



TYPE III – PLANNING COMMISSION PUBLIC HEARING STAFF REPORT

Recommended Findings

Date of Staff Report Issuance: September 19, 2016

FILE NO.s: CU-16-0001: Conditional Use
SP-16-0008: Site Plan and Design Review
VR-16-0002: Variance

HEARING DATE / LOCATION: September 26, 2016
Oregon City City Hall – Commission Chambers
625 Center Street, Oregon City, Oregon 97045

OWNER/APPLICANT: Portland General Electric
121 SW Salmon St, Portland, OR 97204

REPRESENTATIVES: Jennifer Santhouse, PGE Property Services

REQUEST: Minor Site Plan and Design Review, Conditional Use and Variance application to replace one transmission pole and add one transmission pole at existing PGE substation.

LOCATION: 152 S McLoughlin Blvd & No Situs Address, Oregon City, OR 97045
Clackamas County Map 2-2E-31CC-02790 and 2-2E-31CC-02770

NEIGHBORHOOD ASSOCIATION: Canemah Neighborhood Association

REVIEWER: Pete Walter, AICP, Planner
Wendy Marshall, PE, Development Services

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have



Community Development – Planning

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standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

I. BACKGROUND:

1. Existing Conditions

Portland General Electric Company (“PGE”) constructed the Canemah Substation and related transmission structures nearly 50 years ago. The population and employment base in Oregon City has grown significantly in the years since the substation was built. Replacing existing breakers and adding an additional transmission line from the substation is necessary in order to add capability into the power and delivery system, increase system reliability, meet the demands of growth and continue to provide reliable and safe power to serve Oregon City and surrounding areas now and into the future.

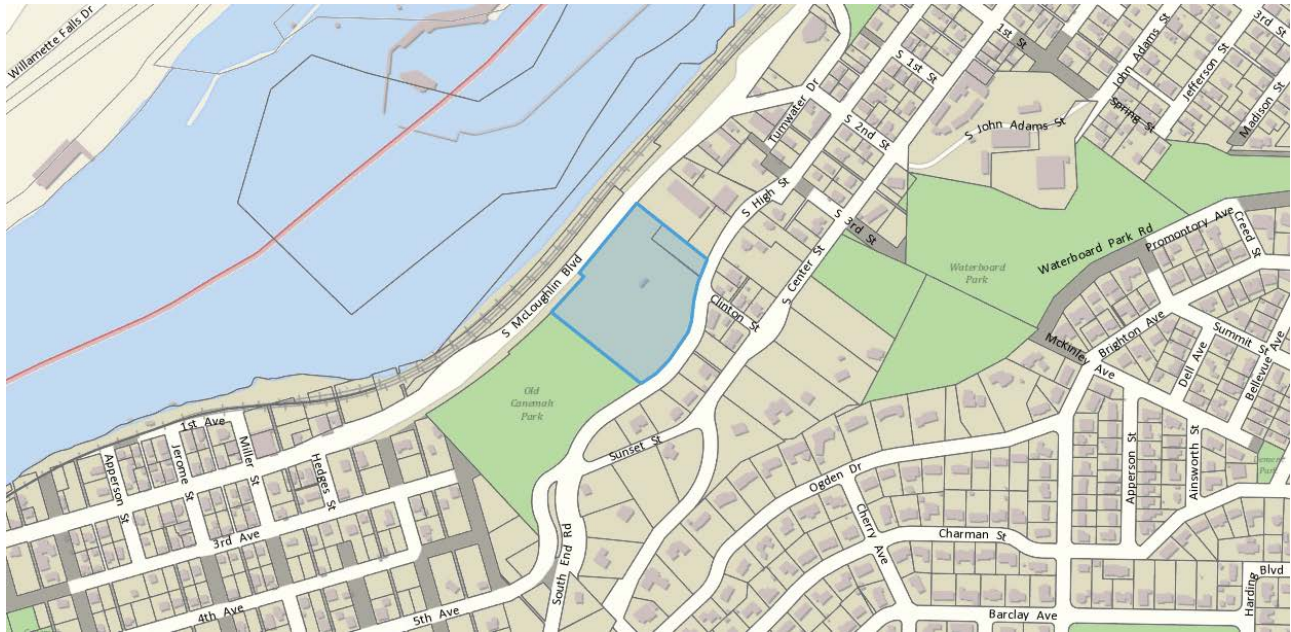


Figure 1. Vicinity Map

The PGE substation is located at 152 S. Mcloughlin Blvd (OR 99E) with frontage on 99E. The property backs up to South End Road as well, but this portion of the property is wooded and steep. One can see the powerlines from the substation crossing South End Road above the site.

2. Zoning and Land Use

Although the subject property and adjacent zoning allows residential use, there is little residential development abutting the substation. The following abutting zoning and land uses exist:

<u>Direction</u>	<u>Zoning</u>	<u>Current Land Uses</u>
North	R-6	Highway 99E, UP Railroad, Blue Heron siding, Willamette River
Northeast	MUC-1	Auto Body Repair
East	R-6	Forested / S. South End Rd
Southeast	R-6	Forested / S. South End Rd
South	R-6	Forested / S. South End Rd
Southwest	I	Old Canemah Park
West	R-6	Highway 99E, UP Railroad, Blue Heron siding, Willamette River
Northwest	R-6	Highway 99E, UP Railroad, Blue Heron siding, Willamette River

View from South End Rd headed South



View from 99E headed North



CU-16-0001 / SP-16-0008 / VR-16-0002



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 8/29/2016



0 200 400 Feet

1: 2,400

Figure 2: Existing Conditions – Aerial Image



Figure 3: Project Area – Aerial View from the east towards Hwy 99E



Figure 4: Project Area – Aerial View

Project Description

PGE has proposed the addition of two wood-guyed, single monopoles to support a 57kV transmission line from the Canemah Substation to the existing Canemah-Sullivan 57kV River Crossing Tower. The new poles will be similar in style and height to the utility poles currently installed on the property (Douglas Fir wooden utility poles).

The poles will be installed with minimal disturbance to the surrounding area by auguring a 3' wide hole and direct-placing the poles. The hole is filled with 1' gravel base and will be 11' deep for the 80' pole and 8' deep for the 60' pole. No trees or large vegetation will be removed during this process.

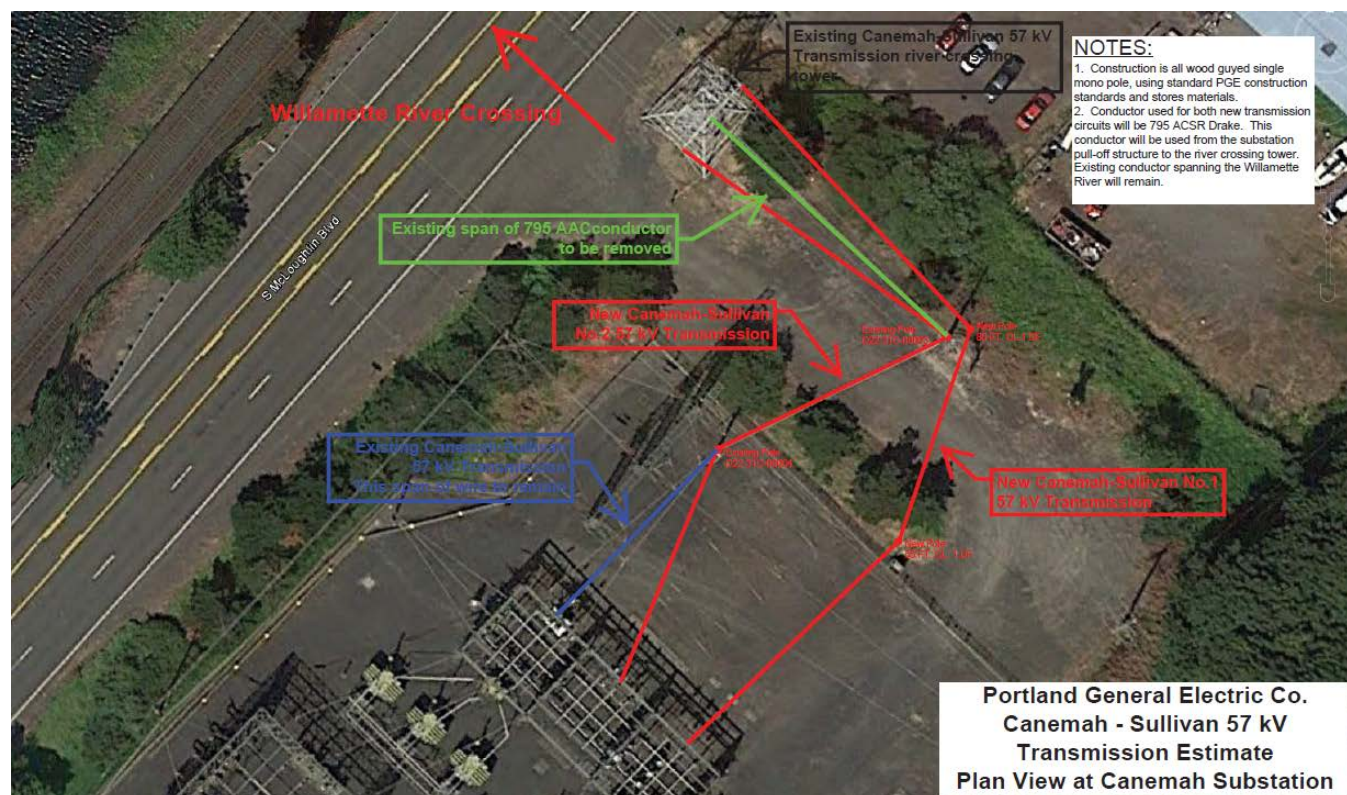


Figure 5: Proposed Site Plan w/ Aerial

Current Street View



Street View with New Transmission Poles



Figure 7: Photo Simulation before and after from 99E

3. **Municipal Code Standards and Requirements:** Staff has provided recommended findings for compliance, where applicable, with the following sections of the Oregon City Municipal Code for the proposed land use:

[17.12 - R-6 Single-Family Dwelling District](#)

[17.48 - Willamette River Greenway Overlay District](#)

17.62 - Site Plan and Design Review
12.08 - Public and Street Trees
13.12 - Stormwater Management
17.50 - Administration and Procedures
17.52 - Off Street Parking and Loading
17.54.100 – Fences
17.56 - Conditional Uses
17.60 - Variances
12.04 - Streets, Sidewalks and Public Places

The City Code Book is available on-line at www.oregoncity.org.

4. **Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

Relevant code sections triggering the Type III review:

The following code sections triggered the need for a Variance and Conditional Use for this application:

Pursuant to the Conditional Use standard in [OCMC 17.56.010.D](#). *In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use expansion of lot area or expansion of structure shall conform with the requirements for conditional use.*

No prior conditional use permit was found for the substation. Since the underlying use, a Public Utility, is listed as a Conditional Use in the R-6 Single-Family Residential zone, the expansion of the substation, however small, requires a Conditional Use process.

Pursuant to the Conditional Use standard in [OCMC 17.56.040.C](#) *Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. **The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure.** Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.*

The applicant seeks to locate the new pole closer to the property line than permitted under the code, therefore the applicant has applied for a variance to the setback.

Additionally, pursuant to the underlying R-6 dimensional standards in [OCMC 17.12.040.D](#). the maximum building height is 35 feet. The proposed pole heights necessary for the project exceed the height limit of 35' of the underlying R-6 zone district (60' and 80', respectively), therefore, the applicant has applied for a variance to the height limit.

Scope of Conditional Use

Staff notes that the applicant has only applied for a minor site plan, conditional use and variance for the addition of the two poles to the existing established site, and that there are few if any land use impacts associated with these improvements. **Approval of this application does not vest any future expansions of the site.** Future expansions on the site shall be reviewed through a similar process and may trigger proportional improvements and upgrades to and abutting the site, including but not limited to additional right-of-way dedications, street pavement, bike lanes, sidewalks, curbs etc, and landscaping and screening improvements. Such improvements

will require approval by Oregon Department of Transportation who has jurisdiction over 99-E, but which did not comment on this application.

5. **Notice and Public Comment:** Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. Staff received no public comments prior to the issuance of the staff report.

Notice of the application was provided to the Oregon Department of Transportation which has jurisdiction over 99-E. ODOT did not comment on this application.

Comments of the Public Works Department and Development Services Division are incorporated into this report.

II. ANALYSIS AND FINDINGS:

CHAPTER 17.12 - "R-6" SINGLE-FAMILY DWELLING DISTRICT

17.12.20 - *Permitted uses.*

Permitted uses in the R-6 district are:

- A. Single-family detached residential units;*
- B. Parks, playgrounds, playfields and community or neighborhood centers;*
- C. Home occupations;*
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);*
- E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- F. Accessory uses, buildings and dwellings;*
- G. Family day care provider, subject to the provisions of Section 17.54.050;*
- H. Residential home per ORS 443.400;*
- I. Cottage housing;*
- J. Transportation facilities.*

Finding: The current use does not fall into Permitted Use category.

17.12.30 - *Conditional uses.*

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in [Chapter 17.56](#):

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;*
- B. Bed and breakfast inns/boarding houses;*
- C. Cemeteries, crematories, mausoleums and columbariums;*
- D. Child care centers and nursery schools;*
- E. Emergency service facilities (police and fire), excluding correctional facilities;*
- F. Residential care facility;*
- G. Private and/or public educational or training facilities;*
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);*
- I. Religious institutions.*
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.*

Finding: See Conditional Use findings. A substation is identified as a use that may be permitted in the R-6 District when a conditional use permit is approved. When the substation was built in the 1960s, the City did not have the current zoning code in place. The proposed addition of two utility poles has triggered a review of the current zoning status and compliance with the requirement for a conditional use permit, site plan review and variance.

17.12.040.A. Minimum lot area, six thousand square feet; 17.12.040.B.

Minimum lot width, fifty feet; 17.12.040.C. Minimum lot depth, seventy feet;

Finding: Complies. The property is composed of two tax parcels of approximately 5.85 acres (254,826 sq ft). The combined parcels create a lot that is over 560' wide and over 365' deep.

17.12.40.D. Maximum building height: two and one-half stories, not to exceed thirty-five feet.

Finding: See Variance Findings in section 17.60. PGE proposes to install two new transmission poles on the substation property. The poles proposed heights are 80' and 60' as shown in the site plan on Page 7. The current zoning of R-6 limits building and utility pole height to 35'. PGE is requesting a variance to accommodate a new transmission line from an updated circuit within the substation to the existing Willamette River transmission crossing.

17.12.40.E. Minimum Setbacks

1. Front yard: ten feet minimum depth.

2. Front porch, five feet minimum setback,

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.

4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,

5. Corner side yard, fifteen feet minimum setback,

6. Rear yard, twenty-foot minimum setback

7. Rear porch, fifteen-foot minimum setback.

Finding: See Variance Findings in section 17.60. There are no existing buildings on the property. One new utility pole will be installed approximately 10' from the northern property boundary. The conditional use criterion in OCMC 17.56.040(C) requires that:

C. Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.

Per this section, utility poles must be located a distance equivalent to height from the property line. PGE is requesting a variance to allow for the pole to be placed parallel to the existing lattice tower and near an existing 75' utility pole to meet electrical safety clearance height and angle requirements.

17.12.040.G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area. If an existing structure is being retained.

Finding: Complies. "Buildings" on the site cover 0.02 acres of a total lot area of 5.85 acres (0.003%).

CHAPTER 17.48 - WRG WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT

17.48.010 - Designated.

This chapter shall apply to all development, changes of use or intensification of use in that area designated WRG Willamette River Greenway on a special city zoning map.

17.48.020 - Purpose.

The purpose of this chapter is to:

A. Protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of land along the Willamette River;

B. Maintain the integrity of the Willamette River by minimizing erosion, promoting bank stability and maintaining and enhancing water quality and fish and wildlife habitats;

C. Implement the Willamette River Greenway goal and the Willamette River Greenway portions of the city comprehensive plan.

17.48.040 - Uses allowed.

All uses permitted pursuant to the provisions of the underlying zoning district are permitted on lands designated WRG; provided,

however, that any development, change of use or intensification of use shall be subject, in addition to the provisions of the underlying district, to the provisions of this chapter.

Finding: Complies. Staff finds that the scale of the addition of the two poles does not intensify the existing use of the site.

17.48.050 - Permit required—Exceptions.

A Willamette River Greenway permit shall be required for all developments and changes or intensification of uses, except the following:

- A. The propagation of timber or the cutting of timber for public safety or personal use, except the cutting of timber along the natural vegetative fringe along the river;*
- B. Gravel removal from the bed of the Willamette River when conducted under a permit from the state;*
- C. Customary dredging and channel maintenance;*
- D. Placing by a public agency of signs, markers, aids and similar structures to serve the public;*
- E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands;*
- F. Acquisition and maintenance of scenic easements by the Oregon Department of Transportation;*
- G. Partial harvesting of timber shall be permitted beyond the natural vegetative fringe and those areas not covered by a scenic easement and when the harvest is consistent with an approved plan under the Oregon Forest Practices Act. Commercial forest activities and harvesting practices providing for vegetative buffers, shading, soil stabilization, and water filtering effects required under the Oregon Forest Practices Act;*
- H. The use of a small cluster of logs for erosion control;*
- I. The expansion of capacity or the replacement of existing communication or energy distribution and transmission systems, except utility sub-stations;*
- J. The maintenance and repair of existing flood control facilities;*
- K. Uses lawfully existing on the effective date of the provisions codified in this chapter; provided, however, that any change or intensification of use or new development shall require a Willamette River Greenway permit.*

Finding: Staff finds that the proposed use is an expansion of capacity of the existing utility sub-station, and is therefore not excepted.

17.48.060 - Administrative procedure.

Except as specifically provided for in Section 17.48.090, the procedure for action on a Willamette River Greenway permit shall be as provided for under the administrative action provisions in Chapter 17.50. In addition to those provisions, however, notice of a pending Willamette River Greenway permit under Sections 17.48.070 through 17.48.090 or of a compatibility review hearing under Section 17.48.100, shall be given to all persons requesting the same and paying a reasonable fee therefore, as determined by the community development director.

Finding: This is a concurrent review with Site Plan and Design Review, a Variance and a Conditional Use application.

17.48.070 - Development standards—Specific use.

In approving any development or change or intensification of use, the approving officer or body shall apply the following standards: Considerations for Specific Uses.

- A. With respect to recreational uses only: the considerations set forth in section C.3.b of Goal 15.*
- B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C.3.d. of Goal 15.*
- C. With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C.3.e. of Goal 15.*
- D. With respect to timber resources only: the considerations set forth in section C.3.h. of Goal 15.*
- E. With respect to aggregate extraction only: the considerations set forth in section C.3.i. of Goal 15.*

Finding: Not applicable. Staff finds that the scale of the addition of the two poles does not intensify the existing use of the site, nor are any of the uses listed above affected.

17.48.080 - Development standards—General considerations.

The following considerations shall be applicable to all Willamette River Greenway permits.

- A. Access. Adequate public access to the Willamette River shall be considered and provided for.*
- B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.*
- C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.*

D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.

E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.

F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.

Finding: Not applicable. Staff finds that the scale of the addition of the two poles to the existing site does not have any impact on the considerations listed in this section.

17.48.090 - Procedure.

The planning director shall make findings, and may impose reasonable conditions to carry out this chapter, regarding all general, and any applicable specific, considerations of this section. The community development director shall then give notice of a pending Willamette River Greenway permit application, and proposed action thereon, in the manner provided for, and to those persons for whom notice shall be given, under Chapter 17.50 of this Code, and to all other interested persons who wish to be notified and who pay a reasonable fee for such notification. If no interested person requests a hearing on such permit application within ten days of giving notice, the application shall be approved, either with or without conditions, or denied, as proposed by the community development director and in accordance with the findings required by this subsection. If there be objection, the matter shall be heard by the planning commission as an administrative action.

Finding: Not applicable. Staff finds that the scale of the addition of the two poles to the existing site does not have any impact on the considerations listed in this section.

17.48.100 - Compatibility review.

A. In all areas within one hundred fifty feet of the ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.

Finding: Complies. Staff finds that the scale of the addition of the two poles does not intensify the existing use of the site.

B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings be made by the planning commission.

1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.

Finding: Complies. Staff finds that the scale of the addition of the two poles has no impact on landscaping, open spaces or vegetation between the activity and the river.

2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.

Finding: Complies. Staff finds that the addition of the two poles has no impact access to the river.

17.48.110 - Prohibited activities.

The following are prohibited within the Willamette River Greenway:

A. Any main or accessory residential structure exceeding a height of thirty-five feet, except for areas located within the Willamette Falls Downtown District;

B. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;

C. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.

Finding: Not applicable. Applicant has not proposed a prohibited activity.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 - Modifications that will better meet design review requirements.

The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to [section 17.60.020](#).

Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to [section](#)

[17.60.020](#). Modifications that are denied through design review may be requested as Variance through the Variance process pursuant to [section 17.60.020](#). The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

A. The modification will result in a development that better meets design guidelines; and

Finding: See Variance Section.

B. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Finding: See Variance Section.

17.62.020 - Preapplication conference.

Prior to filing for site plan and design review approval, the applicant shall confer with the community development director pursuant to [Section 17.50.030](#). The community development director shall identify and explain the relevant review procedures and standards.

Finding: Complies. Jason Chu and Jennifer Santhouse of PGE attended a pre-application conference with John Stutesman and Peter Walter on April 20, 2016 to discuss the proposed project. The Pre-App file number is PA-16-0017, and pre-application and summary was included with the formal land use application.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-5 and R-3.5 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cottage housing development, multi-family and non-residential uses in all zones. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval.

Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval.

Site plan and design review shall not alter the type and category of uses permitted in zoning districts.

Finding: Applicable. Due to the small footprint of the proposed utility poles, PGE is submitting its application for a Minor Site Plan review concurrently with this project and the property's use as a substation, which qualifies as a conditional use in the R-6 zoning district.

17.62.035 - Minor site plan and design review.

This section provides for a minor site plan and design review process. Minor Site Plan Review is a Type II decision subject to administrative proceedings described in OCMC [17.50](#) section and may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Generally. Minor site plan and design review applies to the following uses and activities:

- 1. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).*
- 2. Modification to parking lot layout and landscaping or the addition of up to 5 parking spaces.*
- 3. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.*
- 4. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.*

Finding: Complies. PGE proposes to add two utility poles to an existing substation site. This project does not add buildings and/or interior usable space or modify a parking lot layout. This project will not increase off-site impacts and is consistent with

the current type and scale of activity on the property.

B. Application. The application for the minor site plan and design review shall contain the following elements:

- 1. The submittal requirements of Chapter 17.50.*
- 2. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035C. below.*
- 3. Site plan drawings showing existing conditions/uses and proposed conditions/uses.*
- 4. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.*
- 5. Additional submittal material may be required by the community development director on a case-by-case basis.*

Finding: Complies. The application was deemed complete on August 11, pursuant to the requirements for a Minor Site Plan. See the project Site Plans attached as an Exhibit.

17.62.050 - Standards.

A. All development shall comply with the following standards:

- 1. Landscaping, A minimum of fifteen percent of the lot shall be landscaped. Existing native vegetation shall be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.*
 - a. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to twenty-five percent of the overall required landscaping may be approved by the community development director if the same or greater amount of pervious material is incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC 17.52.070).*
 - b. Pursuant to Chapter 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.*
 - c. The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.*
 - d. For properties within the Downtown Design District, or for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the ten percent requirement.*
 - e. Landscaping shall be visible from public thoroughfares to the extent practicable.*
 - f. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.*

Finding: Not applicable. The project does not contemplate the construction of buildings, the expansion of impervious surface or the removal of trees. The project will not affect any existing landscaping. Existing screening vegetation is established at the perimeter of the site on 99E. Over 50% of the property is covered with existing vegetation.

2. Vehicular Access and Connectivity.

- a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.*

Finding: Not applicable. The existing substation does not include typical buildings and no typical buildings or parking areas are associated with the proposed addition to two utility poles. There is adequate area located outside the substation fence to accommodate PGE vehicles that visit the site on an intermittent basis for inspection purposes. Therefore, this standard is not applicable to the proposed project.

- b. Ingress and egress locations on thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.*

Finding: Not applicable. As shown on the Site Plan (see Appendix A-1) there is one existing driveway that provides access into the substation from S. McLoughlin Blvd. No changes to the existing access are proposed. PGE has established protocols with emergency services (fire and police) regarding substation access and protection in the interest of public safety. Therefore, this standard is met.

- c. Alleys or vehicular access easements shall be provided in the following Districts: R-2, MUC-1, MUC-2, MUD and NC zones unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker. The corners of alley intersections shall have a radius of not less than ten feet.*

Finding: Not applicable. The property is currently zoned R-6, therefore this standard is not applicable.

d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.

Finding: Not applicable. The property is currently zoned R-6, therefore this standard is not applicable.

e. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.

Finding: Not applicable. The substation has frontage and an existing driveway off S. McLoughlin Blvd. No changes to the existing driveway are proposed. There is currently no sidewalk along the S. McLoughlin Blvd. frontage on PGE's property or neighboring properties.

f. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

Finding: Not applicable. There will be no changes to the location or width of the existing driveway. Therefore, this standard is not applicable.

g. Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Such easements shall be required in addition to applicable street dedications as required in [Chapter 12.04](#).

Finding: Not applicable. This standard is not applicable to the proposed project since it is an established site and the scale of the improvements does not trigger compliance. The subject property has frontage on S. McLoughlin Blvd. The eastern property line abuts a steep hill and there are no thoroughfare between the substation property and the property adjacent to the eastern property line. Staff notes that the applicant has only applied for a minor site plan, conditional use and variance for the addition of the two poles to the existing established site, and that there are few if any land use impacts associated with these improvements. Approval of this application does not vest any future expansions of the site. Future expansions on the site shall be reviewed through a similar process and may trigger proportional improvements and upgrades to and abutting the site, including but not limited to additional right-of-way dedications, street pavement, bike lanes, sidewalks, curbs etc, and landscaping and screening improvements. Such improvements will require approval by Oregon Department of Transportation who has jurisdiction over 99-E, but which did not comment on this application.

h. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker only where dedication of a street is deemed impracticable by the city.

Finding: Not applicable. The subject property does not allow for public access. The site has frontage on S. McLoughlin Blvd. which does not currently have sidewalks or other pedestrian access. No streets connections are planned through the property. Staff notes that the applicant has only applied for a minor site plan, conditional use and variance for the addition of the two poles to the existing established site, and that there are few if any land use impacts associated with these improvements. Approval of this application does not vest any future expansions of the site. Future expansions on the site shall be reviewed through a similar process and may trigger proportional improvements and upgrades to and abutting the site, including but not limited to additional right-of-way dedications, street pavement, bike lanes, sidewalks, curbs etc, and landscaping and screening improvements. Such improvements will require approval by Oregon Department of Transportation who has jurisdiction over 99-E, but which did not comment on this application.

i. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Finding: Not applicable. The subject property does not allow for public access. The site has frontage on S. McLoughlin Blvd. which does not currently have sidewalks or other pedestrian access. No streets connections are planned through the property.

j. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future.

Finding: Not applicable. The subject property does not allow for public access. The site has frontage on S. McLoughlin Blvd. No

streets connections are planned through the property.

k. Parcels larger than three acres shall provide streets as required in Chapter 12.04. The streets shall connect with existing or planned streets adjacent to the site.

Finding: Not applicable. The subject site is an established electrical substation and no public streets are planned through the site. The property backs up to a steep hillside that is unlikely to be developed. Staff does not anticipate the need for additional streets to serve the subject site or adjacent sites with this application. The subject property does not allow for public access. The site has frontage on S. McLoughlin Blvd. No streets connections are planned through the property.

l. Parking garage entries shall not dominate the streetscape. They shall be designed and situated to be ancillary to the use and architecture of the ground floor. This standard applies to both public garages and any individual private garages, whether they front on a street or private interior access road.

Finding: Not applicable. No parking garages are proposed.

m. Buildings containing above-grade structured parking shall screen such parking areas with landscaping or landscaped berms, or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area. Upper level parking garages shall use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.

Finding: Not applicable. No structured parking is proposed.

3. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.

Finding: Not applicable. No buildings are proposed.

a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design and materials are compatible with the subject building, and District or Landmark. The community development director may utilize the Historic Review Board's Guidelines for New Construction (2006) to develop findings to show compliance with this section.

Finding: Not applicable. The Canemah Substation is not located within the McLoughlin Conservation District, the Canemah National Register District or the Downtown Design District.

b. In historic areas and where development could have a significant visual impact, the review authority may request the advisory opinions of appropriate experts designated by the community development director from the design fields of architecture, landscaping and urban planning. The applicant shall pay the costs associated with obtaining such independent professional advice; provided, however, that the review authority shall seek to minimize those costs to the extent practicable.

Finding: Not applicable. This standard is not applicable to the proposed project because the subject property is not within a designated historic district. Additionally, the substation has operated continuously for approximately 50 years. The proposed addition of utility poles does not represent a significant visual impact relative to existing conditions (see Exhibit - Visual Simulation).

4. Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.

Finding: Not applicable. This project does not require grading.

5. Development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.

Finding: Not applicable. The subject property is not within the boundary of the Geologic Hazard overlay district. Therefore, the requirements of that district are not applicable to the proposed substation expansion.

6. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.

Finding: Not applicable. This project does not impact drainage.

7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52.

Finding: Not applicable. This project does not propose nor affect any off-street parking.

8. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the community development director may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.

Finding: Not applicable. The property does not currently have a sidewalk along the S. McLoughlin Blvd. frontage and the proposed project will not impact pedestrian activity in the area. Staff notes that the applicant has only applied for a minor site plan, conditional use and variance for the addition of the two poles to the existing established site, and that there are few if any land use impacts associated with these improvements. Approval of this application does not vest any future expansions of the site. Future expansions on the site shall be reviewed through a similar process and may trigger proportional improvements and upgrades to and abutting the site, including but not limited to additional right-of-way dedications, street pavement, bike lanes, sidewalks, curbs etc, and landscaping and screening improvements. Such improvements will require approval by Oregon Department of Transportation who has jurisdiction over 99-E, but which did not comment on this application.

9. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:

a. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

a. The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.

b. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.

b. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.

c. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.

d. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.

Finding: Not applicable. The standards relating to on-site pedestrian improvements are not relevant to proposed project. The substation use does not include buildings and no employees are based at the facility. There is no public access permitted on the site. Additionally, the subject property has frontage along S. McLoughlin Blvd. which does not currently have a sidewalk.

10. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.

Finding: Complies. There are no common facilities, recreational facilities, garbage storage areas or other storage areas associated with the on-going operation of the Canemah Substation. PGE will maintain the current vegetation on the property.

11. Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection.

Finding: Not applicable. This standard is not applicable to the proposed project. No trees or shrubbery will be removed in connection with the project and the total project impact area is minimal.

12. Development shall be planned, designed, constructed and maintained to protect water resources and habitat conservation areas in accordance with the requirements of the city's Natural Resources Overlay District, Chapter 17.49, as applicable.

Finding: Not applicable. The site is not within the Natural Resources Overlay District.

13. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the community development director or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.

Finding: Complies. PGE will continue to maintain compliance with all applicable federal, state and city environmental performance standards. The substation does not require an air quality permit from DEQ for either a direct or indirect source discharge. The substation facility does not result in emissions to the air. The substation does not generate odors, heat or glare. The substation use does not involve the storage, transportation, or disposal of hazardous materials under current standards. PCBs are no longer used in transformers. PGE will prepare and file an oil spill containment plan to comply with DEQ standards potentially associated with an on-site spill of the small amounts of mineral oil used in transformers. PGE can comply with DEQ noise standards. Transformers are the only source of continuous sound generation in an electric utility substation.

14. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

Finding: Not applicable. Canemah Substation is not connected to and does not require public water or sewer facilities.

15. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. Compliance with

[Chapter] 12.04, Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.

Finding: Not applicable. The proposed addition of two utility poles does not trigger requirements for public improvements. The property fronts S. McLoughlin Blvd. which is currently improved as follows: 4 travel lanes, no curb and gutter. Staff notes that the applicant has only applied for a minor site plan, conditional use and variance for the addition of the two poles to the existing established site, and that there are few if any land use impacts associated with these improvements. Approval of this application does not vest any future expansions of the site. Future expansions on the site shall be reviewed through a similar process and may trigger proportional improvements and upgrades to and abutting the site, including but not limited to additional right-of-way dedications, street pavement, bike lanes, sidewalks, curbs etc, and landscaping and screening improvements. Such improvements will require approval by Oregon Department of Transportation who has jurisdiction over 99-E, but which did not comment on this application.

16. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.

Finding: Complies. Tri-Met did not comment on this application, despite receiving notice. TriMet currently provides transit service along S. McLoughlin Blvd. The proposed project does not include industrial, institutional, retail or office development that would trigger the review of the application by TriMet.

17. All utility lines shall be placed underground.

Finding: Not applicable. Improvements to the transmission lines out of the substation are not subject to land use review, but rather are regulated by PGE's franchise agreement with Oregon City. Therefore, this standard is not applicable to the proposed project.

18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

Finding: Not applicable. The standards relating to ADA access are not applicable to the proposed project.

19. For a residential development, site layout shall achieve at least eighty percent of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through Natural Resource or Geologic Hazards protection, and required open space or park dedication.

Finding: Not applicable. This is not a residential development.

20. Screening of Mechanical Equipment:

Finding: Not applicable. The standards relating to screening of roof and wall mounting mechanical equipment are not applicable to the proposed addition of two utility poles. The existing substation is screened by evergreen shrubs along S. McLoughlin Blvd. and by significant vegetation throughout the south and eastern portions of the property.

21. Building Materials.

a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:

i. Brick.

ii. Basalt stone or basalt veneer.

iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.

iv. Board and baton siding.

v. Other materials subject to approval by the community development director.

vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.

vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

Finding: Not applicable. The proposed project does not include buildings. Therefore, the standards relating to preferred building materials are not applicable.

b. Prohibited materials. The following materials shall be prohibited in visible locations unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.

i. Vinyl or plywood siding (including T-111 or similar plywood).

ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.

iii. Corrugated fiberglass.

iv. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure). [v.] Crushed colored rock/crushed tumbled glass.

[vi.] Non-corrugated and highly reflective sheet metal.

Finding: Complies. The existing substation on Tax Lot 2770 is enclosed by an 8 foot chain link fence topped by three strands of barbed wire. These materials were previously permitted or not regulated by older code. Mature evergreen hedge and trees provide screening of views into the existing substation. The proposed addition of two utility poles does not expand or otherwise affect the fence or fenced area.

c. Special material standards: The following materials are allowed if they comply with the requirements found below:

1. Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground- faced and shall

not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.

2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).

3. Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.

Finding: Not applicable. The special material standards listed above apply to buildings are not relevant to the proposed addition of two utility poles.

22. Conditions of Approval. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.310, 17.50.320 and 17.50.330. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.

Finding: Staff has not recommended any applicable conditions of approval.

17.62.55 - Institutional and commercial building standards.

Finding: These standards are not applicable to the proposed project. The standards in OCMC 17.62.55 are architectural requirements that apply to new commercial and institutional buildings, i.e. structures that people inhabit and which have walls, windows and other architectural features that must be reviewed for compatibility with adjacent development. The project is for two utility poles to an existing substation site. No typical habitable buildings exist or are proposed.

17.62.56 - Additional standards for large retail establishments.

Finding: These standards are not applicable to the proposed project.

17.62.57 - Multi-family standards.

Finding: These standards are not applicable to the proposed project.

17.62.059 - Cottage housing.

Finding: These standards are not applicable to the proposed project.

17.62.065 - Outdoor lighting.

B. Applicability.

1. General.

a. All exterior lighting for any type of commercial, mixed-use, industrial or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.

b. The city engineer/public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.

Finding: Not applicable. The proposed addition of two utility poles does not require the addition of or change to the current lighting at the substation facility.

2. Lighting Plan Requirement.

All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

Finding: Not applicable. The proposed addition of two utility poles does not require the addition of or change to the current lighting at the substation facility.

3. Excepted Lighting.

The following types of lighting are excepted from the requirements of this section.

- a. Residential lighting for single-family attached and detached homes, and duplexes.*
- b. Public street and right-of-way lighting.*
- c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.*
- d. Temporary lighting for emergency or nighttime work and construction.*
- e. Temporary lighting for theatrical, television, and performance areas, or for special public events.*
- f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.*
- g. Lighting required and regulated by the Federal Aviation Administration.*

Finding: Not applicable. The applicant has not proposed additional lighting.

17.62.080 - Special development standards along transit streets.

Finding: This standard is not applicable to the proposed project.

17.62.085 - Refuse and recycling standards for commercial, industrial, and multi-family developments.

Finding: This standard is not applicable to the proposed project.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

Finding: Not applicable. The proposed project does not require, propose, nor affect off-street parking.

CHAPTER 17.56 CONDITIONAL USES

17.56.010.A.1. The use is listed as a conditional use in the underlying district;

Finding: Complies. A substation is identified as a use that may be permitted in the R-6 District when a conditional use permit is approved. When the substation was built in the 1960s, the City did not have the current zoning codes in place. The proposed addition of two utility poles has triggered a review of the current zoning status and compliance with the requirement for a conditional use permit, site plan review and variance. The proposed utility poles are similar in design, size and location to the existing utility poles on the property.

17.56.010.A.2 The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;

Finding: Complies. The established site is suitable for the substation considering its size, shape, location on 99-E by the Willamette River and PGE. The site and adjacent properties to are zoned residential and mixed-use, however there are currently are no residential uses that immediately about the facility, therefore the substation has minimal impact on residential use. The two proposed utility poles will be wood and similar in size and placement to the existing poles on the property. Please refer to Exhibits for a visual simulation for the proposed poles. The current design and placement will allow the proposed poles to blend into the existing surroundings.

17.56.10.A.3. Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places;

Finding: Not applicable. See section 12.04 for findings.

17.56.10.A.4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;

Finding: Complies as proposed. The two proposed utility poles will be wood and similar in size and placement to the existing poles on the property. Please refer to Exhibit 1 for a visual simulation for the proposed poles. The current design and placement will allow the proposed poles to blend into the existing surroundings.

17.56.10.A.5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.

Finding: Complies as proposed. The intent of this project is to upgrade PGE's existing electrical infrastructure to improve electrical reliability to the area with minimal effect to the surrounding area. The inability to complete this upgrade could result in a catastrophic electrical outage for nearby residents and commercial customers, including West Linn Paper Company that

could take up to 24 hours to restore.

Comprehensive Plan - Section 15: Willamette River Greenway

Goal 15.1 Protect the Willamette River Greenway

Ensure the environmental and economic health of the Willamette River by adopting goals, policies and procedures that meet LCDC Statewide Planning Goal 15, Willamette River Greenway.

Policy 15.1.4: Restrict new substations and power line towers in the WRG and river view corridor.

Finding: Complies. See also findings under Section 17.48. PGE acknowledges that the Willamette River Greenway Overlay District has a restriction for new substations and power line towers in the WRG and river view corridor. The proposed project does not expand the current substation area, however, PGE is proposing to add two transmission structures to the substation property. The proposed transmission poles are wooden monopoles that are similar in height, design and placement to the existing structures on the site and will create a negligible visual impact on the property. Please see Exhibits for a visual simulation of the proposed structures.

Staff finds that the scale of the addition of the two poles has minimal impact on and is consistent with the applicable Comprehensive Plan goals and policies for the Willamette River Greenway.

Comprehensive Plan Section 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

Goal 5.2 Scenic Views and Scenic Sites

Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.

Policy 5.2.2

Maximize the visual compatibility and minimize the visual distraction of new structures or development within important viewsheds by establishing standards for landscaping, placement, height, mass, color, and window reflectivity.

Finding: Complies. The proposed transmission poles are wooden, monopoles that are similar in height, design and placement to the existing structures on the site and will create a negligible visual impact. There are no inventoried open space, scenic and historic areas on or near the property, and the site is not within the Natural Resources Overlay District.

Staff finds that the scale of the addition of the two poles has minimal impact on and is consistent with the applicable Comprehensive Plan goals and policies for the Open Spaces, Scenic and Historic Areas, and Natural Resources.

Comprehensive Plan Section 11: Public Facilities - Page 79:

*"Oregon City is committed to providing its residents with safe and accessible public facilities and services that are developed in a timely, orderly and efficient fashion and that contribute to their welfare and quality of life. **Oregon City also has an interest in its citizens having access to utilities provided by other agencies and the private sector, such as electricity, gas, telecommunications, health care, and education.**"*

See page 82 of Comp. Plan. *"Currently, there is sufficient electricity capacity in the Oregon City area to support industrial, commercial, and residential expansion."*

Finding: Complies. In order to provide safe and reliable electricity, PGE must continually maintain, evaluate and upgrade its electricity facilities. The recent determination to split the existing 57kV circuit from the Canemah Substation to the Willamette River Crossing was made to improve electricity reliability for residents and commercial customers in the area and provide safer working conditions for PGE's operations and maintenance personnel. The proposed project does not increase electricity capacity, however it does provide an alternate circuit for electricity transmission which will allow for more consistent, reliable and safe electricity delivery throughout Oregon City and to West Linn via the Willamette River Crossing.

Staff finds that the scale of the addition of the two poles has will promote and be consistent with the applicable Comprehensive Plan statements regarding electrical transmission capacity.

Any other applicable Comprehensive Plan goals or Policies

Goal 11.7 Private Utility Operations

Coordinate with utilities that provide electric, gas, telephone and television cable systems, and high-speed internet connection to Oregon City residents to ensure adequate service levels.

Finding: Complies. Oregon City Comprehensive Plan Goal 11.7, Private Utility Operations requires that the City coordinate with utilities that provide electric, gas, telephone and television cable systems and high-speed internet connection to Oregon City residents to ensure adequate service levels. PGE has identified that the existing 57kV line from the Canemah Substation to the Willamette River Crossing should be split to provide an additional electricity transmission route which will reduce the possibility of a major electrical outage, control power load swings and improve safety conditions for PGE operations and maintenance personnel.

17.56.10.B. *Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the planning commission.*

Finding: Not applicable. Staff has not recommended conditions of approval. Due to the very minor impacts associated with the addition of the two utility poles on the existing development on and adjacent to the site, no conditions of approval appear to be necessary. Staff notes that the applicant has only applied for a minor site plan, conditional use and variance for the addition of the two poles to the existing established site, and that there are few if any land use impacts associated with these improvements. Approval of this application does not vest any future expansions of the site. Future expansions on the site shall be reviewed through a similar process and may trigger proportional improvements and upgrades to and abutting the site, including but not limited to additional right-of-way dedications, street pavement, bike lanes, sidewalks, curbs etc, and landscaping and screening improvements. Such improvements will require approval by Oregon Department of Transportation who has jurisdiction over 99-E, but which did not comment on this application. Future expansions to the site would be required to seek additional conditional use approval.

17.56.10.C. *Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B of this section unless otherwise indicated, as well as the minimum conditions listed below.*

Finding: Complies. Please refer to the analyses regarding OCMC Chapters 17.08 and 17.56 in this report.

17.56.10.D. *In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use, expansion of lot area or expansion of structure shall conform with the requirements for conditional use.*

Finding: Applicable. A substation is identified as a use that may be permitted in the R-6 District when a conditional use permit is approved. When the substation was built in the 1960s, the City did not have the current zoning codes in place. The proposed addition of two utility poles has triggered a review of the current zoning status and compliance with the requirement for a conditional use permit, site plan review and variance. The substation lot area, foundations, impervious surfaces or buildings will not be constructed or expanded as a part of this proposed project.

17.56.10.E. *The planning commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the planning commission without the need to return for additional review.*

Finding: Not applicable. PGE has no immediate plans to expand or modify the substation site other than the installation of two new transmission poles to carry the split 57kv line to the existing transmission lattice structure. Without specific plans, it may be difficult to determine a specified maximum as designated by the Planning Commission, although the applicant PGE is open to Commission proposals for evaluation. Staff notes that the applicant has only applied for a minor site plan, conditional use and variance for the addition of the two poles to the existing established site, and that there are few if any land use impacts associated with these improvements. Approval of this application does not vest any future expansions of the site. Future expansions on the site shall be reviewed through a similar process and may trigger proportional improvements and upgrades to and abutting the site, including but not limited to additional right-of-way dedications, street pavement, bike lanes, sidewalks, curbs etc, and landscaping and screening improvements. Such improvements will require approval by Oregon Department of Transportation who has jurisdiction over 99-E, but which did not comment on this application.

17.56.040.A. *Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent*

residential property as set forth in the findings of the planning commission.

Finding: Not applicable. No new buildings are proposed. This standard is not applicable to the proposed project.

17.56.40.B Additional Street Right-of-Way. *The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.*

Finding: Not applicable. See section 12.04. The proposed project will not increase vehicular or pedestrian traffic in the area. This standard is not applicable to the proposed project.

17.56.40.C Public Utility or Communication Facility. *Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.*

Finding: Variance required. Please refer to findings in section 17.68. The proposed 80' pole will be installed approximately 10' from the northern property line. This new pole is parallel to the existing lattice tower. PGE is requesting a variance for the setback to meet safety clearance height and angles. The two new poles are similar in height, design and location to the existing poles on the property. The pole placement is based on electrical safety standards. The new line will make maintenance and repair on electrical lines in the area safer for PGE's crew while providing more consistent, reliable electricity to area residents and commercial customers.

CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY

13.12.50 Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards for stormwater conveyance, stormwater quantity or stormwater quality.

13.12.50.A. Stormwater Conveyance. *The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:*

- 1. The conveyance facilities are located entirely on one privately owned parcel;*
- 2. The conveyance facilities are privately maintained; and*
- 3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits. Those facilities*

exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.

Finding: This standard is not applicable to the proposed project.

13.12.50.B. Stormwater Quantity Control. *The stormwater quantity control requirements of this chapter shall apply to the following proposed activities, uses or developments:*

- 1. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven-year period;*
- 2. Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period; or*
- 3. Redevelopment of a commercial or industrial land use that will disturb more than five thousand square feet of existing impervious surface. This five thousand square foot measurement cumulates over any given seven year period;*
- 4. An exemption to the stormwater quantity control requirements of this chapter will be granted in the following circumstances:*
 - a. The development site discharges to a stormwater quantity control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater, or,*
 - b. The development site discharges to one of the following receiving bodies of water: Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42*

Finding: This standard is not applicable to the proposed project.

13.12.50.C. Stormwater Quality Control. The stormwater quality control requirements of this chapter shall apply to the following proposed activities, uses or developments:

- 1. Category A. Activities subject to general water quality requirements of this chapter:*
 - a. The construction of four or more single-family residences; Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven year period; or*
 - b. Activities that create more than eight thousand square feet of new impervious surface for other than a single-family residential development. This eight thousand square foot measurement will be considered cumulative for any given seven year period;*
 - c. An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater quality control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.*
- 2. Category B. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices as contained in the Public Works Stormwater and Grading Design Standards:*
 - a. Fuel dispensing facilities;*
 - b. Bulk petroleum storage in multiple stationary tanks;*
 - c. Solid waste storage areas for commercial, industrial or multi-family uses;*
 - d. Loading and unloading docks for commercial or industrial uses; or*
 - e. Covered vehicle parking for commercial or industrial uses.*
- 3. Category C. Clackamas River Watershed. In addition to any other applicable requirements of this chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Thee Basin Rule).*

Finding: This standard is not applicable to the proposed project.

13.12.90 Approval criteria for engineered drainage plans and drainage report.

An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:

- A. The plan and report demonstrate how the proposed development and stormwater management facilities will accomplish the purpose statements of this chapter;*
- B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020*
- C. Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:*
 - 1. Do not exceed the capacity of receiving drainage conveyance facilities;*
 - 2. Do not increase the potential for streambank erosion; and*
 - 3. Do not add volume to an off-site closed depression without providing for mitigation.*
- D. Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:*
 - 1. Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and*
 - 2. Stormwater quality control facilities which:*
 - a. Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;*
 - b. Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and*
 - c. Minimize any increase in nonpoint source pollution.*
- E. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.*
- F. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The postdevelopment peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.*

G. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

Finding: This standard is not applicable to the proposed project.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

Finding: Not applicable. These standards are not applicable to the proposed project because the installation of two utility poles will not increase vehicular or pedestrian traffic in the area. The existing substation does not include buildings and no buildings or parking areas are associated with the proposed addition to two utility poles. The impact of the addition of two utility poles to the existing substation has no impact on the City's Transportation System. The project was reviewed by the City's Transportation Consultant, John Replinger, P.E. of Replinger and Associates who stated that "There is no transportation impact from this proposal."

Staff notes that the applicant has only applied for a minor site plan, conditional use and variance for the addition of the two poles to the existing established site, and that there are few if any land use impacts associated with these improvements. Approval of this application does not vest any future expansions of the site. Future expansions on the site shall be reviewed through a similar process and may trigger proportional improvements and upgrades to and abutting the site, including but not limited to additional right-of-way dedications, street pavement, bike lanes, sidewalks, curbs etc, and landscaping and screening improvements. Such improvements will require approval by Oregon Department of Transportation who has jurisdiction over 99-E, but which did not comment on this application.

Chapter 12.08 - PUBLIC AND STREET TREES

12.08.015 - Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

Finding: Not applicable. This project is not considered new construction or major redevelopment, therefore, this standard is not applicable to the proposed project.

CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

Finding: This standard is not applicable to the proposed project. No grading, filling or excavating is proposed that would exceed the limits specified. The pole installation requires the augering of two holes for a footing, which will require a building permit, but which does not trigger a requirement for a fill / grading permit.

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.070 Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

Finding: This standard is not applicable to the proposed project.

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

- 1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.*
- 2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.*
- 3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.*
- 4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.*

17.41.030 - Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in Section 17.04, shall govern.

Finding: Not applicable. No trees or shrubbery will be removed in connection with the project and the total project impact area is minimal.

CHAPTER 17.44 – GEOLOGIC HAZARDS OVERLAY DISTRICT

Finding: This standard is not applicable because the site is outside of the Geologic Hazards Overlay District.

CHAPTER 17.49 – NATURAL RESOURCE OVERLAY DISTRICT

Finding: This standard is not applicable because the site is outside of the Natural Resource Overlay District and utility poles are exempt per Chapter 17.49[0]80 of the Oregon City Code.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.050 Preapplication Conference

A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a

permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

Finding: Complies. Jason Chu and Jennifer Santhouse of PGE attended a pre-application conference with John Stutesman and Peter Walter on April 20, 2016 to discuss the proposed project. The Pre-App file number is PA-16-0017, and pre-application and summary was included with the formal land use application.

17.50.055 Neighborhood Association Meeting

The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

1. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.

3. A meeting shall be scheduled within thirty days of the notice. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.

4. If the neighborhood association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.

5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.

Finding: Complies. Jason Chu and Jennifer Santhouse presented the proposed plan to the Canemah Neighborhood Association meeting on June 16, 2016. A copy of the correspondence from the neighborhood association secretary, the meeting minutes and the attendance record for the meeting are provided as part of the application.

CHAPTER 17.54.100 – FENCES, HEDGES AND WALLS

Finding: Not applicable. This standard is not applicable to the proposed project. The existing fence surrounding the substation will not be modified in connection with this project.

CHAPTER 17.60 VARIANCES

17.60.20 – Variances—Procedures.

17.60.20.A. *A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.*

Finding: Complies. PGE proposes to install two new transmission poles on the substation property. The current zoning of R-6 limits utility pole height to 35'. PGE is requesting a variance to accommodate a new transmission line from an updated circuit within the substation to the existing Willamette River transmission crossing. Additionally, the R-6 zoning designation requires that poles be placed a distance equivalent to height from the property line. PGE proposes to install an 80' transmission pole approximately 10' from the northern property line of Tax Lot 2790 in order to properly support and connect with the existing transmission lines crossing. The location of the 80' pole is parallel to the existing transmission lattice structure and will be secured by guy wires to prevent encroachment onto the neighboring property.

17.60.20.B. *A nonrefundable filing fee, as listed in Section 17.50.[0]80, shall accompany the application for a variance to defray the costs.*

Finding: Complies. PGE submitted a Variance Application fee in the amount of \$2,467.00 with its application.

17.60.20.C. *Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030, Variances — Grounds.*

Finding: A public hearing was noticed in accordance with Chapter 17.50. The proposed project requires a Variance because the proposed utility pole heights exceed the 35' height maximum allowed within an R-6 Zone and the Code states that utility poles are located a distance equivalent to height from the property line. PGE is requesting a variance to allow for an 80' utility pole to be placed parallel to the existing lattice tower (approximately 10' south of the northern property line) and near an existing 75' utility pole. The placement of this pole was determined by the need to meet electrical safety clearance height and angle requirements and without the Variance, PGE will be unable to meet these safety requirements.

Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in Section 17.50.030B., and shall address the criteria identified in Section 17.60.030, Variance — Grounds.

Finding: Not applicable. The application is for a Planning Commission Type III variance.

17.60.20.D. *For the purposes of this section, minor variances shall be defined as follows:*

- 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
- 2. Variances to width, depth and frontage requirements of up to twenty percent;*
- 3. Variances to residential yard/setback requirements of up to twenty-five percent;*
- 4. Variances to nonresidential yard/setback requirements of up to ten percent;*
- 5. Variances to lot area requirements of up to five;*
- 6. Variance to lot coverage requirements of up to twenty-five percent;*
- 7. Variances to the minimum required parking stalls of up to five percent; and*
- 8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.*

Finding: Not applicable. The application is for a Planning Commission Type III variance.

17.60.30 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

17.60.30.A. *That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

Finding: Complies. The proposed addition of two transmission poles will not significantly affect light, air, safe access or other desirable or necessary qualities for the Applicant or the surrounding properties. As indicated in the visual simulations, the impact of the addition of the two poles is unlikely to be visible relative to existing structures on the site, many of which are higher and more massive than the proposed poles.

17.60.30.B. *That the request is the minimum variance that would alleviate the hardship;*

Finding: Complies. The addition of the new utility poles is in connection with the splitting of the existing 57kV circuit from the Canemah Substation to the Willamette River Crossing. The addition of this new circuit will provide additional reliability and improve safety for PGE's maintenance crews while reducing the potential for a catastrophic electrical outage in Oregon City, West Linn and the surrounding areas. Pole placement is based on standard electrical safety clearance that allows the new transmission lines to be safely connected to the existing lattice tower.

17.60.30.C. *Granting the variance will equal or exceed the purpose of the regulation to be modified.*

Finding: Complies. Section 11 of the Oregon City Comprehensive Plan states that "Oregon City is committed to providing its residence with safe and accessible public facilities and services that are developed in a timely, orderly and efficient fashion and that contribute to their welfare and quality of life." The proposed setback and height variance is necessary in order to provide safe and reliable electricity. PGE must continually maintain, evaluate and upgrade its electricity facilities. The recent determination to split the existing 57kV circuit from the Canemah Substation to the Willamette River Crossing was made to improve electricity reliability for residents and commercial customers in the area and provide safer working conditions for PGE's operations and maintenance personnel.

17.60.30.D. *Any impacts resulting from the adjustment are mitigated;*

Finding: Complies. The variance for the utility pole heights (60' and 80') and the setback (approximately 10' from property boundary) will have a negligible visual impact on the property for the Applicant or the surrounding neighbors because the height, design and placement of the proposed poles are congruent with the existing facilities. The property is heavily vegetated and no trees or shrubbery will be removed during the installation process. The impact of the setback variance will be mitigated by securing the pole with multiple guy-wires to ensure that the pole will not fall onto the adjacent property.

17.60.30.E. *No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*

Finding: As mentioned above, the proposed pole placement is based on standard electrical safety clearance that allows the new transmission lines to be safely connected to the existing lattice tower. There are no practical alternatives to this project.

17.60.30.F. *The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

Finding: Please see also findings above under Conditional Use, Section 17.56. Staff has made findings that the proposal conforms to the applicable provisions of the Comprehensive Plan. The Oregon City Comprehensive Plan describes the city's commitment to providing its citizens and businesses with access to safe and reliable public facilities, including electricity. PGE's proposed upgrade and installation of two utility poles on the Canemah Substation site will ensure that the local residents and businesses have reliable electrical service while also improving the safety for PGE's maintenance and operations personnel, with minimal impact to adjacent development.

III. CONCLUSION AND RECOMMENDATION

Based on the analysis and findings as described above, the proposed Conditional Use, Site Plan and Design Review application for the addition of the addition of two wood-guyed, single monopoles to support a 57kV transmission line from the Canemah Substation to the existing Canemah-Sullivan 57kV River Crossing Tower can meet the requirements as described in the Oregon City Municipal Code.

Therefore, staff recommends approval of files CU-16-0001, SP-16-0008, and VR-16-0002, based upon the findings and exhibits contained in this staff report.

IV. EXHIBITS

1. Land Use Application
2. Applicant's Submittal
3. Site Drawings
4. Code Responses
5. Pre-App Conference Summary (Planning)
6. Pre-App Conference Summary (Dev. Services)
7. Neighborhood Meeting Documents