



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

11/21/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Redmond Plan Amendment
DLCD File Number 002-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, December 05, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: James Lewis, City of Redmond
Angela Lazarean, DLCD Urban Planning Specialist
Karen Swirsky, DLCD Regional Representative

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FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

NOV 15 2011

LAND CONSERVATION AND DEVELOPMENT

DATE
STAMP

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Redmond**

Local file number: **TA-11-6 (was TA-11-3)**

Date of Adoption: **11/8/2011**

Date Mailed: **11/10/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 7/12/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The consideration of proposed amendment to the City of Redmond Development Code Section 8.0400 through 8.0490 (Tower and Antenna Standards) - to repeal those standrads in entirety - and to adopt new standards (a new Section) regulating Wireless and Broadcast Communication Facilities.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None Affected. Only City of Redmond.

Local Contact: **James Lewis**

Phone: (541) 923-7724 Extension:

Address: 716 SW Evergreen Avenue

Fax Number: 541-548-706

City: **Redmond**

Zip: 97756-

E-mail Address: james.lewis@ci.redmond.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

**CITY OF REDMOND
ORDINANCE NO. 2011-13**

AN ORDINANCE AMENDING THE REDMOND CITY CODE, CHAPTER 8, ARTICLE 1, ZONING STANDARDS, TO REPEAL IN ENTIRETY SECTIONS 8.0400 THROUGH 8.0490, "TOWER AND ANTENNA STANDARDS" AND ADD SECTIONS 8.0400 THROUGH 8.0450, "WIRELESS AND BROADCAST COMMUNICATION FACILITIES".

WHEREAS, the City of Redmond has adopted zoning and planning regulations in accordance with Oregon Revised Statutes Chapter 227 that regulate and control the development of land within the City; and

WHEREAS, the City of Redmond City Council has an adopted set of goals that includes: "Enhance the quality of life in the City through the adoption of programs, policies and standards that balance growth while maintaining the city's unique character"; and,

WHEREAS, the City of Redmond has adopted multiple Comprehensive Plan goals and policies addressing aesthetic improvements to the community, including : "[i]mprove the appearance of the community's employment districts, particularly along Highways 97 and 126, the Downtown, central east side industrial areas, and the Airport/Fairgrounds area" – which encompasses much of the incorporated City; and,

WHEREAS, the City of Redmond has identified that the existing Tower and Antenna Standards do not fulfill the Comprehensive Plan goals and polices by specifically directing development design standards and locations that are desirable and most appropriate for Wireless and Broadcast Communication Facilities; and,

WHEREAS, the City of Redmond has identified that the existing Tower and Antenna Standards do not comply with federal law (Telecommunications Act of 1996); and,

WHEREAS, the Urban Area Planning Commission held public hearings on September 6th and 20th, and October 4th, 2011 and, after reviewing the record and gathering public testimony, has recommended that the Redmond City Council repeal the Existing Tower and Antenna Standards and adopt the Wireless and Broadcast Communication Facility Code as set forth in Exhibit A; and

WHERAS, the Redmond City Council held a public hearing on November 8th, 2011 to consider the recommendation of the Urban Area Planning Commission, review the existing record and gather additional evidence and public testimony; and

WHEREAS, the City Council has received the Planning Commission's recommendation and, after receiving additional evidence and testimony, determined that the requested Comprehensive Plan and Development Code amendments would contribute to the

Redmond Comprehensive Plan goals and policies to maintain and enhance Redmond's quality of life; and

WHEREAS, the City Council finds that the Findings for the adoption of the Wireless and Broadcast Communication Facility Code have fully addressed the City's Comprehensive Plan, the applicable state law, the Statewide Planning Goals and the City's standards and criteria for an amendment to the Redmond Development Code as set forth in Exhibit B; and,

WHEREAS, the City Council finds that the attached code amendments are necessary to further these interests.

NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:

SECTION ONE: The City of Redmond hereby amends the Redmond City Code, Chapter 8, Article 1, Zoning Standards, to repeal in entirety sections 8.0400 through 8.0490, "Tower and Antenna Standards" and add sections 8.0400 through 8.0450, "Wireless and Broadcast Communication Facilities". The amendments and adopted text are attached hereto as "Exhibit A."

SECTION TWO: In support of the Code text amendments in Section One, the City of Redmond hereby adopts the findings which are attached hereto as "Exhibit B" which were prepared by City staff and demonstrate compliance with the Redmond Development Code, Section 8.0760 – Criteria for Amendments, the City's Comprehensive Plan, and the applicable Statewide Planning Goals.

SECTION THREE: SEVERABILITY. The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

PASSED by the City Council and **APPROVED** by the Mayor this 8th day of November, 2011.


George Endicott, Mayor

ATTEST:


Kelly Morse, City Recorder

Exhibit A to Ordinance 2011-13

WIRELESS AND BROADCAST COMMUNICATIONS FACILITIES

8.0400 Title. The City of Redmond Wireless and Broadcast Communication Facility Standards are contained in Sections 8.0400 through 8.0450 herein inclusive.

8.0405 Purpose and Applicability.

1. **Purpose.** The purpose of these standards is to provide reasonable and necessary regulations for the erection of wireless and broadcast communication facilities in order to:
 - A. Implement an application process for the review and permitting of facilities.
 - B. Minimize the visual impacts of such facilities through careful design, siting, and screening.
 - C. Allow for the reasonable siting of facilities necessary to meet the functional requirements of the wireless and broadcast industries and the public and private utilities, including conformance with the guidelines and intent of federal law and the Telecommunications Act of 1996.
 - D. Provide for the reasonable siting of non-commercial transmitting and receiving antennas for the recreational benefits of the citizens.
 - E. Promote and encourage, whenever practicable and wherever possible, the sharing and/or co-location of facilities among service providers.
 - F. Promote and encourage, wherever possible, the placement, height and quantity of facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property and buildings adjacent to, surrounding, and in generally the same area as the requested location of such facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
 - G. Avoid potential damage to adjacent properties from tower failure through proper engineering and careful siting of towers.
 - H. Protect the functions and safety of the Redmond Municipal Airport by adherence to Federal Aviation Regulations (FAR) Part 77, Oregon Aeronautics Division's Administrative Rule 738-70-010 through 738-70-260, "Physical Hazards to Air Navigation," and the Redmond Airport Master Plan.
2. **Applicability.** This Section applies to the development, siting, and installation of wireless and broadcast communication facilities, including but not limited to cellular telephone facilities, broadband internet facilities, and radio and TV broadcasting facilities. This Section in no way prohibits, restricts, or impairs the installation, maintenance, or use of video antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations.

8.0410 Definitions. The following words and phrases used in this Chapter, which supplement the definitions found in Section 8.0020 and elsewhere in this Code, shall have the following meanings:

Abandoned facility means a wireless communication and broadcast facility, including the telecommunications tower, where the use thereof has been discontinued for more than ninety (90) days.

Alternative tower structure means any existing building or other structure that is able to be used to support communication and broadcast equipment, including but not limited to light poles, utility poles, steeples, etc., but not including camouflaged or stealth towers constructed for the specific purpose of supporting communication and broadcast equipment. For the purposes of this definition, an alternative tower structure shall include all attached elements necessary to/for the structural integrity of the alternative tower structure.

Antenna means any system of wires, poles, rods, reflecting discs or similar devices designed for telephonic, radio, facsimile, data, or television communications through sending and/or receiving of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include, but not be limited to, devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted up and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna.

Antenna height means the vertical distance measured from the ground surface at grade to the tip of the highest point of the antenna on the proposed structure.

Antenna support means any pole, telescoping mast, tower, tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

Breakpoint means the height at which a tower is structurally designed to collapse and fall within a predetermined radius.

Broadcast communication facility means any facility that transmits radio or television signals including, but not limited to, antennas, dish antennas, microwave antennas, and other types of equipment for the transmission of such signals, including towers and similar supporting structures, equipment cabinets or buildings, parking areas, and other accessory development. This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules.

Camouflaged means any wireless or broadcast communication facility that is designed to blend into the surrounding environment. Examples of camouflaged facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, towers made to look like trees and antenna support structures designed to look like flag poles or light poles.

Collocation means locating wireless or broadcast communication equipment from more than one provider on a single support structure, including an increase in height of an existing tower or alternative tower structure to allow installation of such additional wireless communication or broadcast facility equipment.

Enclosure means an area, fenced or otherwise delineated, around the perimeter on which the equipment building, shelter, cabinet or other ancillary facilities are located.

Equipment building, shelter, cabinet or structure means a free-standing cabinet, shelter, building or other structure used primarily to house equipment used by wireless or broadcast communication providers at a facility.

FAA means Federal Aviation Administration.

FCC means the Federal Communications Commission.

Façade mounted antenna means an antenna architecturally integrated into the façade of a building or structure.

Facility, as used in this Chapter, is inclusive of all of the elements of wireless or broadcast communication facilities, as they may be more specifically defined herein.

Guyed tower means a wireless or broadcast communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Height means, when referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower structure, even if said highest point is an Antenna, light or lightning protection device.

Lattice tower means a guyed or self-supporting three or four sided, open, steel frame support structure used to support wireless or broadcast communication equipment.

Maintenance means emergency or routine repairs or replacement of transmitters, antennas, or other components of previously approved wireless telecommunication facilities which do not create a significant change in visual appearance or visual impact.

Microcell means low powered antenna that provide additional coverage and capacity where there are high numbers of users within urban and suburban macrocells, and are mounted at street level, typically on the external walls of existing structures, lamp-posts, and other street furniture.

Monopole means a wireless or broadcast communication facility consisting of a single pole constructed for purposes of supporting one or more antennas without guy wires or ground anchors.

Neighborhood character means those unique attributes including, but not limited to, architecture, historical and cultural features, historical development patterns, landscape, hardscape, and the size, scale and spacing of buildings and other structures that define a neighborhood's identity.

New Wireless and Broadcast Communication Facility means any newly constructed or installed wireless or broadcast communication facility whether or not it uses an existing telecommunication tower, an alternative tower structure or any modification of an existing wireless or broadcast communication facility, except for those collocations that are exempt from land use review under Section 8.0425 (2) of this code and those structures or activities exempted under Section 8.0440 of this code.

Panel or directional antenna means an antenna or array of antennas designed to concentrate a radio signal in a particular area.

RF means Radio Frequency.

Screened means concealed from view with a sight obscuring fence, wall or vegetation.

Service area means the area served by a single wireless or broadcast communication facility.

Speculation tower means an antenna support structure designed for the purpose of providing location mounts for wireless or broadcast communication facilities, without a binding written commitment or executed lease from a service provider to utilize or lease space on the tower at the time the application is submitted.

Stealth means facilities, including, but not limited to microcells, antennas, towers, equipment cabinets, and any other ancillary equipment that cannot be seen from any street or any nearby property, improved or unimproved, and/or that do not result in any apparent architectural changes or additions to existing buildings or telecommunication towers or

alternative tower structures. The addition of landscaping, walls, fences, or grading as screening techniques does not make an otherwise visible facility a stealth facility.

Support structure means, inclusively, an alternative tower structure, tower and telecommunications tower as those terms are specifically used in this chapter.

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Tower or telecommunications tower means any mast, pole, monopole, guyed tower, lattice tower, free standing tower, or other structure designed specifically for and primarily used to support antennas.

View Corridor means the route that directs the public or an observer's attention when looking toward an object of significance to the community, including the Cascade Mountains, Smith Rock, and historic buildings.

Whip antenna means an antenna that transmits or receives signals in 360 degrees. Whip antennas are typically cylindrical in shape, less than 3 inches in diameter and no more than 6 feet long, including the mounting.

Wireless communication facility means any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas, microwave antennas, panel antennas and other types of equipment for the transmission or receipt of such signals, including telecommunications towers and similar supporting structures, equipment cabinets or buildings, parking areas, and other accessory development. This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules.

8.0415 Wireless and Broadcast Communication Facilities. Wireless and Broadcast Communication Facilities shall be allowed in all zones within the City of Redmond subject to the applicable provisions of this Code, and as further restricted based on the chart below:

ZONE:		REFERENCE/STANDARDS:
All Residential (R) Zones – (R-1; R-2; R-3; R-3A; R-4; and R-5); Urban Holding -10 (UH-10) Zone; Public Facilities (PF) Zoned property adjacent to an R or UH-10 zone; Park Zoned property adjacent to an R or UH-10 zone.		New wireless and broadcast communication facilities are prohibited <i>unless</i> the provider can demonstrate that one of the exceptions set forth under subsection 1 of this section is met.
In all Zones		Wireless and broadcast communication facilities shall be no closer than 660 feet to the rim of Dry Canyon.

1. The provider shall demonstrate one of the following in conjunction with any application for a new wireless or broadcast communication facility proposed in any Residential Zone or the Urban Holding-10 Zone:
 - A. Subject to subsection (2) of this section, that there are no other options under this code to provide coverage because:
 1. The proposed facility would fill a significant gap in coverage and no alternative locations are available and technologically feasible; or,
 2. The proposed facility must be sited in a residential zone to prevent unreasonable discrimination in the application of this code among providers of functionally equivalent services; or,
 - B. The facility is proposed as a collocation on an alternative tower structure and the additional components are designed as a stealth facility; or
 - C. The facility is proposed to be collocated and is consistent with the provisions of section 8.0425 of this Chapter.
2. An applicant may demonstrate compliance with these standards either independently, through the provisions of Section 8.1700 of the City Land Use Procedures Ordinance (Declaratory Ruling), or in conjunction with a land use application for a new wireless or broadcast communication facility. In Declaratory Ruling cases, the Planning Commission shall be the Review Authority.

8.0420 Application Requirements. An applicant for a new wireless or broadcast communication facility shall submit the following information:

1. **Public Meeting.** Prior to submitting an application for a new wireless or broadcast communication facility, the applicant shall schedule and conduct a public meeting to inform the property owners and residents of the surrounding area of the proposal. It is the responsibility of the applicant to schedule the meeting/presentation and provide adequate notification to the residents of the affected area (the affected area being all properties within 500 feet of the proposed site). Such meeting shall be held no less than 15 days and no more than 45 days from the date that the applicant sends notice to the surrounding property owners. The following provisions shall be applicable to the applicant's obligation to notify the residents of the area affected by the new development application:
 - A. The applicant shall send mailed notice of the public meeting to all property owners within 500 feet of the boundaries of the subject property (the subject property includes the boundary of the entire property on which the lease area for the facility lies). The property owner list shall be compiled from the Deschutes County Tax Assessor's property owner list from the most recent property tax assessment roll. The notice shall be sent a minimum of 15 days prior to the public meeting, and shall include at a minimum:
 1. Date, time and location of the public meeting.
 2. A brief written description of the proposal and proposed use, but with enough specificity so that the project is easily discernable.
 3. The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessors map) which depicts the subject property.
 - B. Evidence showing that the above requirements have been satisfied shall be submitted with the land use application. This shall include: copies of all required notification materials; surrounding property owners list; and, an

affidavit from the property owner stating that the above listed requirements were satisfied.

2. If a wireless or broadcast communications facility is proposed within a Residential or Urban Holding Zone, the applicant must demonstrate the need for the new tower and why alternative locations and design alternatives, such as the use of alternative technology, cannot be used to meet the identified service objectives, pursuant to Section 8.0415 of this Chapter, unless the applicant demonstrates compliance with stealth design requirements on an existing tower or alternative tower structure as specified in Section 8.0425 of this Chapter.
3. A visual study containing, at a minimum, a vicinity map depicting where, within a half-mile radius, any portion of the proposed tower could be visible, and a photographic simulation showing the appearance of the proposed tower and accessory structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation measures. Such points are to be mutually agreed upon by the Community Development Director or the Community Development Director's designee and the applicant. The applicant shall include a map showing where the photos were taken. The study shall show the maximum silhouette, view shed analysis, color and finish palette, and proposed screening for all components of the facility.
4. Documentation of the steps that will be taken to minimize the visual impact of the proposed facility, including but not limited to, the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property and buildings adjacent to, surrounding, and in the general vicinity as the requested location of such facilities, using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
5. The applicant shall include an inventory of all existing wireless and broadcast communication facilities within the Redmond City limits and the surrounding one (1) mile radius thereof, including ownership and information concerning the type of facility for each.
6. The applicant shall identify the geographic service area for the proposed facility, including a map showing all the applicant's existing sites in the local service network associated with the gap the facility is meant to close. The applicant shall describe how this service area fits into and is necessary for the service provider's service network. Prior to the issuance of any building permits, applicants for AM, FM, HDFM, TV, and DTV projects shall provide a copy of the corresponding FCC Construction Permit or license for the facility being built or re-located.
7. A feasibility study for the collocation of the wireless or broadcast communication facility as an alternative to a new structure. The feasibility study shall include:
 - A. Documentation of the efforts that have been made to collocate on existing or previously approved towers. Each applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form and content of such contact.
 - B. Documentation as to why collocation on existing or proposed towers or location on an alternative tower structure is not practical or feasible. Collocation shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower or alternative tower structure. The City may consider expert testimony to determine whether the fee and costs are reasonable.

Collocation costs exceeding new tower development are presumed to be unreasonable.

8. A report containing the following information:
 - A. A report from a licensed professional engineer documenting the following:
 1. A description of the proposed tower height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design. A cross-section of the proposed tower structure shall be included. If proposed tower is intended to accommodate future collocation, the engineer shall document that the design is sufficient for the purpose. If the proposed tower is not intended to allow for future collocation, the engineer shall provide an explanation of why it is not so intended.
 2. The total anticipated capacity of the tower in terms of the number and types of antennae which can be accommodated. The engineer shall also describe any limitations on the ability of the tower to accommodate collocation. The engineer shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not used.
 3. Documentation that the proposed tower will have sufficient structural integrity for the proposed uses at the proposed location, in conformance with the minimum safety requirements of the State Structural Specialty Code, latest adopted edition at the time of the application.
 - B. A description of mitigation methods which will be employed to avoid ice hazards, including increased setbacks, and/or de-icing equipment.
 - C. Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards as set forth by the Federal Communications Commission.
 - D. Evidence that the proposed tower will comply with all applicable requirements of the Federal Aviation Administration (FAA), the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communications Commission (FCC).
 - E. A written narrative that describes in detail all of the equipment and components to be included in the facility, e.g., antenna(s) and arrays, equipment cabinet(s), back-up generator(s), air conditioning unit(s), lighting, fencing, etc.
 - F. Noise/Acoustical Information. Provide manufacturer's specifications for all noise-generating equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.
 - G. A landscape plan drawn to scale that is consistent with the need for screening at the site. Existing vegetation that is to be removed must be clearly indicated and provisions for mitigation included where appropriate.
 - H. Show the designated driveway and vehicular circulation pattern for maintenance vehicles and equipment.
 - I. Construction. Describe the anticipated construction techniques and timeframe for construction or installation of the facilities. This narrative shall include all temporary staging and the type of vehicles and equipment to be used.
 - J. Lease. The site plan shall show the lease area of the proposed facility.
 - K. Lighting and Marking. Any proposed lighting and marking of the facility, including any required by the FAA.

- L. FCC License. Provide a copy of the applicant's FCC license and/or construction permit, if an FCC license and/or construction permit is required for the proposed facility, including documentation showing that the applicant is in compliance, both cumulatively and individually, with all the FCC's RF emissions safety standards.
 - M. A description of anticipated long term maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.
9. A written document addressing how the project satisfies the General Development Standards listed in section 8.0430, and the Approval Criteria listed in Section 8.0435(2) of this Chapter.
 10. A Facility Maintenance Plan indicating: the number of days; hours of the day; duration; type of vehicles and equipment that will be utilized; and, the anticipated noise, dust, and glare that will be associated with regular maintenance of the facility to ensure normal operation. Regular maintenance to ensure normal operation shall only occur between the hours of 7:00 am and 7:00 pm, Monday through Saturday (Sunday not permitted). Notwithstanding these restrictions, regular maintenance does not include unanticipated emergency situations of facility failure outside of normal facility maintenance hours specified herein and/or indicated in the Facility Maintenance Plan.
 11. A copy of the report from the Federal Aviation Administration (FAA) indicating that FAA form 7460-1 has been filed with the FAA and that the proposal has no impact the Redmond Airport or its aircraft approaches.
 12. The City may request any other information deemed necessary to fully evaluate and review the application and the potential impact of a proposed wireless or broadcast communications facility.

8.0425 Collocation. In order to encourage shared use of towers and telecommunications towers *in all zones*, all new wireless and broadcast communication facilities proposed as collocated facilities shall comply with the following collocation standards, where applicable.

1. Except as allowed under subsection 2 of this section, all collocated towers shall be subject to the standards for new towers and the provisions of this section.
2. To encourage shared use of towers designed specifically for such purposes, no land use review process shall be required for the addition of antennae ten (10) feet or less in height on an existing, approved tower, or an increase in height of ten (10) feet or less to an existing, approved tower, provided there is no change to the tower type. Nor shall a land use review process be required for accompanying accessory uses as long as such uses are screened from view within the existing facility enclosure. Notwithstanding these provisions, the applicant for any collocation shall submit a copy of the report from the Federal Aviation Administration (FAA) indicating that FAA form 7460-1 has been filed with the FAA and that the proposal has no impact on the Redmond Airport or its aircraft approaches. If additional antennae are added to a camouflaged tower, the antennae shall match the existing camouflaging. No tower shall be increased in height more than once from the original height as specified herein without being subject to land use permitting according to the same standards required herein for new towers.
3. All collocated facilities, and additions to existing towers, shall meet all requirements of the State of Oregon Structural Specialty Code, latest adopted edition. A building permit shall be required for such alterations or additions. Documentation shall be provided by

- a licensed professional engineer, verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.
4. All collocated facilities shall be designed in such a way as to be visually compatible with the tower structures on which they are placed.
 5. All accessory equipment shall be located within the existing enclosure, shall not result in any exterior changes to the enclosure and, in Residential and Urban Holding zones, shall not include any additional above grade equipment structures.
 6. Collocation on an alternative tower structure in a Residential or Urban Holding zone shall require a stealth design.

8.0430 General Development Standards. All new wireless and broadcast communication facilities shall be found to comply with the following standards.

1. Visual Impact
 - A. **Tower Height.** Freestanding wireless and broadcast communication facilities shall be exempted from the height limitations of the zone in which they are located, except that in Residential and Urban Holding zones, no portion of the facility shall exceed fifty (50) feet in height, except where such facility is sited on an alternative tower structure. This exemption notwithstanding, the height and mass of the transmission tower shall be the minimum which is necessary for its intended use, as demonstrated in a report prepared by a licensed professional engineer. A wireless or broadcast communication facility that is attached to an alternative tower structure shall not exceed the height of the alternative tower structure by more than ten (10) feet, except that for location or collocation on alternative tower structures in Residential or Urban Holding zones, no increase in height shall be allowed.
 - B. **Visual Impact.** The applicant shall demonstrate that the tower can be expected to have the least visual impact on the environment, taking into consideration technical, engineering, economic and other pertinent factors. The blocking or impairing of views from other properties shall be taken into consideration in the siting of a tower, and it shall be demonstrated that no other practicable alternative exists. The siting shall be made to minimize the effect on all view corridors, including reducing the height to only that which is needed to provide service. Towers clustered on the same site shall be of similar height and design, whenever possible, unless an existing tower does not conform with the standards included in the Chapter, in which case the standards of this chapter shall apply to the new tower.
 - C. **Paint and Finish.**
 1. A camouflage or stealth design that blends with the surrounding area shall be utilized for all wireless and broadcast communication facilities unless an alternative design is approved during the land use review process. If an alternative design is approved, all towers, antennae and associated equipment shall be painted a non-reflective, neutral color as approved through the review process. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure.
 2. Towers more than 200 feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration rules. Applicants shall attempt to seek a waiver of OSAD and FAA marking requirements. When a waiver is granted, towers shall

be painted and/or camouflaged in accordance with subsection "1", above.

3. Where ancillary facilities are allowed under this code to be visible, they shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment, and where mounted on the ground shall be otherwise screened from public view, or placed underground.
 - D. If approved in a Residential or Urban Holding zone, all equipment and ancillary facilities necessary for the operation of and constructed as part of a wireless or broadcast communication facility shall be placed within an underground vault specific to the purpose. For facilities required to be approved as stealth facilities, no fencing around the wireless or broadcast communication facilities shall be allowed.
 - E. Unenclosed storage of materials is prohibited.
 - F. Other building facilities, including offices, vehicle storage areas or other similar uses not necessary for transmission or relay functions are prohibited, unless a separate land use application for such is submitted and approved. Such other facilities shall not be allowed in Residential or Urban Holding zones.
 - G. Stealth design shall be required for location or collocation on alternative tower structures in all Residential and Urban Holding zones.
2. **Site size.**
 - A. The site on which a transmission tower is located shall be of a sufficient shape and size to provide adequate setbacks as specified below. Towers may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this ordinance are met.
 - B. Wherever possible, tower sites shall be large enough and structurally sufficient to allow for additional collocated and ancillary facilities, unless a finding is made by the City as part of the land use review process that the tower will not accommodate future collocation when considering requirements for visual screening. This standard shall not apply to antennae attached to existing structures or towers located on rooftops.
 3. **Separation and setbacks.**
 - A. Freestanding wireless broadcast and communication facilities shall be set back from any other property line by a distance equal to or greater than the tower height, unless this requirement is specifically waived during the permit review process by the City for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
 - B. In order to ensure public safety, all wireless and broadcast communication towers located adjacent to any property designated as Residential or Urban Holding on the 2020 Greater Redmond Area Comprehensive Plan and Zone Map shall be set back from all such property lines by a distance at least equal to the height of the facility, including any antennas or other appurtenances. The setback shall be measured from that part of the tower that is closest to the neighboring residentially designated property.
 - C. Freestanding wireless and broadcast communication facilities located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 20% of the tower height or twenty-five (25) feet, unless during the permit review process this requirement

- is specifically waived by the City for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
- D. A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100% breakpoint or twenty-five (25) feet, unless this requirement is specifically waived by the City for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
 - E. Towers and antennae mounted on alternative tower structures shall be exempt from these minimum separation requirements. However, wireless and broadcast communication facilities and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties.
 - F. Towers are prohibited in the required front yard, back yard or side yard setback of any lot in any zone.
4. **Lighting.** No lighting shall be permitted on transmission towers except that required by the Oregon State Aeronautics Division or the Federal Aviation Administration.
 5. **Signs.** All signs are prohibited on wireless communication and broadcast facilities, except for one non-illuminated sign, not to exceed two (2) square feet, which shall be provided at the main entrance to the facility stating owner's name and address, and a contact name and phone number for emergency purposes.
 6. **Security.** All wireless and broadcast communication facilities, other than those located or collocated on an alternative tower structure or otherwise required to be built as a stealth design, shall be enclosed by decay-resistant security fencing not less than six (6) feet in height. Fencing shall be compatible with other nearby fencing. Such requirements may be waived for attached wireless communication and broadcast facilities.
 7. **Landscaping.** Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of fast growing vegetation that can be expected to reach a minimum height of six feet and form a continuous hedge within two years of planting. Drought tolerant landscaping materials shall be required and applicant shall maintain a watering regimen until it is no longer necessary to ensure the continued survival of the landscaping. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height and would not affect the stability of the guys should they be uprooted. Landscaping shall be compatible with other nearby landscaping. Continued maintenance of all landscaping is required and deemed the applicant's responsibility and any approval shall be so conditioned.
 8. **Conflict with planned right-of-way.** No wireless communication and broadcast facility shall be located within a planned or existing public right-of-way, unless it is specifically designed for the purpose in a way that will not impede pedestrian or vehicular traffic.
 9. A paved access driveway a minimum of 10 feet wide and a paved vehicular circulation area suitable to accommodate anticipated service vehicles and turnaround shall be provided between the public right of way and the facility site. Facilities approved in Industrial zones may have unpaved driveways and vehicular circulation areas.
 10. **Pre-existing towers/non-conforming use.** In order to encourage the collocation of antennae on existing towers, all wireless communication and broadcast facilities lawfully approved and operative prior to the adoption date of this ordinance shall be allowed to continue in use without being considered to be non-conforming uses. Any changes, modifications or replacement to/of an existing tower, or alternative tower

structure, other than routine maintenance, shall comply with the requirements of this Chapter.

11. The project protects the functions and safety of the Redmond Municipal Airport by adherence to Federal Aviation Regulations (FAR) Part 77, Oregon Aeronautics Division's Administrative Rule 738-70-010 through 738-70-260, "Physical Hazards to Air Navigation," and the Redmond Airport Master Plan.
12. **Speculation tower.** No application shall be accepted or approved for a speculation tower as defined in this Section, unless the applicant submits a binding written commitment or executed lease from a service provider to utilize or lease space on the tower.
13. If the City of Redmond approves a new tower, the owner of the tower improvement shall, as conditions of approval, be required to:
 - A. Record all conditions of approval specified by the City with the Deschutes County Clerk/Recorder;
 - B. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
 - C. Negotiate in good faith with any potential user for shared use of space on the tower;
 - D. The above conditions, and any others required by the City, shall run with the land and be binding on subsequent purchasers of the tower site and/or improvement; and,
 - E. A person/entity who/which deems himself/herself/itself aggrieved by the failure of a tower owner to respond in a timely and comprehensive manner or negotiate in good faith for shared use of a tower approved by the City under this ordinance or any previous iteration of this ordinance, shall have a private right of action for damages for injury sustained by the party which was caused by the failure of the owner of the tower to so respond or negotiate in good faith as required by this section. In the resulting private litigation/mediation/arbitration, the prevailing party shall be entitled to have his/her/it's reasonable attorney fees paid by the non-prevailing party at the trial level and upon appeal.

8.0435. Review Process and Approval Criteria. The following procedures shall be applicable to all new wireless and broadcast communication facility applications as specified in the Section:

1. All new wireless and/or broadcast communication facilities shall be reviewed under this chapter. Applications for new wireless and broadcast communication facilities shall be processed in accordance with the provisions of this section, and the City of Redmond Land Use Procedures Ordinance (Article II of Chapter 8 of the City of Redmond Code; Sections 8.1000 through 8.1720 as applicable).
2. **Approval Criteria.** The City shall approve the application for a wireless or broadcast communication facility on the basis that the proposal complies with the General Development Standards listed in section 8.0430 above, and upon a determination that the following criteria are met:
 - A. The location is the least visible of other possible locations and technological design options that achieve approximately the same signal coverage objectives.

- B. The location, size, design, and operating characteristics of the proposed facility will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:
 - 1. Scale, bulk, coverage and density;
 - 2. The harmful effect, if any, upon neighboring properties;
 - 3. The suitability of the site for the type and intensity of the proposed facility; and
 - 4. Any other relevant impact of the proposed use in the setting where it is proposed (i.e. noise, glare, traffic, etc).
 - C. All required public facilities and services have adequate capacity as determined by the City, to serve the proposed wireless or broadcast communication facility; and
- 3. The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location, or if compliance with all of the applicable approval criteria cannot be achieved through the imposition of reasonable conditions, the application shall be denied.
 - 4. Notwithstanding any other provisions of this Code, the Redmond City Council may establish fees in amounts sufficient to recover all of the City's costs in reviewing applications filed pursuant to this Chapter, including retaining independent telecommunication or other professional consultants as may be necessary to review and evaluate any evidence offered as part of an application. Such fee may be imposed during the review of an application as deemed appropriate by the City Planning Department.

8.0440. Exemptions. The following shall be considered exempt structures or activities under this Chapter:

- 1. Whip or other similar antennas no taller than 6 feet with a maximum diameter of 2 inches.
- 2. Antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone category.
- 3. Low-powered networked telecommunications facilities such as microcell radio transceivers located on existing utility poles and light standards within public right-of-way. Low-powered networked telecommunications facilities shall comply with this Chapter of the Development Code.
- 4. All military, federal, state, and local government communication facilities except for towers.
- 5. Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed 14 days, or during a period of emergency as declared by the City, County, or State.
- 6. Replacement antennas and/or equipment, provided the replacement antennas and/or equipment have a function similar to the replaced antenna and/or equipment and do not exceed the overall size of the original antenna and/or equipment.

8.0445. Maintenance. The following maintenance requirements apply to all facilities and shall be required as conditions of approval, where applicable:

- 1. All landscaping shall be maintained at all times and shall be promptly replaced if not successful.

2. If a flagpole is used for camouflaging a facility, flags must be flown and must be properly maintained at all times.
3. All wireless and broadcast communication facility sites shall be kept clean, and free of litter and noxious weeds.
4. All wireless and broadcast communication facility sites shall maintain compliance with current RF emission standards of the FCC, the National Electric Safety Code, and all state and local regulations.
5. All equipment cabinets shall display a legible operator's contact number for reporting maintenance problems.
6. The owner/operator of the facility shall submit a yearly maintenance report to the Planning Division indicating that all statements of operation as specified in the land use application, including the Facility Maintenance Plan required by Section 8.0420 (10), and all conditions of approval are being complied with and met.

8.0450. Abandoned Facilities.

1. All operators who intend to abandon or discontinue the use of any wireless or broadcast communication facility shall notify the City of such intentions no less than 60 days prior to the final day of use.
2. Wireless or broadcast communication facilities shall be considered abandoned 90 days following the final day of use or operation.
3. All abandoned facilities shall be physically removed by the facility owner no more than 90 days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.
4. In the event that an owner discontinues use of a wireless communication and broadcast facility for more than ninety (90) days, the City may declare the facility abandoned and require the property owner to remove it. An abandoned facility may be declared a nuisance subject to the abatement procedures of City of Redmond Code Chapter 5.350 and 5.351. Delay by the City in taking action shall not in any way waive the city's right to take action. Upon written application prior to the expiration of the ninety (90) day period, the Community Development Director may grant a six-month extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the City subject to any conditions required to bring the project into compliance with current law(s) and make compatible with surrounding development.
5. Any abandoned site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.
6. The applicant shall submit a cash deposit to be held by the City as security for abatement of the facility as specified herein. The cash deposit shall be equal to 120% of the estimated cost for removal of the facility and restoration of the site. Cost estimates for the removal shall be provided by the applicant based on an independent, qualified engineer's analysis and shall be verified by the City. Upon completion of the abandonment of the facility by the applicant as specified by this section, and inspection by the City, the entirety of the cash deposit shall be returned to the applicant.
7. The applicant for a new wireless or broadcast communication facility shall provide an affidavit, signed by the property owner, indicating that the owner has read, and understands Section 8.0445 (1-5), above.

Exhibit B to Ordinance 2011-13

FINDINGS OF THE REDMOND CITY COUNCIL REGARDING TA-11-6, WIRELESS AND BROADCAST COMMUNICATION FACILITIES

AN AMENDMENT TO THE TEXT OF THE REDMOND DEVELOPMENT CODE TO ADOPT NEW DEVELOPMENT STANDARDS FOR WIRELESS AND BROADCAST COMMUNICATION FACILITIES (WBCF's)

FILE NO. TA 11- 6

REQUEST: A Legislative Amendment to the Redmond Development Code to repeal in entirety the existing Section 8.0400 (Tower and Antenna Standards), and add new Standards for "Wireless and Broadcast Communication Facilities."

APPLICANT: City of Redmond
716 SW Evergreen Avenue
P O Box 726
Redmond, OR 97756

LOCATION: The proposal includes standards that are applicable to all Wireless and Broadcast Communication Facility development within the incorporated boundary of the City of Redmond.

STAFF: James Lewis, Senior Planner, Long Range/Economic Planning
Heather Richards, Community Development Director

**HEARINGS
BODY:** Redmond City Council

DATE & TIME: November 8, 2011 at 7:00 p.m.
LOCATION: City Council Chambers, 777 Deschutes Avenue, Redmond, Oregon

I. APPLICABLE CODE SECTIONS AND CRITERIA:

**Redmond Development Code, Chapter 8:
Article I - Zoning Standards (amending existing and adding new Sections)
-Section 8.0400; Tower and Antenna Standards (proposed to be
changed to Wireless and Broadcast Communication Facilities)**

-Sections 8.0750 through 8.0775; Amendments

Article II - Land Use Procedures

-Section 8.1110 through 8.1125; Legislative Procedures

The Redmond Urban Area Comprehensive Plan, including:

- Chapter 1, Citizen Involvement**
- Chapter 2, Land Use Planning**

Oregon Revised Statutes (ORS) – ORS 197.250, 197.610, 197.763.

Oregon Administrative Rule (OAR), LCDC, Division 15, Statewide Planning Goals and Guidelines – OAR 660-012-0000

II. BACKGROUND & HISTORY: The proposed Development Code Text Amendments have been initiated legislatively by the City of Redmond – thus, the City is the applicant. The proposed amendments are intended to respond to community concerns about development of WBCF's; provide a legally current update to the existing code; to provide affirmative direction for the establishment of WBCF's; and, consolidate all development standards and applicable provisions into single code section for clarity and ease of use.

III. PROPOSAL: The request is for an amendment to the text of the Redmond Development Code to repeal in entirety the existing Section 8.0400 (Tower and Antenna Standards), and add new Standards for "Wireless and Broadcast Communication Facilities." The new standards will be applicable to the entirety of the area within the incorporated boundary of the City of Redmond.

IV. AREA DESCRIPTION: As stated above, this proposal (a Text Amendment to the Redmond Development Code) is applicable to the entirety of the area within the incorporated boundary of the City of Redmond and the area within the Redmond Urban Growth Boundary pursuant to an intergovernmental agreement with Deschutes County. Thus, the proposal will not include any specific Comprehensive Plan or Zoning map changes.

V. EXHIBITS: The following exhibits make up the record in this matter:

1. Proposed Findings and Conclusions included herein.
2. The existing text of Section 8.0400 of the Development Code (Tower and Antenna Standards)

3. The proposed text for Section 8.0400 of the Development Code (Wireless and Broadcast Communication Facilities).
4. Agency and departmental comments (on-file) with the Planning Division.
5. Notice to DLCD – July 13, 2011.
6. Notice of Public Hearing “Spokesman- October 19, 2011” (file).
7. Planning Commission Work Session/Public Hearing Staff Reports
8. Public comments (oral and written) submitted to the Planning Commission and City Council record

VI. SUMMARY:

1. The request is for an amendment to the text of the City of Redmond Development Code to repeal in entirety the existing Section 8.0400 (Tower and Antenna Standards), and add new Standards for “Wireless and Broadcast Communication Facilities”.
2. The intent of the proposal is to respond to community concerns about development of WBCF’s; provide a legally current update to the existing code; to provide affirmative direction for the establishment of WBCF’s; and, consolidate all development standards and applicable provisions into single code section for clarity and ease of use.
3. The proposal will be applicable to the entirety of the area within the incorporated boundary of the City of Redmond and Redmond Urban Growth Boundary – no amendments to the Comprehensive Plan and Zoning Maps are proposed.
4. The findings, the text for the WBCF standards, and supporting materials, all demonstrate that the proposed Development Code amendments would be consistent with the Statewide Planning Goals, the Redmond Comprehensive Plan, the City Council Goals and other policies adopted by the City.
5. The four criteria set forth in RDC Section 8.0760 (Criteria for Amendments) are addressed herein/below.

VII. FINDINGS AND CONCLUSIONS:

A. REDMOND DEVELOPMENT CODE (RDC), Chapter 8, Sections 8.0750 through 8.0775 (Amendments) sets forth the procedure and standards for an amendment to the text of the Code or to the adopted Comprehensive Plan or Zoning map. Specifically, Section 8.0760 - Criteria for Amendments, sets forth the four (4) criteria that must be met:

1. In conformity with all applicable State statutes;

Finding: The State statutes that directly apply to this application include ORS 197.610, *Local Government Notice of Amendment or New Regulation*; ORS 197.250, *Compliance with Goals Required*, and ORS 197.763, *Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements*. The applicable City of Redmond Code standards (sections 8.0750 to 8.0775, *Amendment Procedures and Notice Requirements*), and (sections 8.1100 through 8.1125, *Legislative Procedures*), were developed in compliance with the applicable State Statutes listed above regarding noticing and public hearings. Applicability of the Statewide Planning Goals is addressed in greater detail below – those findings, incorporated by reference herein, show compliance with the applicable Statutes listed above.

With regard to the Statutory noticing requirements referenced above, notice of the proposed amendment has been provided to DLCDD and advertised in the local newspaper (public notice) as required by City Code and State Statute.

With regard to the Statutory public hearing requirements referenced above, this proposal is legislative and not necessarily quasi-judicial in nature. However, for lack of specific Statutory requirements governing such legislative actions, Sections 8.1100 through 8.1125 of the Redmond Development Code which implement the quasi-judicial Statutory requirements in similar fashion have been met. Subsequently, the Planning Commission and (ultimately) City Council's public hearing and review processes meet the Statutory requirements for the purpose of the review.

Notwithstanding the Statutory requirements addressed herein, the Oregon Administrative Rules (OAR) also implement the Statutes. The applicable Rules are addressed in the ensuing review.

Conclusion:

Based on the findings addressing Code amendment criterion 1, the City Council finds that the proposed Development Code text amendment conforms to applicable State statutes.

2. In conformity with the State-wide planning goals whenever they are determined to be applicable:

Finding: The proposed amendments do not directly implement a comprehensive planning requirement of the Statewide Planning Goals, State Statutes or Administrative Rules – they do not include provisions that are directly applicable to the substantive “land use” elements of the Goals, but do fall within the “procedural” Statewide Planning Goal requirements applicable to the development of land. Thus, the only applicable Statewide Planning Goals are Goals 1 (Citizen Involvement) and 2 (Land Use Planning). These are addressed below.

Goal 1- Oregon's Statewide Planning Goals: Citizen Involvement.

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The Urban Area Planning Commission serves as the City's formal citizen advisory committee to fulfill Goal 1, and is made up of Redmond area residents. The City conducted public meetings (Planning Commission work sessions (3) and public hearings (3) – total of 6) over the past few months regarding the proposal. Public notices and agendas for Planning Commission meetings where the proposed amendments were discussed were provided. All documents were available for the public review. Further, interviews with the local media were provided and articles specific to the proposal were published in the local newspaper, the Redmond Spokesman. The City continued to provide public review and involvement opportunities during further public work sessions and public hearings at the City Council level (following a formal recommendation from the Planning Commission. Based on these actions, Oregon Planning Goal 1 for Citizen Involvement has been met.

Goal 2- Oregon's Statewide Planning Goals: Land Use Planning.

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: The staff, Planning Commission and City Council have received input from residents of the community. Based on this input, and the City Council's own experience with and understanding of the Development Code, these revised standards are necessary to regulate and guide development of necessary wireless and broadcast communication facilities, but to do so in a manner where they are constructed with minimal adverse impact and are assets to the community. The City Council has determined that enough factual and policy basis exists to support the proposed Code amendments. The proposed amendments will better implement policies of the Comprehensive Plan and will provide clearer regulations for the City staff to administer. Based on these findings, the proposed amendments meet Goal 2.

Conclusion:

Based on the findings addressing Code amendment criterion 2, the City Council finds that the proposed Development Code text amendment conforms to applicable Statewide Planning Goals.

3. In conformity with the Redmond Comprehensive Plan, land use requirements and policies:

Chapter 1 – Redmond Comprehensive Plan: Citizen Involvement.

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: TAs stated previously in these findings, the Urban Area Planning Commission serves as the City's formal (appointed) citizen advisory committee (as required by State Administrative Rule) and is made up of Redmond area residents. The Planning Commission is formally recognized through City Code and was appointed by the City Council. Thus, the Planning Commission is the appropriate initial public review and recommendation body to the City Council to meet this Comprehensive Plan policy.

The City, initially through the Planning Commission and finally through the City Council, has conducted public meetings, and public hearings over the past few months regarding the proposed amendments. Public notices and agendas for Planning Commission and City Council meetings and public hearings where the proposed amendments were discussed were provided. All documents were available for the public review. Further, interviews with the local media were provided and articles specific to the proposal were published in the local newspaper, the Redmond Spokesman.

The City Council finds that the proposed amendments serve the following Policies of Chapter 1 of the Redmond Comprehensive Plan.

1. The City shall establish a citizen involvement program to provide for widespread citizen involvement.
2. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process.
3. The City shall assign the Redmond Urban Area Planning Commission as its officially recognized committee for citizen involvement (CCI).
4. The City shall establish mechanisms to assure two-way communications between citizens and elected and appointed officials.
5. The City shall provide the opportunity for citizens to be involved in all phases of the planning process.
6. The City shall assure that technical information is available to citizens in an understandable form.
7. The City shall assure that recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers.

8. The City shall allocate adequate human, financial and informational resources for the citizen involvement program.

Chapter 2 – Redmond Comprehensive Plan: Land Use Planning.

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: The staff, Planning Commission and City Council have all provided opportunities for and have received input from Redmond residents and their representatives throughout the review process. Based on this input, the City Council finds that the proposed amendment and new development standards are necessary to implement Chapters 1 and 2 of the City of Redmond’s Comprehensive Plan, specifically, and other Chapters through the support of good design principles. The Planning Commission has determined that enough factual and policy basis exists to support the proposed Code amendments. The proposed amendments will better implement policies of the Comprehensive Plan and will provide clearer regulations for the City staff to administer.

The City Council finds that the proposed amendments serve the following Policies of Chapter 2 of the Redmond Comprehensive Plan.

2. The plan shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governments.
3. All land use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan.
4. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revisions of plans and implementing ordinances
5. To provide a sound basis for orderly and efficient urbanization by establishing proper relationships between residential, commercial, industrial, public and open space land uses, and transportation uses.

Conclusion:

Based on the findings addressing Code amendment criterion 3, the City Council finds that the proposed Development Code text amendments conform with the Redmond Comprehensive Plan, and land use requirements and policies.

4. **That there is a change of circumstances or further studies justifying the amendment or mistake in the original zoning.**

Finding: This proposal in and of itself does not include a change of zoning to any particular property or area within the City. Rather, it involves the creation of new regulations and standards for Wireless Broadcast and Communication Facilities that will be added to the Development Code as a replacement to the existing standards (Tower and Antenna standards), and applicable to the entire area within the incorporated City limits. Thus, this criterion is applicable to the need for addressing such facilities in relation to changes in circumstances since the existing standards were adopted – the existing standards are antiquated in many regards. The new standards are necessary in order to ensure full compliance with federal law (Telecommunications Act of 1996), to respond to recent growth in the City and to implement the goals and policies of the Comprehensive Plan which was revised in 2006. Thus, these findings include such justification as applied to the change in circumstances part of this criterion.

Since the adoption of the existing Tower and Antenna Standards in May, 1994, there have been many changes of circumstances (in Redmond) which affected the way Wireless and Broadcast Communication Facilities can and should be developed within the City. These include: rapid population growth (a doubling of the population from 2000 to 2010) and residential development; rapid public infrastructure development; a substantial expansion of the Urban Growth Boundary; an overall desire (including Comprehensive Plan policies) to improve the physical/aesthetic look of Redmond; changes to technology that affect facility/tower/antenna design, size and location needs; and, compliance with federal law. All of these factors combined represent a significant overall change within the community since the original tower and antenna standards were adopted.

As a result of the changes listed above, some areas within the City have become less desirable for the allowance of Wireless and Broadcast Communication Facility development – primarily the residential zones. Conversely, some zones, such as the industrial zones, are more conducive for such development – some existing facilities have recently been located in the industrial areas on the City's east side and have been found to be compatible with surrounding development. The intent of the new standards are to guide Wireless and Broadcast Communication Facility development to areas in the community that have less aesthetic impact and are more appropriate for such facilities – areas that are reflective of and responsive to the changes listed above.

Conclusion:

Based on the findings addressing Code amendment criterion 4, the City Council finds that the proposed Development Code text amendment is supported by the change in circumstances described above.

CONCLUSION:

The above findings demonstrate that the proposed Development Code Text amendment to repeal in entirety the existing Section 8.0400 (Tower and Antenna Standards), and add new Standards for "Wireless and Broadcast Communication Facilities" meets the Section 8.0760 Criteria for Amendments to the Redmond Development Code.

CITY OF REDMOND
COMMUNITY DEVELOPMENT
635 SW EVERGREEN AVENUE
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Mailed From 97756
US POSTAGE

Attention: Plan Amendment Specialist
Department of Land Conservation and Dev
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540