2 ~~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 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.~~

15. SECTION 330 – INSTITUTIONAL DISTRICT (INST)

330-3 Uses Permitted Through a Type I Procedure

330-3.9 New Telecommunication Facilities with Towers using Stealth Design and new Small Wireless Facilities, excluding those ~~towers-facilities~~ exempt pursuant to Sections 430-109.3 and 201-2, that:

- A. Do not exceed a maximum height of 75 feet when utilizing Stealth Design; or and
- B. Do not exceed the height maximum for Small Wireless Facilities, as defined in Section 430-109.2 ~~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 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.~~

16. SECTION 340 – EXCLUSIVE FARM USE DISTRICT (EFU)

340-3 Uses Permitted Through a Type I Procedure

340-3.5 Colocation of antennas and new Small Wireless Facilities, excluding those ~~antennas facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

17. SECTION 342 – EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)

342-2 Uses Permitted through a Type I Procedure

342-2.10 New Telecommunication Facilities with towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~facilities towers~~ exempt pursuant to Sections 430-109.3 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 - Section 430-109.

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

344-3 Uses Permitted Through a Type I Procedure

344-3.5 Colocation of antennas and new Small Wireless Facilities, excluding those antennas facilities exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

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

346-2 Uses Permitted Through a Type I Procedure

346-2.10 Colocation of antennas and new Small Wireless Facilities, excluding those antennas facilities exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

346-2.11 New Telecommunication Facilities with towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers-facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 – Section 430-109.

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

348-2 Uses Permitted Through a Type I Procedure

348-2.11 New Telecommunication Facilities with towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers-facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 – Section 430-109.

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

350-2 Uses Permitted Through a Type I Procedure

350-2.10 New Telecommunication Facilities with towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers-facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 – Section 430-109.

22. SECTION 352 – RURAL COMMERCIAL DISTRICT (R-COM)

352-2 Uses Permitted Through a Type I Procedure

352-2.7 New Telecommunication Facilities with Towers using Stealth Design and new Small Wireless Facilities, excluding those ~~towers~~facilities exempt pursuant to Sections 430-109.3 and 201-2, that:

- A. Do not exceed a maximum height of 75 feet when utilizing Stealth Design; or and
- B. Do not exceed the height maximum for Small Wireless Facilities, as defined in Section 430-109.2 ~~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 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.~~

23. SECTION 354 – RURAL INDUSTRIAL DISTRICT (R-IND)

354-2 Uses Permitted Through a Type I Procedure

354-2.6 New Telecommunication Facilities with Towers using Stealth Design and new Small Wireless Facilities, excluding those ~~towers~~facilities exempt pursuant to Sections 430-109.3 and 201-2, that:

- A. Do not exceed a maximum height of 75 feet when utilizing Stealth Design; or and
- B. Do not exceed the height maximum for Small Wireless Facilities, as defined in Section 430-109.2 ~~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 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.~~

24. SECTION 356 – LAND EXTENSIVE INDUSTRIAL DISTRICT (MAE)

356-2 Uses Permitted Through a Type I Procedure

356-2.8 New Telecommunication Facilities with Towers using Stealth Design and new Small Wireless Facilities, excluding those towers/facilities exempt pursuant to Sections 430-109.3 and 201-2, that:

- A. Do not exceed a maximum height of 65 feet when utilizing Stealth Design; or and
- B. Do not exceed the height maximum for Small Wireless Facilities, as defined in Section 430-109.2. 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 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.

25. SECTION 375 – TRANSIT ORIENTED DISTRICTS

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									
<u>Colocation of antennas and New Small Wireless Facilities, excluding those antennas/facilities exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109 (26)</u>	I	I	I	I	I	I	I	I	I

I = Permitted through a Type I process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.1.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

26. SECTION 377 – SPECIAL INDUSTRIAL OVERLAY DISTRICT (SID)

377-5 Uses Permitted

377-5.1 Uses Permitted Through a Type I Procedure:

H. New Telecommunication Facilities with towers using Stealth Design, excluding those towers exempt pursuant to Sections 430-109.3 and 201-2, that:

- (1) Do not exceed a maximum height of 65 feet when utilizing Stealth Design; or and
- (2) Do not exceed the height maximum for Small Wireless Facilities, as defined in Section 430-109.2 ~~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 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.

27. 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

G. New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~facilities towers~~ 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

G. New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those

~~facilities towers~~ 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

- F. New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~facilities towers~~ 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

- F. New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109.

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

390-12.2 Uses Permitted Through a Type I Procedure

- E. New Telecommunication Facilities with Towers using Stealth Design to a maximum 100 feet and new Small Wireless Facilities, excluding those ~~towers facilities~~ 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

- E. New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers facilities~~ exempt pursuant to Sections 430-109.3 and 201-2 ~~that do not exceed a maximum height of 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

- D. New Telecommunication Facilities with Towers using Stealth Design to a maximum height of 100 feet and new Small Wireless Facilities, excluding those ~~towers-facilities exempt pursuant to Sections 430-109.3 and 201-2 that do not exceed a maximum height of one hundred (100) feet - Section 430-109.~~

390-15 Institutional North Bethany District (INST NB)

390-15.2 Uses Permitted Through a Type I Procedure

- D. New Small Wireless Facilities as defined in Section 430-109.2 and new Telecommunication Facilities with Towers, excluding those towers exempt pursuant to Sections 430-109.3 and 201-2 that do not exceed a maximum height of 100 feet - Section 430-109.

28. SECTION 430 – SPECIAL USE STANDARDS

430-109 Telecommunication Facilities

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.

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 Sections 201-2.30, 201-2.31 and 430-109.

Colocation. Mounting or installing an antenna on a preexisting structure, including modifying a structure for the purpose of mounting or installing one or more antennas. 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.

Eligible Facilities Request. Any request for modification of an existing, lawfully established telecommunication tower or base station that does not substantially change the physical dimensions of such tower or base station, involving colocation 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.~~

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)~~

Minimally Off-set Flush-mounted Antenna. Antenna or antenna array mounted attached directly to the face of a structure (including a tower or building) and protruding no more than 18 inches from the outermost mounting point.

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.~~

Small Wireless Facility. A low-power telecommunication facility used to provide increased capacity to wireless telecommunication networks or provide infill coverage that meets all of the following:

- A. Mounted on a structure 50 feet or less in height including antennas; or mounted on a structure no more than 10% taller than other adjacent structures; or does not extend an existing structure on which facility is located to a height of more than 50 feet or by more than 10%, whichever is greater;
- B. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than 3 cubic feet in volume;

C. All other equipment associated with the structure, including any preexisting telecommunications equipment, is no more than 28 cubic feet in volume; and

D. The facility, including antennas and associated equipment, complies with FCC requirements for registration, radiofrequency emissions and other applicable standards.

430-109.4 Prohibited Uses

A. The following uses are prohibited in all land use districts and roadway rights-of-way:

(1)A. Installation of towers without antennas based on speculation of future antenna installation, also known as speculation ("spec") towers;

(2)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.

B. Telecommunication facilities not excluded from permit requirements through Section 201-2.30 are prohibited in roadway rights-of-way.

430-109.5 Colocation Requiring Type I Review

Colocations 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. The telecommunication facility shall only be illuminated when required by the ODA, FAA, or other state or federal agency;

B. The telecommunication facility shall comply with Abandonment - Section 430-109.11;

C. All visible facility equipment, including but not limited to antennas, cabling, and cabinets, shall be colored or finished similar to structure;

DA. When Antennas are attached to a lawfully established tower or structure other than a building (e.g., water tanks or electric transmission towers), the facility shall meet the following requirements:

(1) Antennas do not increase existing facility height by more than 20 feet or 10% of the height of the tower or existing structure, whichever is greater.

- (2) The expansion of site for new accessory equipment is less than 25% of the existing the-area.
- (3) New equipment shelters comply with the standards in Sections 430-109.8 E and 430-109.9 A.(2).

EB. 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 20 feet above the building.
- (3) Antennas located in a nonresidential district do not extend more than 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 nonresidential district are colored or painted similar to match the exterior building surface and are minimally off-set/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.

F. When antennas are attached to an existing utility pole (defined as a monopole, double pole, or lattice utility structure) or other existing support structure for use as a Small Wireless Facility as defined in Section 430-109.2, the facility shall meet the following requirements:

- (1) To minimize visual impacts, either the Stealth Standards of Section 430-109.7 A. or all of the following design standards:
 - (a) The support structure is a neutral nonreflective color;
 - (b) Antennas protrude no more than 5 feet from the support structure;
and

(c) Accessory equipment is screened or otherwise hidden from public view and new equipment shelters comply with the standards in Sections 430-109.8 E and 430-109.9 A.(2).

(2) The Site Standards for Telecommunication Facilities - Sections 430-109.9 A., B., C., and E.

430-109.7 New Telecommunication Facilities

A. Telecommunication Facilities with towers using Stealth Design

Telecommunication facilities with towers using stealth design, excluding those towers exempt pursuant to Sections 430-109.3 and 201-2, 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:

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~~ minimally off-set, or mounted on davit arms extending a maximum of 5 feet from the tower;

C. Small Wireless Facilities

Telecommunication facilities utilizing a new structure that meets the definition of a Small Wireless Facility, excluding those facilities exempt pursuant to Sections 430-109.3 and 201-2, may be permitted in all land use districts through a Type I Procedure subject to the following requirements:

(1) To minimize visual impacts, either the Stealth Standards of Section 430-109.7 A. or all of the following design standards:

(a) The support structure is a neutral nonreflective color;

(b) Antennas shall be concealed, minimally off-set or mounted extending a maximum of 5 feet from the support structure; and

(c) Accessory equipment is screened or otherwise hidden from public view and new equipment shelters comply with the standards in Sections 430-109.8 E and 430-109.9 A.(2).

(2) The Site Standards for new Telecommunication Facilities located in Sections 430-109.9 A., B., C., and E.

430-109.8 General Design Standards for Telecommunication Facilities

- C. Antennas on towers not using Stealth Design shall be made of a nonreflective material and colored or painted similar to ~~match~~ the tower or structure. The antennas shall be ~~flush-mounted~~ minimally off-set, or mounted on davit arms extending a maximum of 5 feet from the tower.



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 856

Presented by: Stephen Roberts, Director of Land Use & Transportation

SUMMARY:

A-Engrossed Ordinance No. 856 amends the Community Development Code relating to telecommunication facilities located in County road right-of-way (ROW) and on private property to accommodate federally-required small wireless facilities in all land use districts. In addition, the ordinance would update definitions related to telecommunication facilities to ensure consistency with federal provisions and remove outdated terms. A-Engrossed Ordinance No. 856 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. 856. Prior to the Oct. 22, 2019 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.

(continued)

Attachment: Resolution and Order

The Ordinance Findings are hyperlinked here and are also available at the Clerk's Desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 856 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the recommended action.

RO 19-96

Agenda Item No.	<u>3.c.</u>
Date:	10/22/19

**ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 856
BCC 10/22/19**

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition): None known at this time.

Legal History/Prior Board Action: These Findings are associated with A-Engrossed Ordinance No. 856.

Budget Impacts: None known at this time.

1 IN THE BOARD OF COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
5 of A-Engrossed Ordinance No. 856) No. 19-96

6 This matter having come before the Washington County Board of Commissioners (Board) at
7 its meeting of October 22, 2019; and

8 It appearing to the Board that the findings contained in (Exhibit A) summarize relevant facts
9 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
10 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
11 Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 856; and

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

14 It appearing to the Board that the Planning Commission, at the conclusion of its public
15 hearing on July 10, 2019, made a recommendation to the Board, which is in the record and has been
16 reviewed by the Board; and

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

21 RESOLVED AND ORDERED that the attached findings in Exhibit A in support of A-Engrossed
22 Ordinance No. 856 are hereby adopted.

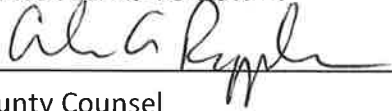
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1 DATED this 22nd day of October, 2019.

2 BOARD OF COMMISSIONERS
3 FOR WASHINGTON COUNTY, OREGON

4 
5 Chair Kathryn Harrington

6 APPROVED AS TO FORM:

7 
8 County Counsel
9 For Washington County, Oregon

10 
11 Recording Secretary

	AYE	NAY	ABSENT
HARRINGTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TREECE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
WILLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 856

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO TELECOMMUNICATION FACILITIES

Oct. 22, 2019

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. 856 amends the Community Development Code (CDC) relating to telecommunication facilities located in County road right-of-way (ROW) and on private property to accommodate federally required small wireless facilities in all land use districts. In addition, the ordinance updates definitions related to telecommunication facilities to ensure consistency with federal provisions and remove outdated terms.

Key Ordinance Provisions

- Adds small wireless facilities consistent with federal provisions to the list of uses excluded from permit requirements when located in the public road ROW.
- Adds “Small Wireless Facility” as a permitted use in urban and rural land use districts.
- Adds language to the Telecommunication Facilities Special Use Section 430-109 to allow small wireless facilities consistent with federal provisions on private property.
- Amends telecommunication-specific definitions for consistency with federal usage and revises or removes outdated and subjective terms in Section 430-109.2.
- Removes standards that prohibit colocation of telecommunication facilities on County-owned assets.

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. 856 is consistent with 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 the 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. 856.

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, Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC), and Transportation System Plan (TSP). Washington County utilized this process to adopt A-Engrossed Ordinance No. 856.

Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

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 (f), of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands.

A-Engrossed Ordinance No. 856 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. 856. 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 (c) of the Rural/Natural Resource Plan include provisions for the conservation and maintenance of forest lands.

A-Engrossed Ordinance No. 856 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. 856. 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 Rural/Natural Resource Plan, and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

A-Engrossed Ordinance No. 856 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. 856. 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. 856 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. 856. 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. 856 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. 856. The amendments are consistent with the County's acknowledged policies and standards for 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. 856 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. 856. 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. 856 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. 856. 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. 856 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. 856. 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. A-Engrossed Ordinance No. 856 updates the CDC to comply with federal regulations for small wireless facilities. Consistent with Goal 11, the amendments are intended to facilitate the installation of this type of utility.

Goal 12 – Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans and the CDC.

The amendments in A-Engrossed Ordinance No. 856 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). While the amendments may result in adjustments to the types and attributes of communication systems located within the public road ROW, they will not affect the amount or type of travel on the transportation system.

The provisions of A-Engrossed Ordinance No. 856 are countywide and do not change the functional classification of any roadways in the TSP or the standards for assessing the performance of any roadways. Furthermore, A-Engrossed Ordinance No. 856 does not change

the types or levels of multimodal travel or access, degrade the performance of any existing or planned facility or otherwise significantly affect the transportation system as identified in OAR 660-012-0060. Therefore, plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 856.

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 36, 37, 38, 39 and 40 of the CFP, and Policy 25 of the Rural/Natural Resource Plan 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. 856 does not amend the applicable Plan policies and strategies or CDC sections related to energy conservation; therefore, compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance No. 856.

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, 16, 17, 18, 19, 41 and 42 of the CFP 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. 856 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. 856. 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. 856 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.

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 856 was sent June 5 to Metro, 35 days prior to the first evidentiary hearing. A copy of A-Engrossed Ordinance No. 856 was sent Oct. 4 to Metro. Metro provided no comments on A-Engrossed Ordinance No. 856.