

**Exhibit "B"**

**PROPOSED FINDINGS  
REGARDING DESCHUTES COUNTY ORDINANCE 2016-008  
CITY OF REDMOND TEXT AMENDMENT FILE NO. 711-16-000024-TA**

**AN AMENDMENT TO THE TEXT OF THE DESCHUTES COUNTY CODE  
20.12.030, URBAN HOLDING 10 ACRE MINIMUM, UH-10 CONDITIONAL  
USES, TO ADOPT CONSISTENT DEVELOPMENT STANDARDS FOR  
WIRELESS AND BROADCAST COMMUNICATION FACILITIES IN THE UH-  
10 ZONE (WBCF's)**

**FILE NO.** City of Redmond File No. 711-16-000024-TA

**REQUEST:** A legislative amendment to the Deschutes County Code Title 20, Redmond Urban Area Zoning Ordinance Chapter 20.12.030: UH-10, Conditional Uses, to add additional standards for wireless and broadcast communication facilities (WBCF's). This request creates consistent standards for WBCF's within the unincorporated areas of the Redmond Urban Growth Boundary (UGB).

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

**LOCATION:** The proposal adds standards that would be applicable to all wireless and broadcast communication facility development within the unincorporated boundary of the City of Redmond consistent with current standards used within the incorporated boundary of the City of Redmond.

**STAFF:** Deborah McMahon, Principal Planner  
Heather Richards, Community Development Director

**HEARINGS  
BODY:** The City of Redmond and Deschutes County Joint Management Agreement authorizes the Redmond Urban Area Planning Commission, Redmond City Council and the Deschutes County Board of Commissioners to review this request.

**DATE & TIME:** Redmond Urban Area Planning Commission Hearing February 16, 2016 at 6:30 p.m.; Joint Redmond City Council, Deschutes County Board of Commissioners Hearing February 23, 2016 6:00 p.m.

**LOCATION:** Redmond Urban Area Planning Commission Meeting - Redmond City Council Chambers, 777 Deschutes Avenue, Redmond, Oregon

Joint Redmond City Council / Deschutes County Board of Commissioners Hearing – Redmond City Hall 716 SW Evergreen Avenue, Redmond, Oregon.

**I. APPLICABLE CODE SECTIONS AND CRITERIA:**

**Deschutes County Code –  
Title 20 Redmond Urban Area Zoning Ordinance  
Chapter 20.12 Urban Holding Zone UH-10  
Chapter 20.36 Amendments  
Title 22 Procedures  
Chapter 22.12 Legislative Procedures**

**Deschutes County/City of Redmond Joint Management Agreement**

**Deschutes County Comprehensive Plan  
Redmond Urban Area Comprehensive Plan**

**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 through the authority provided in the Joint Management Agreement. The proposed amendments are intended to respond to community concerns about development of WBCF’s; provide a legally current update to the existing County code; to provide affirmative direction for the establishment of WBCF’s; and, provide continuity for development within the Redmond Urban Growth Boundary.

**III. PROPOSAL:** The request is for an amendment to the text of the Deschutes County Code – Title 20 Redmond Urban Area Zoning Ordinance Chapter 20.12 Urban Holding Zone UH-10, to add standards consistent with the current City of Redmond Development Code for “Wireless and Broadcast Communication Facilities” (WBCF’s). The new standards will be applicable to the entirety of the UH-10 zoned area within the unincorporated boundary of the City of Redmond.

**IV. AREA DESCRIPTION:** As stated above, this proposal (a Text Amendment to the Deschutes County Code) is applicable to the entirety of the UH-10 zoned area within the unincorporated boundary of the City of Redmond. 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. Staff Report, including the Redmond Planning Commission Recommendation of Approval
2. Proposed Ordinance
3. Proposed Findings and Conclusions included herein.
4. Proposed text to supplement Chapter 20.12 Urban Holding Zone UH-10, Section 20.12.030, Conditional Uses
5. The proposed text for new Urban Holding Zone UH-10 Section, Section 20.12.090 Wireless and Broadcast Communication Facilities.
6. Notice to DLCD
7. Notice of Public Hearing “Bend Bulletin” (file).

**VI. SUMMARY:**

1. The request is for an amendment to the text of the Deschutes County Code – Title 20 Redmond Urban Area Zoning Ordinance Chapter 20.12 Urban Holding Zone UH-10, to add standards consistent with the current City of Redmond Development Code for “Wireless and Broadcast Communication Facilities” (WBCF’s). The new standards will be applicable to the entirety of the UH-10 zoned areas within the unincorporated boundary of the City of Redmond.

2. The intent of the proposal is to improve consistency of urban planning within the unincorporated UH-10 zoned area of Redmond’s Urban Growth Boundary. Specifically, the development standards for WBCF’s in the unincorporated areas of the UH-10 are not the same as those currently used inside the City limits. This can lead to confusion and inconsistent development patterns for lands intended for the future urban development of new Redmond residential neighborhoods. Consolidation of the development standards for the WBCF’s meets the intent of the Redmond Comprehensive Plan and Joint Management Agreement and provide for improved clarity and ease of use.

3. The proposal will be applicable to the entirety of the area within the unincorporated boundary of the City of Redmond – no amendments to the Comprehensive Plan and Zoning Maps are proposed.

4. The findings, the proposed text for the WBCF standards, and supporting materials, all demonstrate that the proposed Plan and 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 criteria set forth in Deschutes County Code Title 20, Chapter 20.36.030 (*Criteria for Amendments*) are addressed herein/below.

**VII. FINDINGS AND CONCLUSIONS:**

**A. Deschutes County Code Title 20, Chapter 20.36.020 (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.**

**20. 36.020. Zone-Comprehensive Plan Amendments.**

**The Hearings Body shall hold a public hearing on a quasi-judicial zone change or Comprehensive Plan amendment in accordance with the provisions of the Joint Management Agreement.**

**Finding:** The City of Redmond has published notice of the required hearings, February 16, 2016 and February 23, 2106 for the City of Redmond Urban Area Planning Commission, and Joint Board of County Commissioners and Redmond City Council, respectively.

**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*. The applicable Deschutes County standards and legislative processes 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 DLCDC and advertised and distributed to the local newspapers (public/media notice) as required by County Code and State Statute.

With regard to the Statutory public hearing requirements referenced above, this proposal is legislative and not quasi-judicial in nature. Subsequently, the Planning Commission and (ultimately) the Joint Board of County Commissioners (BOCC) and 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 proposed Deschutes County 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 Redmond 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 has a long history and extensive record with regard to the desire to regulate WBCF’s. The public has been involved through the opportunity to submit written testimony and or provide oral and written testimony at noticed public meetings.

Public notices and agendas for Planning Commission, and Joint BOCC and City Council meetings where the proposed amendments were discussed were provided. All documents were available for the public review. 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 City and County both have adopted Comprehensive Plans. Both plans provide policies and implementation procedures for urban development as applicable within the Redmond Urban Growth Boundary. The revised standards are necessary to regulate and guide development of necessary WBCF facilities, but to do so in a manner where they are constructed consistent with Redmond’s urbanization goals and with minimal adverse impact to future residential neighborhoods.

The Redmond Planning Commission has determined that a factual policy basis exists to support the proposed code amendments. The proposed amendments will better implement policies of the current Redmond Comprehensive Plan and will provide clearer regulations for the City staff to administer pursuant to the Joint Management Agreement. Based on these findings, the proposed amendments meet Goal 2.

**Conclusion:**

Based on the findings addressing Code amendment criterion 2, the proposed Development Code text amendment conforms to applicable Statewide planning goals.

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

**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 Redmond Urban Area Planning Commission serves as the City's formal 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. Pursuant to the Joint Management Agreement the Redmond Planning Commission is the appropriate body to initially review the proposed text amendment following the procedures outlined in Deschutes County Code Title 20 and 22. Thus, the Redmond Planning Commission is the appropriate public review and recommendation body to the City Council and BOCC to meet this Comprehensive Plan policy. All documents used to conduct meetings and review the amendments were available for the public review.

The proposed amendments serve the following policies of Chapter 1 of the Deschutes County Comprehensive Plan. *Deschutes County Community Involvement Program* Statewide Planning Goal 1 requires a citizen involvement program with six components. The required components and the primary methods of County implementation are described below.

- Citizen Involvement – Provide for widespread citizen involvement.  
The Planning Commission acts as the committee for community involvement.
- Communication – Assure effective two-way communications between local officials and citizens. This is accomplished through a variety of techniques, including newsletters, email lists, display ads or mailings.
- Citizen Influence – Provide opportunities for citizens to be involved in all phases of the planning process. Deschutes County Code Title 22 describes land use noticing and procedures.
- Technical Information – Assure technical information is available in an understandable form. Clearly written staff reports assure all information is available and comprehensible.
- Feedback mechanisms – Assure that citizens get responses from policy makers. A written record is maintained for all formal proposals and procedures ensure that those who participate and request notification are notified of the decision.
- Financial support – Ensure adequate funding for the citizen involvement program. Funding and staffing are maintained for the Planning Commission and for sending required notices.

The list above describes the minimum requirements. Deschutes County takes a more active stand, maintaining an updated website, holding public meetings around the County and reaching out to the community.

The proposed amendments also 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.

### **Land Use Planning**

Land Use Statewide Planning Goal 2, Land Use Planning, requires a fact-based land use planning process and policy framework to guide land use decisions. It requires comprehensive planning that identifies issues and complies with Statewide Planning Goals.

**Finding:** Both Deschutes County and the City of Redmond have adopted Comprehensive Plans that provide a policy framework for making land use decisions and meeting State law. Pursuant to the Joint Management Agreement, the City of Redmond staff and Planning Commission have provided opportunities for and have received input from Redmond residents throughout the review process. Based on this input, the Planning Commission finds that the proposed amendment and new development standards are necessary to implement the Deschutes County and City of Redmond Comprehensive Plan. The Planning Commission has determined that enough factual and policy basis exists to support the proposed text amendments. The proposed amendments will better implement policies of both Comprehensive Plans and will provide clearer regulations for the City staff to administer.

The proposed amendments serve the following policy of the Deschutes County Comprehensive Plan.

**Promote regional cooperation and partnerships on planning issues. Policy 1.3.10 Regularly review intergovernmental and urban management agreements, and update as needed.**

The proposed amendments serve the following policies of Chapter 2 of the Redmond Comprehensive Plan.

**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.***

...

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 land uses, and transportation uses.

**Conclusion:**

Based on the findings addressing the proposed text amendment criteria, the proposed amendments conform to the Deschutes County and Redmond Comprehensive Plan, including the implementing land use requirements.