

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, 37 days 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.