

## **ORDINANCE NO. 882**

### **AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE TEXT OF THE DEVELOPMENT CODE TO CLARIFY REVIEW PROCESSES AND CORRECT INCONSISTENCIES.**

WHEREAS, in 2016 the City adopted Ordinance No. 797 which amended Sections 4.800 through 4.804 of the Wilsonville Code (WC) and added Sections 4.805 through 4.814 to respond to new Federal Communications Commission (FCC) regulations, pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455(a)), requiring that cities provide a faster expedited review of certain new co-located wireless communication facilities applications; and

WHEREAS, in 2019, the City adopted Ordinance No. 831 which amended Sections 4.800 through 4.814 in response to new FCC regulations for small wireless facilities to include a Class 1 Administrative Review process for these facilities due to the required review timelines; and

WHEREAS, per the FCC regulations applications for co-location pursuant to Section 6049(a) are subject to a review timeline of 60 days, which timeframes warrant a Class 1 Administrative Review process instead of the current Class 2 Administrative Review process under the Wilsonville Development Code; and

WHEREAS, clarification of application requirements listed in WC Section 4.801 for different wireless communication facility application types will reduce confusion for applicants, staff, and the public; and

WHEREAS, in 2009, the City adopted Ordinance No. 666 which amended WC Section 4.023 to allow for administrative review of time extensions and included special provisions for development approval extensions during 2009 and 2010; and

WHEREAS, adoption of this Ordinance resulted in inconsistent review processes for development approval extensions in WC Sections 4.023 and 4.140; and

WHEREAS, minor edits to procedural requirements in WC Sections 4.011, 4.022, 4.030, and 4.156.09 will provide additional clarity for applicants, staff, and the public; and

WHEREAS, the Planning Commission of the City has the authority to review and make recommendations to the City Council regarding legislative changes to the Development Code pursuant to WC Sections 2.322 and 4.032; and

WHEREAS, the Planning Director submitted a Staff Report and Findings, in accordance with the public hearing and notice procedures that are set forth in WC Sections 4.008, 4.012, and 4.197; and

WHEREAS, following the timely mailing, posting, and publication of the required notice, the Planning Commission conducted a public hearing on September 13, 2023, to review the proposed Development Code amendments, and to gather additional testimony and evidence regarding the proposed amendments, and thereafter deliberated and voted to approve Resolution No. LP23-0002 recommending adoption to the City Council; and

WHEREAS, a copy of the record of the aforementioned Planning Commission action and recommendation is marked Exhibit B, attached hereto and incorporated by reference herein; and

WHEREAS, following the Planning Commission public hearing, the Planning Director forwarded the recommended amendments to the Wilsonville Development Code onto the City Council, along with a Staff Report and attachments, in accordance with the public hearing and notice procedures that are set forth in Sections 4.008, 4.012 and 4.197 of the Wilsonville Code; and;

WHEREAS, the City Council, after public hearing notices advertised in printed media, emailed, and posted in several locations throughout the City and on the City website, held a public hearing on September 18, 2023 to review the recommended amendments to the Wilsonville Development Code, and to gather additional evidence and testimony regarding the amendments; and

WHEREAS, the City Council afforded all interested parties an opportunity to be heard on the subject and has entered all available evidence and testimony into the public record of its proceeding; and

WHEREAS, the City Council duly considered the Planning Commission recommendation and all the exhibits and testimony introduced and offered by all interested parties.

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

Section 1. Findings. The above-recited findings are adopted and incorporated by reference herein as findings and conclusions of Resolution No. LP23-0002,

which includes the staff report. The City Council further finds and concludes that the adoption of the proposed Development Code amendments is necessary for the good of the public of the municipality as described in Exhibit B.

Section 2. Determination. Based on such findings, the City Council hereby adopts the Development Code amendments, attached hereto as Exhibit A. The City Recorder is hereby directed to prepare final formatting to make sure such style and conforming changes match the format and style of the Wilsonville Development Code.

Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council at a regular meeting thereof this 18<sup>th</sup> day of September, 2023, and scheduled the second reading on the 2<sup>nd</sup> day of October, 2023, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

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Kimberly Veliz, City Recorder

ENACTED by the City Council on the 2<sup>nd</sup> day of October, 2023, by the following votes:

Yes: \_\_\_\_\_ No: \_\_\_\_\_

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Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 2<sup>nd</sup> day of October, 2023.

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBITS:

- A. Proposed Development Code Amendments – September 2023
- B. [Planning Commission Resolution No. LP23-0002 and Record](#)