

**BEFORE THE PLANNING COMMISSION OF THE  
CITY OF TILLAMOOK  
FINAL FINDINGS AND CONCLUSIONS  
CONDITIONAL USE PERMIT #CU-12-04  
T1S R9W Section 30, Tax lot 800;  
T1S R9W Section 30BC, Tax lot 200;  
T1S R9W Section 30BD, Tax lots 600, 700;  
T1S R10W Section 25AC, Tax lots 300, 400, 4500, 4501, 4600;  
T1S R10W Section 25AD, Tax lots 200, 401, 501, 502, 600, 700, 701.**

- APPLICANT/:** Tillamook People's Utility District, 1115 Pacific Avenue, Tillamook, OR 97141
- OWNERS:** Dean Alexander, 7835 Fawcett Creek Road, Tillamook, OR 97141; Barbara Aufdermauer, 1845 Wilson River Loop Road, Tillamook, OR 97141; Bradley and Beatrice Barclay, 10800 Chance Road, Tillamook, OR 97141; City of Tillamook, 210 Laurel Avenue, Tillamook, OR 97141; Dennis and Connie Johnson, 4103 Beech Street, Tillamook, OR 97141; Marie Mills Center Inc., 1800 Front Street, Tillamook, OR 97141; Perkins Investments, LLC, PO Box 420, Astoria, OR 97103; Tillamook County Creamery Association, 4185 Hwy 101 North, Tillamook, OR 97141; Western Oregon Conference Association of Seventh Day Adventists, 13455 SE 97<sup>th</sup> Avenue, Clackamas, OR 97015.
- REQUEST:** To construct a new 115-kilovolt (kV) transmission line between the Bonneville Power Administration's (BPA) Tillamook Substation located to the east of the City of Tillamook on Oregon Route 6 and a proposed PUD substation (Oceanside Substation) near the community of Oceanside in Tillamook County. Approximately 1.1 miles of the approximately 7.0-mile transmission line route are within the jurisdiction of the City of Tillamook, and the remaining 5.9 miles are within the jurisdiction of Tillamook County. Therefore, the Applicant requests approval of a conditional use permit (CUP) from the City of Tillamook for the construction of the 1.1-mile portion of the transmission line that crosses the City of Tillamook. A separate application will be submitted to Tillamook County for approval of the portion of the Project under the County's jurisdiction.
- The complete proposal across the City of Tillamook and Tillamook County includes two elements: approximately 7.0 miles of 115-kV electric transmission line and a 115-kV to 24.9/14.4-kV distribution substation.

Approximately 1.1 miles of the transmission line are proposed through the City of Tillamook. This segment of the Project is proposed through four different zoning districts within the City of Tillamook.

The Project within the City of Tillamook has been routed adjacent to existing linear developments (that is, collocation) wherever possible. These linear developments include portions of Front Street as well as an existing railroad spur owned by the Port of Tillamook Bay. Parallel construction or collocation with existing linear corridors (for example, highway and road rights-of-way, utility corridors, or previously developed areas) was one of the criteria used in evaluating routes. Collocation minimizes potential impacts to additional landowners, can reduce the need to clear new corridors, and lessens the potential environmental impact when compared to the clearing for new routes through previously undeveloped areas. Vegetation management to maintain access and clearances will be performed over the life of the Project as part of the ongoing line maintenance.

Generally, the Project will require the establishment and maintenance of a 100 foot wide Project corridor (easement) as well as the installation of ten (10) support poles and conductors.

The corridor will be established through the use of easements where proposed across existing properties. Where the PUD does not have an existing easement, a new easement will be obtained from the separate, underlying landowners along the route. The corridor under and around the transmission line can continue to be used for its current purpose if the landowner chooses to do so, as long as the use does not conflict with the safe operation of the line and meets the National Electric Safety Code (NESC), Rural Utilities Services (RUS), and PUD standards for clearances and use. This includes the maintenance of existing buildings and structures within the 100-foot wide corridor and under the transmission line. Existing buildings and structures in the 100-foot wide corridor can remain in their current form as the transmission line is being designed to accommodate them per NESC standards. Future redevelopment or new development of buildings and other aboveground structures will be limited within the corridor and specifically within close proximity to the transmission line. However, a number of other land uses can occur underneath the conductor. These allowed uses include agricultural, grazing, hunting, and some development such as parking lots or roads. Any future limitations within the corridor will be part of the future negotiations with affected landowners. Thus, landowners will

acknowledge an understanding of any potential future limitations as part of easement negotiations for the corridor.

Steel monopole will be typically used for the support poles. The support poles will vary in height, ranging approximate between 70 to 90 feet above ground. The actual height and diameter of each pole will be determined by topography and safety requirements for conductor clearances. The support poles will be tubular and galvanized and will measure approximately 1.5 to 5 feet in diameter at the ground line and it is anticipated that poles will be placed on a vibratory caisson base through the City of Tillamook. The depth of the base and the use of vibratory caissons will vary based on soil conditions and the loads supported by the base.

The distance between support poles, in the City, will range between approximately 500 and 700 feet. The minimum conductor clearances from the ground and other structures will meet the requirements of the NESC and the RUS.

Dead-end support poles will be used at regular intervals on the line to accommodate adequate conductor tensioning. Guy wires to support the dead-end support poles will not be used within the City of Tillamook. Dead-end support poles will be located where the Project crosses the railroad main line at pole 5 and poles 9 and 10 on opposite sides of the crossing at Highway 101.

The electrical conductor is the wire (or wires) strung from the support poles that carries or moves electric current. The proposed single-circuit line will consist of three phases of one conductor per phase that carries the electrical current making up the single-circuit configuration.

The conductors will not be covered with insulating material; instead, they will use air for insulation and ground clearance for public safety. Conductors will be attached to the pole supports using insulators to prevent the electricity in the conductors from moving to other conductors, the poles, and the ground.

A smaller overhead shield wire will be attached to the top of the support pole. It will provide ground protection to the transmission line from lightning damage. The overhead shield wire will have a core containing optical fibers used to transmit data. All within the O Zone, R-0 Zone, C-C Zone, I-L Zone, AO Overlay Zone, WRPO Overlay Zone, FHO Overlay Zone of the City of Tillamook

**HEARING DATE:** January 3, 2013, 7:00 p.m.

**PROPERTY OWNERS NOTIFIED:** This request was mailed to 92 adjacent property owners within a 250 ft radius on December 10, 2012.

**AGENCIES NOTIFIED:** County Assessor's Office, Port of Tillamook Bay (POTB), State Department of Land Conservation and Development (DLCD), Division of State Lands (DSL), Oregon Department of Fish and Wildlife (ODFW).

**CLOSING DATE:** December 31, 2012.

**COMMENTS RECEIVED:** Comments were received from Shawn Reiersgaard, Director of Environmental and Political Affairs, Tillamook County Creamery Association (TCCA); on January 2, 2013 (the letter is dated December 31, 2012). TCCA, as an affected property owner, offers the following comments for consideration by Planning and inclusion into the public record.

1. Constructing a transmission line along the Front Street Right-of-Way thwarts community renovation and enhancement plans for the Tillamook City core.
2. Use and value of TCCA's property will be reduced by its proximity to the transmission line.
3. Steel monopoles along the Front Street Right-of-Way will restrict truck access to the TCCA warehouse and make it more difficult to access the loading docks of the Farm Store.

**LOCATION:** The subject properties are located along the Front Street Right-of-Way, west of Main Avenue, and along the Port of Tillamook Bay (POTB) Right-of-Way, east of Main Avenue and includes Tax lot 800 of Section 30, Township 1S Range 9W; Tax lot 200 of Section 30BC, Township 1S Range 9W; Tax lots 600, 700 of Section 30BD, Township 1S Range 9W; Tax lots 300, 400, 4500, 4501, 4600 of Section 25AC, Township 1S Range 10W; Tax lots 200, 401, 501, 502, 600, 700, 701 of Section 25AD, Township 1S Range 10W; inside and outside the City Limits, inside the Urban Growth Boundary of the City of Tillamook. The proposed Project is located within the 1998 POTB Tillamook Municipal Airport Airspace and Approach Zone Plans.

**PARCEL SIZES:** Tax Lots 501, 502, 600, 700, 701(1S1025AD) and Tax Lots 300 and 400 (1S1025AC) are all under an acre in size and have lot depths ranging from 91 feet to approximately 130 feet.

**LAND USE/BUILDINGS:** Currently (moving west from the TPUD substation), an industrial building is located on Tax Lot 800 (1S930), between OR 6 and the POTB ROW; the Seventh Day Adventist Church on Tax Lot 600 (1S930BD); Hoquarton Interpretive Park on Tax Lot 200 (1S930BC); Highway 101; Sue H. Elmore Park on Tax Lot 200 (1S1025AD), Marie Mills Center on Tax Lot 401 (1S1025AD); industrial buildings on Tax Lots 501, 600, 700, and 701 (1S1025AD); an industrial yard on Tax Lot 502 (1S1025AD); an

industrial yard on Tax Lot 300 (1S1025AC); future site of Peeler Park on Tax Lot 400 (1S1025AC); future site of Ironworks Park on Tax Lot 4500 (1S1025AC); vacant property on Tax Lots 4600 and 4601 (1S1025AC). Figure 2 (see Appendix A of the Applicant's narrative) shows the location of existing trees and shrubs on a current aerial image.

**ADJACENT USES:** Adjacent uses include industrial, commercial, and residential lands to the south of the proposed Project; industrial, commercial, open space (Hoquarton Interpretive Park, and Sue H. Elmore Park), agricultural land to the north.

**UTILITIES:** Not applicable to this application.

**ACCESS:** The properties are accessed from the POTB ROW and Front Street, and various PUD easements.

**ROAD TYPE:** Front Street is designated a Collector Street in the City Transportation System Plan. It is also identified as a dedicated "Truck Route" in the City Transportation System Plan.

**EASEMENTS:** A 100 foot easement is proposed to be located along the proposed Project route. 50 feet of this easement will be located in the Front Street and POTB ROW's. The other 50 feet of the proposed easement is located on the subject properties.

**FLOOD POTENTIAL:** It appears portions of Tax Lot 200 (1S930BC) and the Project route is located in Zone AE, Special Flood Hazard Area, subject to flooding by the 1% annual chance flood, with a base flood elevation of 13 feet, as identified on the Flood Insurance Rate Map, Panel 4 of 4 Map # 410202004E, revised April 16, 2004. It appears the area north of Front Street and the Project route is also located in Zone AE, Special Flood Hazard Area, subject to flooding by the 1% annual chance flood, with a base flood elevation of 11 and 12 feet, as identified on the Flood Insurance Rate Map, Panel 3 of 4, Map #4102020003E, revised April 16, 2004.

**WETLANDS:** As identified in the Tillamook Local Wetland Inventory, there are wetlands located on Tax Lot Tax Lot 600 (1S930BD), Tax Lot 200 (1S930BC), Tax Lots 4500, 4501, 4600, and 4601 Tax Lot 200 (1S1025AC). Many of these areas are Significant Wetlands.

**ZONING/COMP PLAN:** Open Space District (O) Multiple Use Residential District (R-0); Central Commercial District (C-C); Light Industrial District (I-L); Airport Overlay Zone (AO); Water Resource Protection Overlay District (WRPO); Flood Hazard Overlay District (FHO).

**RELEVANT CRITERIA:** Sections 4, 11, 14, 17, 18, 20, 20.1, 27, 28 of the City of Tillamook Zoning Ordinance #979 lists the requirements necessary for approval of the proposed transmission line.

**Section 4 – Definitions.**

Public Facility includes public utilities. Such determination shall be made without reference to the ownership of the structure or the realty upon which it is situated.

Tree means a planting whose purpose may be decorative or otherwise, and which has clearly identifiable trunk or trunks, and whose normal height is expected to be ten (10) feet or greater.

In the City Street Tree Ordinance #1230, a “Tree” is defined as any woody plant having a trunk six (6) caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below 4.5 feet, the trunk is measured at its most narrow point beneath the split, and is considered one (1) tree if greater than six (6) inches DBH. Plants commonly planted as shrubs, including but not limited to English Laurel, Photinia, Arborvitae, Poison Oak, English Holly, and English Ivy shall not be considered a “tree”. Trees specifically planted and maintained, as a hedge shall additionally not be considered a “tree”. The applicant has defined taller vegetation such as trees and tall shrubs to have a 6 inch DBH.

Utility Facility means “a structure, pipe, or transmission line, which provides the public with electricity, gas, steam, heat, communication, water, sewage collection or other similar services.” According to the applicant, the Project is a public electrical transmission line, which is contained within the definition of “utility facility”. Given that the Project satisfies the definition of “utility facility” and is a public use, the Project can be considered a public utility. Furthermore, because “public utilities” are listed within the definition for “public facility,” the Project can also be considered to be a “public facility.”

**Section 11 – Open Space Zone District, or O District**

Approximately 0.4 mile of the Project crosses the O District, and the 100-foot-wide corridor through the O District will cover an area of approximately 4.8 acres. Furthermore, three support poles are proposed in the O District. A PUD Distribution line currently exists in the O District. Public Facilities are not listed to be allowed outright or conditionally in this zone district. However, Section 28(8) specifically states that the erection of an overhead electrical transmission line, like that being proposed by the Applicant, “shall be permitted in any district” even if it is not explicitly listed as an outright permitted or conditional use in a specific district. Therefore the proposed transmission Line is allowed in the O District. Please see Section 28 for further detail.

**Section 14 – Multiple Use Residential Zone District, or R-0 District**

Subsection 3, Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit:

- A. Any Conditional Use permitted in a Single-Family R-7.5 Zone, and Single-Family and Duplex Residential, R-5.0 Zone.

1. Any Public Facility as defined in this Ordinance. The Project is a public electrical transmission line, which is contained within the definition of “utility facility”. Given that the Project satisfies the definition of “utility facility” and is a public use, the Project can be considered a public utility. Furthermore, because “public utilities” are listed within the definition for “public facility,” the Project can also be considered to be a “public facility.” Therefore, the Project is allowed conditionally as a “public facility” in this District.
- B. Subsection 4, Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet. The proposed project exceeds a height of 45 feet. Please see Section 28, Provisions Applying to Special Uses, for further detail.

#### **Section 17 – Central Commercial Zone District, or C-C District**

Subsection 3, Conditional Uses. Any public facility located in the C-C Zone District may be permitted subject to a Conditional Use Permit as described in Section 27. This section is subject to the same definition as referenced in Section 14 above.

#### **Section 18 – Light Industrial District, or I-L District**

Subsection 3, Conditional Uses. Any public facility located in the I-L Zone District may be permitted subject to a Conditional Use Permit as described in Section 27. This section is subject to the same definition as referenced in Section 14 above.

Subsection 4, Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet. The proposed project exceeds a height of 45 feet. Please see Section 28, Provisions Applying to Special Uses, for further detail.

Subsection 8. Other Required Conditions.

- G. The emission of disturbing vibrations or of unpleasant odorous gases or matter in such quantity or at such amplitude as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited (This condition applies to the other Zone Districts identified above). According to the applicant, vibration and limited noise may be generated from construction equipment used during installation of the Project. Any vibration or increase in noise level from construction activities will be temporary and will take place during designated construction hours. Noise generation will comply with applicable Oregon State noise standards in Oregon Administrative Rule (OAR) 340-035 – Noise Control Regulations.

Vibrations and noise generation are not anticipated from the operation of the Project.

Limited dust and other air emissions may be present during construction. However, odorous gases are not anticipated. Dust and other air emissions associated with construction vehicles will be minimized through the use of Best Management Practices (BMP) including dust suppression and limiting the duration of exposed topsoil. Specific BMPs will be provided as part of the NPDES 1200-C Construction Stormwater Permit required prior to the initiation of

construction. Any detectable air emissions will be minimal, temporary, and related to construction.

During operations, any air emissions including fugitive dust from maintenance vehicles will be negligible. No odorous gases will occur during operation.

Odorous gases and air emissions are not anticipated from the Project.

- H. All uses in the I-L District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot, heat, glare, or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any other district. According to the applicant, the proposed use in the I-L District may produce a small amount of sound.

During operations, the transmission line will generate minimal noise emissions. Transmission lines can generate a small amount of noise during corona activity, where a small electrical discharge caused by the localized electric field near energized components and conductors ionizes the surrounding air molecules. Noise levels produced by a 115-kV transmission line are generally less than outdoor background levels and are, therefore, not generally audible.

According to staff review, the Project meets the standards set in these sections of the Zoning Ordinance. The applicant will have to meet any Oregon DEQ requirements for noise, odors and vibrations in an urban environment.

#### **Section 20 – Flood Hazard Overlay District, or FHO District**

The FHO District encompasses areas of special flood hazard as identified by Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) mapping. Approximately 0.8 mile of the Project crosses the FHO District. Furthermore, seven support poles are proposed in the FHO District, which will cover an area of approximately 137.4 square feet.

#### **1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

- C. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
1. To protect human life and health;
  2. To minimize expenditure of public money and costly flood control projects;
  3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. To minimize prolonged business interruptions;
  5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
  6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

The Project will result in the installation of seven support poles with approximately 137.4 square feet of impermeable surface within the FHO District. However, the Project is not a conventional inhabitable structure or development with foundation, floors, walls, and roofs for which this section is intended to regulate. Specifically, none of the standards in are applicable to a proposed overhead transmission line. The standards relate to other types of development including buildings, water systems, sanitary sewer systems, waste disposal systems, subdivisions, residential and nonresidential building construction, and manufactured homes. Thus, there are no review standards for the FHO District, which apply to the Project. In addition, the support poles will be constructed of steel and with a base, which are both resistant to flood damage where positioned in the FHO District. In addition, the support poles will be located at the southern edge of the FHO District in an area that does not have high velocity flows containing damaging debris. Furthermore, the support poles will be installed using methods and practices that minimize flood damage, and the PUD has existing support poles in this area that have not been affected by flooding. For example, grading for support pole installation will be minimized to only what is absolutely required. Any ground surface that has to be altered within the FHO District for support pole installation will be graded following installation to match preexisting contours. Furthermore, with the exception of existing impervious surface already within the Project corridor (e.g., paved streets and parking lots), the entire 100-foot-wide permanent corridor will be maintained as permeable, which will support the absorption of stormwater during flood events. Finally, the Applicant will be removing six existing support poles within the FHO as shown in Figure 5 of Appendix A of the Applicant's narrative, which will help to balance the seven support poles being installed. Replacing existing support poles minimizes the cumulative effect associated with electric transmission lines in floodplains within the City of Tillamook. A minor impermeable surface will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

The Project as proposed is still consistent with the stated purpose of the FHO District. For example, the Applicant specifically selected the proposed route to avoid the floodplain areas to the greatest extent practicable. The Applicant prepared a detailed alternatives analysis identifying a route that minimizes the crossing of natural hazard areas including floodplains. Including the proposed route, nine alternative routes through the City of Tillamook were identified during this analysis, and a systematic rating system was established for evaluating each alternative. Along with financial and land use constraints, this rating system analyzed the environmental constraints facing each route, including constructability and accessibility for maintenance during poor weather conditions including flood events. Following this analysis, the proposed route was identified as the preferred route through the City of Tillamook in part because it minimized floodplain crossings. The complete alternatives analysis and figures are provided as Appendix B of

the Applicant's narrative. As demonstrated in Appendix B, the proposed route avoids significant portions of the floodplain that are present north of Front Street.

The proposed crossing the FHO District will not adversely impact constructability or access for maintenance activities. Once the route was selected, the Applicant took measures to increase the distance between support poles in order to reduce the impacts associated with introducing support poles into resource areas. There will be approximately 500 to 700 feet between support poles within the FHO District, which decreases the number of required support poles. Furthermore, the Project will be built to NESC standards and will be designed to withstand flooding by being capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

Finally, one of the main purposes of the Project, as discussed in Section 3 of the Applicant's narrative, is to reduce the interruptions to the public, businesses, and other uses that may result from the current overloading of the electrical system. Construction and operation of the proposed Project therefore directly supports the objectives identified in TCZO Sections 20(1)(4) and (6). Again, the proposed Project will be designed, constructed, and operated in accordance with NESC safety and engineering standards and will be able to withstand flooding events, thereby avoiding potential impacts to life and property. As a result of the detailed route selection process, the Applicant is aware of the presence of floodplain along the proposed route and assumes responsibility for the construction and operation of the transmission line.

According to staff review, the Project is consistent with the stated purpose of the FHO District.

### **Section 20.1 – Airport Overlay Zone, or AO District**

Subsection 1. Purpose. In order to carry out the provisions of this overlay zone, there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to the Tillamook County Airport in Tillamook County. Such zones are shown on the current Airport Airspace and Approach and Clear Zone Maps, adopted by the Port of Tillamook Bay.

Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Tillamook and Tillamook County.

Subsection 2. Compliance. Uses and activities shall comply with the provisions of this overlay zone. In the event of any conflict between any provisions of this overlay zone and the primary zoning districts, the more restrictive provision shall apply.

#### Subsection 3. Special Definitions

- A. Airport Approach Safety Zone. . . The Airport Approach Safety Zone extends for a horizontal distance for 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.

- B. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
- C. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
- D. Clear Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway and elevation.
- E. Conical Surface. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) an upward extending to a height of 350 feet above the airport elevation.
- F. Horizontal Surface. A horizontal plan 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.

The proposed Project is partially located in the Airport Airspace and Approach and Clear Zone, Conical Surface but outside the Airport Approach Safety Zone. The proposed Project has height of 90 feet, much less than 350 feet. The applicant will be required to meet any POTB Airport Airspace and Approach Zone requirements as determined in Condition #4 of the Conclusions and Recommended Conditions section of these findings.

**Section 21.1 – Water Resources Protection Overlay District, or WRPO District**  
**Subsection 2. Applicability and Generalized Mapping**

- A. The Water Resource Protection Overlay District applies to all wetlands, streams and riparian corridors, identified as significant in the City of Tillamook Wetlands and Stream Corridors Map contained in the City’s Comprehensive Plan. This generalized map is based on the City of Tillamook Wetlands and Riparian Corridor Inventory prepared by Brophy and Wilson in 1999, hereby adopted by reference. The map shows the general location of significant resources. However, the edge of the wetlands area cannot be determined, until a wetland delineation is completed by a qualified person. The standards and procedures of this section:
  1. Apply to all development proposed on a lot or parcel located within, or partially within, the Water Resource Protection Overlay District;
  2. Are in addition to the standards of the underlying zone; and
  3. In cases of conflict, this ordinance supersedes the standards of the underlying zone.

A qualified wetland biologist performed a wetland delineation along the Project route on April 4-8, 2011 and August 15, 2012. The results of this delineation for the entire Project from the BPA Tillamook Substation to the proposed substation near Oceanside are described in Appendix F of the Applicant’s narrative. As shown in Figure 4 (see Appendix A of the Applicant’s narrative), approximately 7.4 acres of the Project’s 100-

foot-wide corridor will cross wetlands and a total of 8.7 acres of the Project's corridor will cross into the Water Resource Protection Overlay District (including wetland buffers). Also, approximately 0.6 acre will cross regulated riparian corridor associated with the Hoquarton Slough. These areas are within the City's Water Resource Protection Overlay District. The Project's crossings of the Water Resource Protection Overlay District occur generally around MP 0.2 and from MP 0.4 to MP 0.6 and from MP 1.1 to MP 1.3.

Figure 4 (see Appendix A of the Applicant's narrative) as presented in the applicant's report, shows the precise location of the top of streambanks, wetland edges, and the 50-foot riparian setbacks.

The Project's 100-foot-wide corridor crosses through one isolated patch of the 50-foot riparian corridor boundary of the Hoquarton Slough (see Figure 4 in Appendix A of the Applicant's narrative). The Project corridor encompasses approximately 0.6 acre of the riparian corridor boundary in this one area. One support pole (Pole 8) is proposed to be located within the riparian corridor boundary. Tall or otherwise intervening vegetation that poses a risk to the safe and efficient operation or integrity of the transmission line will require trimming or removal within the 100-foot-wide corridor in compliance with NESC, RUS, and PUD standards for clearances and use. The Applicant will take all measures practicable to limit removal of vegetation within the riparian corridor by maintaining trees where possible along the outer edges of the corridor and low-lying shrubs and grasses throughout the corridor. Native low-lying grasses and shrubs will be replanted within the riparian corridor where tall trees and shrubs need to be removed. Long-term ground stabilization will be maintained. The Applicant will also stabilize soils during construction to minimize erosion and sediment discharge into the Slough, though no watercourse will be altered as a result of the Project.

- D. Along all significant wetlands as designated in the City of Tillamook Local Wetlands Inventory, the wetlands boundary shall be measured horizontally 50 feet from the line of non-aquatic vegetation.

The Project 100-foot-wide corridor crosses through wetlands and the 50-foot boundary around wetlands. The Applicant proposes one support pole to be located within wetlands, and four support poles to be located within the 50-foot wetland boundary (see Figure 4 in Appendix A of the Applicant's narrative). Tall or otherwise intervening vegetation that poses a risk to the safe and efficient operation of the transmission line will require trimming or removal within the permanent 100-foot-wide corridor. The Applicant will take all measures practicable to limit the full removal of vegetation within the corridor through the wetland boundaries by maintaining trees where possible along the outer edges of the corridor and small growth through the corridor. Low-lying grasses and shrubs will be replanted along the corridor for long-term ground stabilization. The Applicant will also stabilize soils during construction to minimize erosion and sediment discharge into any wetlands, though wetland function will not be altered as a result of the Project.

- E. Where the riparian corridor includes all or portions of a significant wetland identified in the Tillamook Local Wetland Inventory, the distance to the riparian corridor boundary shall be measured from the upland edge of the wetland.

The riparian corridor along the Hoquarton Slough includes portions of significant wetlands; therefore, the distance to the riparian corridor boundary was measured from the upland edge of these wetlands as applicable. The top-of-bank line for the Hoquarton Slough and the riparian corridor boundary are shown in Figure 4 (see Appendix A of the Applicant's narrative).

- F. The measurement of distance to the riparian corridor boundary shall be from the top of bank. In areas where the top of the bank cannot be clearly determined, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward.

The riparian corridor boundary associated with the Hoquarton Slough is the only riparian corridor boundary in close proximity to the Project. This riparian boundary is shown on Figure 4 (see Appendix A of the Applicant's narrative). The top of bank was determined by a biologist. As shown on Figure 4 (see Appendix A of the Applicant's narrative), the riparian corridor boundary extends 50 feet from the top of bank. The Project crosses the riparian corridor for the Hoquarton Slough in only one area to the east of Highway 101.

2. Activities Permitted and Prohibited within the Riparian Area. This Section outlines the uses and conditions associated with development in the Water Resources Protection District as required by OAR 660-230-090 (8) (a - c).

- A. The permanent alteration of the riparian corridor by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed to minimize intrusion into the riparian area, and no other options or locations are feasible:

2. Drainage facilities, utilities, and irrigation pumps;

The proposed transmission line is a "utility facility" and is therefore a permitted use within the Water Resource Protection Overlay District. In addition, Section 28(8) of the City Zoning Ordinance specifically states that the erection of an overhead electrical transmission line, like that being proposed by the Applicant, "shall be permitted in any district" even if it is not explicitly listed as an outright permitted or conditional use in a specific district.

The Applicant demonstrates below how the Project was designed to minimize intrusion into wetlands and riparian areas, and discusses how the Applicant determined no other options or locations are feasible after conducting an alternatives analysis, which concluded that the proposed route is the optimum route of those evaluated.

#### Impact Minimization

As shown in Figure 4 (see Appendix A of the Applicant's narrative), only five support poles from the entire 1.1-mile route are proposed within a wetland boundary within the Water Resource Protection Overlay District (Poles 6, 7, 8, 13, and 14). The Project's 100-foot-wide corridor will also cross approximately 0.6 acre of the riparian corridor boundary associated with the Hoquarton Slough and place one pole within the riparian corridor boundary (Pole 8). However, the Applicant has taken measures to increase the distance between support poles in order to reduce the impacts associated with introducing support poles into resource areas. There will be approximately 500 to 700 feet between support poles, which decreases the number of required support poles within the WRPO

District. Disturbance to the areas surrounding the support pole locations in and adjacent to the WRPO District will be minimized to the greatest extent practicable. Project activities within wetlands will be conducted in accordance with state and federal approvals as required. The resulting impact to wetlands within the City of Tillamook will be negligible, and the Project is not anticipated to result in a change to wetland function. Vegetation removal in the vicinity of wetlands and riparian areas will be avoided to the greatest extent practicable. However, construction will result in vegetation removal where necessary within the corridor to install the support poles and subsequently to protect the operational safety and integrity of the transmission line in a manner that is consistent with NESC, RUS, and PUD standards for clearances and use. Vegetation management to maintain access and clearances will be performed over the life of the Project as part of the ongoing line maintenance. Low-growing vegetation such as low-lying shrubs and grass will be maintained except where support pole installation pads are being installed. Low-lying vegetation will be allowed to grow throughout the corridor following construction. Taller vegetation such as trees and tall shrubs will likely need to be removed from the corridor, specifically in the vicinity of support poles and directly underneath the conductor. Thus, taller vegetation within wetlands and the one riparian area adjacent to the Hoquarton Slough will likely need to be removed (see Figure 4 in Appendix A of the Applicant's narrative). In these higher value habitats, the taller vegetation will be replaced with low-growing native species following construction. Finally, the only new impervious surface or permanent impacts proposed within wetlands are the support poles. Again, no support poles are proposed in the riparian corridor. Due to the small area of wetlands and riparian corridor involved, limited use of impervious surface and the replanting of native vegetation, the resulting impact to wetlands and riparian corridor will be negligible.

Given the substantial amount of hydrological resources present in the vicinity of the Project, the level of disturbance resulting from construction and operation of the Project represents a substantial effort by the Applicant to avoid or minimize wetland and riparian resources.

#### Alternatives Analysis

The Applicant prepared a detailed alternatives analysis in accordance with this Section with the specific intent of identifying a route that minimizes impacts to resource areas including wetlands and riparian areas and their associated buffers. The complete alternatives analysis and alternative route maps are provided in Appendix B of the Applicant's narrative. Including the proposed route, nine alternative routes through the City of Tillamook were identified during this analysis, and a systematic rating system was established for evaluating each alternative. Along with financial and land use constraints, this rating system analyzed the environmental constraints facing each route, including the level of impact to biological resources such as wetlands and riparian areas. These options were first discussed in a pre-application meeting with David Mattison on December 14, 2010 and later at a joint Planning Commission/City Council meeting on February 14, 2011. Input from the City of Tillamook, Planning Commission, and City Council was compiled, which assisted in selecting the proposed route. The alternatives analysis also incorporated input from the City of Tillamook and various other federal and state resource agencies. Meetings were held with the Applicant, the City of Tillamook,

USACE, U.S. Fish and Wildlife Service (USFWS), Oregon DSL, and Oregon Department of Fish and Wildlife (ODFW) on December 2, 2010 and January 19, 2012 to examine multiple routes through the City of Tillamook in the vicinity of Hoquarton Slough. Following these meetings and subsequent alternatives analysis, the proposed route was identified as the preferred route through the City of Tillamook in part because it minimized vegetative clearing in wetlands and riparian areas to the greatest extent practicable given other routing constraints. As demonstrated in Appendix B of the Applicant's narrative, no other alternative route location is feasible for the Project. The minor disturbance to resources contained in the Water Resource Protection Overly District is permitted under this section.

B. Removal of riparian vegetation is prohibited, except for:

1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation;
2. Removal of vegetation necessary for the development of approved water-related or water-dependent uses, except within the designated coastal shorelands boundary, where removal may be allowed for only water-dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use;
3. Trees in danger of falling and thereby posing a hazard to life or property may be felled, following consultation and approval from the Public Works Director. The Public Works Director may require these trees, once felled, to be left in place in the riparian corridor.
4. Existing landscaping, established prior to the effective date of this ordinance may be maintained. However, no new encroachment into the riparian corridor shall be allowed. Consultation with ODFW is required prior to trimming/pruning of riparian/wetland vegetation in order to minimize the adverse effect of the trimming on water quality and aquatic habitat.

As described above, the Project is a permitted use within the Water Resource Protection Overly District. The Applicant conducted a detailed alternatives analysis, which incorporated input from the City of Tillamook and identified no other feasible route (see Appendix B of the Applicant's narrative). In addition, the Applicant will implement design and construction measures to avoid or minimize intrusion into wetlands and riparian areas. The removal of trees and taller shrubs within wetlands and riparian corridor will only occur where it is determined this vegetation is a danger and poses a hazard to the transmission line. Thus, the removal is consistent with the exception provided for in this section.

According to staff review, permanent alteration within the Water Resource Protection Overly District resulting from support pole installation and the establishment and maintenance of the 100-foot-wide corridor is permitted in accordance with this section.

- D. Development proposed within any wetland or stream, in addition to meeting the standards of this Section, shall also be approved by Division of State Lands (DSL) and Army Corps of Engineers (CoE).

The Project is not proposed to be within any streams; however, according to the definition in Section 21.1(2)(D)(2) of the City Zoning Ordinance, the Project will include the introduction of one support pole in a wetland (W02), as shown in Figure 4 (see Appendix A of the Applicant's narrative) and as documented in the *Wetland Delineation Report* (see Appendix F of the Applicant's narrative). The Applicant will submit the *Wetland Delineation Report* to the Oregon DSL for concurrence on how the wetland and stream boundaries have been delineated. The Applicant will continue to coordinate with DSL and USACE as necessary for requisite permits, including submittal of a Joint Permit Application (JPA). A copy of the JPA and any subsequent permits can be provided to the City of Tillamook prior to the initiation of Project construction.

E. Exemptions.

1. When performed under the direction of the City, and in compliance with the provisions of the City of Tillamook Public Works Improvement Standards and Specifications, as well as Riparian Setbacks in this Ordinance, the following shall be exempt from the provisions of this ordinance;
  - a. Emergency repairs to public facilities; and
  - b. Routine maintenance or replacement of existing facilities.

The Applicant understands that once the transmission line is constructed, there are exemptions in the Wetlands Resource Protection Overlay District for emergency repairs and routine maintenance or replacement.

As discussed in detail in Appendix B of the Applicant's narrative, the Applicant prepared a detailed alternatives analysis that examined nine different transmission line route options through the City of Tillamook, including the proposed route, using a systematic rating system to compare the various routes. One of the primary criteria used for selecting the proposed route was the degree to which environmental impacts could be minimized during construction and operation, including impacts to water resources, wetlands, and riparian setbacks. By selecting the proposed route, the Applicant has minimized siting impacts that would otherwise result from an alternative alignment.

The Applicant will implement other measures to minimize siting impacts. As shown on Figure 4 (see Appendix A of the Applicant's narrative), only five support poles from the entire 1.1-mile route are proposed within wetland boundaries within the Wetland Resource Protection Overlay District (Poles 6, 7, 8, 13, and 14), and one support pole (Pole 8) is proposed within a riparian corridor setback. The Applicant has taken measures to increase the distance between support poles in order to reduce the impacts associated with introducing support poles into resource areas. There will be approximately 500 to 700 feet between support poles, which decreases the number of required support poles. Disturbance to the areas surrounding these pole locations will be minimized to the greatest extent practicable and wetland-related activity will be conducted in accordance with state and federal approvals as required. The resulting impact to wetlands within the City of Tillamook will be negligible, and the Project is not anticipated to result in a change to wetland function.

Given the substantial amount of hydrological resources present in the vicinity of the Project, the level of disturbance resulting from construction and operation of the Project

represents a substantial effort by the Applicant to avoid or minimize wetland and riparian resources. Therefore, the applicant meets these requirements.

If necessary, the Applicant will provide a mitigation plan for disturbance to riparian setback areas prior to construction.

In order to minimize intrusion into significant resources, the Applicant will implement a series of BMPs and mitigation measures to limit excavation, loss of native vegetation, erosion, and adverse hydrological impacts on surrounding water resources. For example, grading, excavation, and vegetation removal will only occur in essential areas within riparian buffers and wetlands and will be minimized or avoided to the greatest extent practicable. Grading for support pole installation will be minimized to only what is absolutely required. Any ground surface that has to be altered within the Water Resource Protection Overlay District for support pole installation will be graded following installation to match preexisting contours. Furthermore, with the exception of existing impervious surface already within the Project corridor (e.g., paved streets and parking lots), the entire 100-foot-wide permanent corridor will be maintained as permeable, which will support the absorption of stormwater during flood events. Areas of disturbance will be immediately stabilized to prevent erosion using appropriate BMPs including installation of straw wattles and reseeding as needed. Therefore, this criterion is satisfied.

#### **Section 27 – Conditional Use Permits**

1. Subsection 5, Action by the Planning Commission. The Planning Commission may approve, approve with conditions, or disapprove the application for a Conditional Use permit. In permitting a conditional use the Planning Commission may impose, in addition to regulations and standards expressly specified in this Ordinance, requirements increasing the required lot size or yard dimensions, increasing street widths, controlling the location and number of vehicular access points to the property, increasing the number of off-street parking or loading spaces required, limiting the number of signs, limiting the coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property, limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare. Any future enlargement or alteration of the use shall be reviewed by the City so as to be in accordance with the regulations and standards of this Ordinance.
  - A. In order to grant any conditional use, the Planning Commission must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be in violation to the appropriate regulations and standards contained in this Ordinance.
  - B. The Planning Commission shall render a decision within 60 days after the filing of the application. The decision of the Planning Commission shall be final unless appealed to the City Council.
  - C. A Conditional Use permit shall become void after one year after approval, or after such greater or lesser times as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has

been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The Planning Commission may extend the permit for a period of one year. The Applicant requests that a one-year extension to the requested Conditional Use Permit for the proposed Project be granted with this CUP application since construction of the Project may not begin until 2014.

D. Conditional Use Criteria and Findings of Fact. Any conditional use authorized according to this section shall be subject to the following criteria, where applicable. The criteria are listed in underlined text while the responses are listed in standard text.

1) The use is listed as a conditional use in the underlying zone, or in an applicable overlying zone. The proposed use is listed as a conditional use in Sections 14(3)(A), R-0 District; 17(3)(A), C-C District; and 18(3)(A), I-L District. The use is not listed as a permitted or conditional use in the O Zone District, but is allowed as described in Section 28. Therefore, according to staff review, the intent of this criteria can be found to be satisfied.

2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.

Since this application was submitted to the City prior to November 15, 2012 – the date of the adoption (after appeal period) of the amended City Comprehensive Plan, the former City goals, objectives and policies apply.

#### **Urbanization and Energy**

**Goal:** To conserve energy.

**Objective:** To guide community development in such a way as to maximize the conservation of energy.

**Policy 4:** “Land uses developed on the land will be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.”

According to the applicant, the Project’s purpose and need are the direct result of increase demand for electricity in the City of Tillamook and the surrounding area. While this Project may eventually result in an increase in energy use within the City of Tillamook, it will also allow for critical equipment upgrades that will ultimately enhance the efficiency of the current transmission system. Furthermore, as a People’s Utility District, the Applicant supports energy efficiency through its products and services including residential weatherization programs, commercial energy efficiency measures, free energy audits, and rebates for the purchase of energy efficient appliances. According to staff review, the intent of this policy can be found to be satisfied.

#### **Public Facilities**

**Goal:** To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

**Objective:** To provide adequate public services in a timely, cost efficient manner.

**Policy 81:** “Any proposed public or semi-public use on a specified site in a residential area requires review through the conditional use procedures of the Zoning Ordinance. Institutions that should be located in a residential area should be situated so the impacts of their surroundings are minimized.”

According to the applicant, the Project, a public utility facility, is located in the R-0 District for approximately 0.3 mile. The Applicant demonstrates compliance with the applicable substantive criteria of the City Zoning Ordinance #979 for the R-0 District. The Project was designed to minimize impacts to surrounding land uses, including residential developments. The portion of the Project that crosses the R-0 District is proposed to be collocated along an existing railroad right-of-way that is no longer used for railcar movement. The only land that is within the R-0 District that is crossed by the Project is also within this railroad right-of-way, and is therefore precluded from being developed for a residential use in the foreseen future. As a result, the Project has no direct impact on the availability of residential land in the City of Tillamook.

According to staff review, a utility facility is considered a public use (Section 4) and therefore this policy can be found to be satisfied

**Policy 89:** “Approximately 80 acres of land is available for community parks and development in the Urban Growth Boundary. This land is along the Trask River in the southwest part of the City and along and near Hoquarton Slough north of First Street. Acquisition is encouraged on this park/open space land. The City shall study the development of said property for various purposes, and estuary guidelines shall apply in all cases of development.”

According to the applicant, a detailed alternatives analysis that examined nine different transmission line route options, including the proposed route, using a systematic ranking system to compare the various routes was completed in the narrative provided by the applicant. A segment of the proposed route does parallel Front Street in the general area identified in Policy 89 for future park development. As a result, the Applicant worked with the City of Tillamook and held a series of meetings with the City Council, Urban Renewal Agency, Planning Department staff, City Manager, and the Mayor to identify specific constraints within this general area and specifically along the Hoquarton Slough. The intent was to find a viable route that minimizes impacts to this area. As a result of these meetings, the proposed route was aligned to minimize impacts to City owned land as well as the areas where future parks are planned.

According to staff review and the draft Parks and Recreation Master Plan, the proposed transmission line will extend across 2 existing City parks – Hoquarton Interpretive Park and Sue H. Elmore Park – and 2 proposed City parks – Peeler Park and Ironworks Park. A number of trees existing in these

parks will have to be removed as shown in the narrative provided by the applicant. It affects current tree planting at Hoquarton Interpretive Park. In addition, some structures are proposed to be located at Sue H. Elmore Park including a transit stop and restroom facilities. The City will want impacts to existing tree planting and proposed structures such as the proposed transit stop and restroom facilities in Sue H. Elmore Park to be minimized. These issues will need to be resolved between the City and TPUD during easement negotiations for the proposed corridor. A process will need to be developed to identify how the proposed easements for such facilities can be negotiated to minimize the impacts of the proposed Project.

**Policy 90:** “The City will coordinate with state and county agencies and organizations to preserve current and future historic sites, buildings, and archaeological sites that exist now or may be discovered at a later date, in the Tillamook Area. The City shall investigate the possibility of moving and renovating one historical building to be located adjacent to Highway 101 North in anticipation that it might accommodate tourists and Chamber of Commerce type activities. Future discovery or determination of historical sites and/or archaeological sites shall be listed as inclusions to this plan.”

According to the applicant, this policy does not directly apply to the Project. However, the Applicant has implemented measures to identify, avoid, and minimize impacts to historic and archaeological sites. The Applicant conducted cultural resource investigations along the proposed route through the City of Tillamook. A conservative 300-foot study corridor around the transmission line centerline was examined during two separate field visits held on April 29 through May 1, 2011 and August 15, 2012. All undeveloped parcels that the Applicant had right-of-entry agreements to survey were examined during these cultural resource surveys. The resulting cultural resources survey memorandum concludes that since no cultural resources were uncovered in their efforts through the City of Tillamook, no further archaeological work is recommended for the Project route through the City of Tillamook.

In the event of an unanticipated discovery of prehistoric or historic period cultural materials, a standard unanticipated discovery procedure will be implemented. This will generally consist of construction within the immediate vicinity of the discovery will stop, and the area will be secured to protect the resource from damage. A qualified archaeologist will then document the find by preparing a brief written statement and taking photographs. This documentation will be submitted to the Oregon State Historic Preservation Office (SHPO), and work within the immediate vicinity of the find will not resume until a preservation plan is approved in coordination with SHPO.

According to staff review, the intent of this policy is satisfied.

### **Natural Resource**

**Policy 91:** “Most recreational and scenic areas lie outside of the U.G.B. Two park areas are designated on the Land Use Map and shall be developed to accommodate the growing need for recreational areas in natural settings. The City shall continue to monitor the long-term recreational needs of the people of Tillamook and the need to maximize use of all public recreational facilities. Use of the Oregon Coast biking trails as shown on Map is encouraged. The Oregon Coast hiking trail, which terminates at Barview is recognized as a regional recreational facility. Its extension southward is encouraged by the City. The City shall explore the feasibility of a waterfront park along Hoquarton Slough and the abandoned right-of-way. Tillamook City shall cooperate with appropriate agencies in maintaining its vitality.”

According to the applicant, the Project complies with the intent of this policy. The Applicant prepared a detailed alternatives analysis that examined nine different transmission line route options, including the proposed route, using a systematic ranking system to compare the various routes. A segment of the proposed route does parallel Front Street in the general area identified in Policy 91 as the “waterfront park along Hoquarton Slough and the abandoned right-of-way.” As a result, the Applicant worked with the City of Tillamook and held a series of meetings with the City Council, Urban Renewal Agency, Planning Department staff, City Manager, and the Mayor to identify specific constraints within this general area and specifically along the Hoquarton Slough. The intent was to find a viable route that minimizes impacts to this area. As a result of these meetings, the proposed route was aligned to minimize impacts to City owned land existing parks. Furthermore, a segment of the Project in the City was specifically routed alongside an existing railroad right-of-way in order to lessen potential impacts through collocation with another linear development.

According to staff review, bisecting the waterfront area along Hoquarton Slough has been avoided by the proposed Project. The proposed Project corridor does cross an area where the City has certain development plans for a waterfront park and accessory accommodations such as a transit stop and restroom facilities. Thus, the Applicant will need to be prepared to discuss accommodation of specific proposed uses in easement negotiations with the City. Thus, the intent of this policy can be found to be satisfied with forthcoming easement negotiations.

### **Open Space and Scenic Areas**

**Goal:** To conserve open space and protect natural and scenic resources.

**Objective:** To maximize the use of existing resources in the provision of open space.

**Policy 99:** “Banks of watercourses, drainage basins, areas subject to extreme natural hazards and otherwise unbuildable sites will be utilized to provide open space and recreational opportunities. Riparian vegetation shall be

protected inside all designated significant riparian resources, identified in Section 21.1 of the Tillamook Land Development Code.”

According to the applicant, the Project is not proposed on banks of watercourses, in drainage basins, along known natural hazards or otherwise unbuildable sites. The Applicant went through a significant routing process to select the proposed route including an evaluation of nine different transmission line route options through the City of Tillamook. This evaluation included the use of specific criteria geared to avoid or minimize the crossing of natural resources and hazards. The Applicant also worked directly with the City of Tillamook and held a series of meetings with the City Council, Urban Renewal Agency, Planning Department staff, City Manager, and the Mayor to generate input on potential routes. The route proposed in this CUP application is the result of this process.

Riparian vegetation removal in the vicinity of Hoquarton Slough will be avoided to the greatest extent practicable and will only be done to ensure safe operation of the line in a fashion that meets the NESC, RUS, and PUD standards for clearances. In limited locations within the City, taller vegetation in riparian and wetland areas will need to be removed, such as one small area adjacent to the Hoquarton Slough (see Figure 4 in Appendix A). In these higher value habitats, the taller vegetation will be replaced with low-growing native species following construction. Each tree removed will need to be replaced with two trees in a non-conflicting area to support and enhance open space and scenic areas and this City policy. The resulting impact to the riparian buffer will be negligible, and the Project is not anticipated to result in an interruption or change in flows to surround riparian areas. The Applicant demonstrates compliance with the applicable substantive criteria from TCZO Section 21.1 in this CUP application above. Therefore, the intent of this policy will be satisfied with Conditions #7 and 8 as described in Conclusions and Recommended Conditions Section of these findings.

**Policy 100:** “Tree preservation and planting to separate conflicting uses and provide scenic and recreational opportunities will be encouraged wherever feasible.”

According to the applicant, construction includes tree removal where necessary within the corridor to install the support poles and subsequently to protect the operational integrity of the transmission line. However, the Applicant has taken other specific steps to minimize visual impacts or impacts on scenic opportunities. The Applicant will preserve existing trees within the 100-foot-wide corridor to the extent practicable. However, taller vegetation such as trees and tall shrubs with a 6 inch DBH, as described in the definition section of the City Street Tree Ordinance, will likely need to be removed from the corridor, specifically in the vicinity of support poles and directly underneath the conductor. Low-lying vegetation such as short shrubs and grasses will be allowed within the corridor including areas beneath the conductor. Vegetation management, including trimming of trees, will be

performed over the life of the Project to maintain access and clearances. In order to minimize visual impacts, the Applicant prepared a detailed alternatives analysis that examined nine different transmission line route options, including the proposed route, using a systematic ranking system to compare the various routes. One of the criteria examined was selecting the route that minimizes visual impacts. The proposed route has less potential for overall visual impact than most of the other routes examined. In addition, the Applicant will use construction materials that will further minimize the visual impact of the Project, including galvanized steel monopoles to eliminate glare.

According to staff review, the Applicant will need to work with the City Beautification Committee prior to construction to appropriately document proposed tree removal in "...City of Tillamook public parks, public right-of-way, and other public places where the public has free access," consistent with the City Street Tree Ordinance (Ordinance No. 1230). In addition, pole glare will need to be minimized using galvanized steel poles. The intent of this policy will be satisfied with these steps and Condition #2 as described in Conclusions and Recommended Conditions Section of these findings.

**Policy 101:** "Scenic views and scenic sites that generally include all the land within view of the Tillamook urbanized area and outside the Urban Growth Boundary, shall be preserved. This shall be achieved by coordination with Tillamook County and by encouraging a minimum of development in these areas."

According to the applicant, a detailed alternatives analysis was prepared that examined nine different transmission line route options, including the proposed route, using a systematic rating system to compare the various routes. One of the evaluation criteria reviewed by the Applicant was the visual impact of each alternative. The Applicant is committed to minimizing the visual impacts of the Project to extent practicable. The proposed route minimizes visual impacts compared to other alternatives because it remains a straight and direct route through the City. The use of angle points or segments around multiple sides of the City has been avoided. In addition, the PUD specifically selected a special conductor for use on this transmission line, which allows for fewer and shorter poles and longer spans between poles to limit visual impacts. In addition, the Applicant has chosen to collocate the Project along existing rights-of-way, including Front Street and the existing railroad right-of-way that is no longer used for railcar movement, to minimize visual impacts by routing the Project through an already-developed area. Additionally, the Applicant has selected construction materials that will further minimize the visual impact of the Project, including galvanized steel monopoles to eliminate glare. The Applicant will be submitting an application for the requisite land use approvals to Tillamook County for the portion of the Project in that jurisdiction. This separate application will address applicable requirements related to Tillamook County's designated scenic views and scenic sites.

According to staff review, the applicant has minimized the scenic visual impacts that will correspond to the proposed Project development, and therefore can be found to satisfy the intent of this policy with Condition #7, 9, 10 as described in Conclusions and Recommended Conditions Section of these findings.

**Air, Water and Land Resource Quality**

**Goal:** To maintain and improve the quality of air, water and land resources.

**Objective:** To insure the continued quality of air, water and land resources within the City.

**Policy 102:** “All future development will be compatible with the air quality maintenance plan of the Department of Environmental Quality. Further, noise pollution shall be monitored through D.E.Q. and the City shall assist the State in remedies to pollution problems that develop. Through all land use planning and development stages, the City shall coordinate their actions with State and Federal environmental statutes, programs and policies. The City shall also assist and coordinate, as necessary, with current planning activities.”

According to the applicant, the Project is compatible with the air quality maintenance plan of ODEQ because it will not generate air emissions or unpleasant odorous gases. Mitigation measures will be taken during construction to minimize potential air emissions from dust or exhaust. For example, construction equipment will be maintained in proper working condition, and dust suppression and ground stabilization BMPs will be implemented in accordance with the Applicant’s NPDES 1200-C permit. During operations, any air emissions including fugitive dust from maintenance vehicles will be negligible. No odorous gases will occur during operation. Regarding noise emission, noise will be generated from construction activity including installation of caissons. Construction equipment used during installation of the Project will also generate noise emissions. However, any increase in noise level from construction activities will be temporary, will take place during designated construction hours, and will comply with applicable Oregon State noise standards in OAR 340-035 – Noise Control Regulations. OAR 340-035-0035(5)(g) specifically exempts construction activity. Therefore, by regulatory definition, there will be no construction noise impacts.

During operations, the transmission line will generate minimal noise emissions. Transmission lines can generate a small amount of noise during corona activity where a small electrical discharge caused by the localized electric field near energized components and conductors ionizes the surrounding air molecules. Noise levels produced by a 115-kV transmission line are generally less than outdoor background levels and are therefore not generally audible. Noise generation and odorous gases are not anticipated from the Project.

According to staff review, the intent of this policy is satisfied.

**Policy 105:** “The water resources of the City of Tillamook shall be protected in part by guiding future development in a manner that will not impact or alter the significant wetlands and riparian corridors within the City of Tillamook Urban Growth Boundary (UGB).”

According to Section 21.1(3)(A)(2) of this Ordinance, the Project is a permitted use within the Water Resource Protection Overlay District. Only five support poles are proposed within wetlands, riparian corridors, and their buffers as part of the Water Resource Protection Overlay District. The Applicant coordinated with the City of Tillamook to identify the proposed route and also conducted a detailed alternatives analysis that identified no other feasible route is available through the City of Tillamook. In addition, the Applicant will implement design and construction measures to avoid or minimize intrusion into wetlands and riparian corridors. Therefore, the minimal permanent alteration within the wetlands and riparian corridors resulting from support pole installation and the establishment and maintenance of the 100-foot-wide corridor can be found to be consistent with the intent of this policy and Condition #8 as described in Conclusions and Recommended Conditions Section of these findings.

### **Natural Hazards**

**Goal:** To protect life and property from natural disasters and hazards.

**Objective:** To maintain damage or loss of life and property caused by natural hazards in the Tillamook area by carefully managing development and redevelopment in areas subject to natural hazards.

**Policy 106:** “Development may take place within areas of natural hazards only if appropriate safeguards are provided to protect the property in questions as well as adjacent properties, from damage. A developer shall assume the burden of proof that a development project is appropriate in this regard.”

According to the applicant, the Project does not cross any known natural hazards aside from a 0.8-mile crossing of floodplain. However, the Project is not a conventional habitable structure or a development for which the criteria of Section 20 are intended to regulate. Nonetheless, the Applicant demonstrates in response to Section 20(1)(C) how the Project is consistent with the stated purpose of the FHO (Flood Hazard Overlay).

As acknowledged in Policy 106, development is permitted within areas of natural hazards provided that appropriate safeguards are employed to protect the proposed use and surrounding properties. The Applicant proposes a number of safety measures to ensure the safe operation of the entire transmission line, including the seven support poles located within the FHO District. First, the support poles have been positioned to avoid flood hazard to the greatest extent possible, but much of the City of Tillamook is within floodplain. Thus, where in the flood hazard, support pole foundations, including the use of vibratory caissons, will be designed and constructed to

withstand damage from intermittent flooding activity. Furthermore, maintaining a 100-foot-wide corridor where possible will not only protect the transmission line from interference from other properties, it also provides safeguards for surrounding properties in the extremely unlikely event a support pole or the conductor fail in a specific area. Therefore, the intent of this policy can be found to be satisfied.

**Policy 107:** “In all areas of flood hazard the requirements of the National Flood Insurance Program will be adhered to.”

According to staff review, the intent of this policy can be found to be satisfied.

**Policy 108:** “Flood plain and Floodway overlay zoning for all hazard areas will be applied by the City; building permits will be reviewed to insure that necessary requirements of structures are met.”

According to the applicant, the Project is not a conventional habitable structure or a development for which the criteria of Section 20 are intended to regulate. Nonetheless, the Applicant demonstrates in response to Section 20(1)(C) how the Project is consistent with the stated purpose of the FHO. The Applicant is unaware of any requirements from the National Flood Insurance Program that are applicable to overhead transmission lines.

According to staff review, the intent of this policy can be found to be satisfied.

**Policy 109:** “Natural hazards that could result from new developments, such as runoff from new buildings, paving projects and/or soil slippage due to weak foundation soils, that has the potential to have adverse impacts and a cumulative effect on property owners downstream, will be considered and evaluated. Measures that prevent or minimize the extent of the natural hazard, adverse impacts and cumulative effects on property owners downstream shall be provided for. Such natural hazards, adverse impacts and cumulative effects on property owners downstream shall be considered in evaluating zone changes, conditional uses, site plans, variances, and in issuing building permits.”

According to the applicant, new natural hazards resulting from the Project are not anticipated. Given that the Project is an aboveground transmission line, permanent impacts to soils and runoff resulting from the creation of impervious surfaces are minimal. For example, only 10 support poles will be installed in the City of Tillamook, resulting in approximately 196 square feet of permanent impact associated with support pole installation.

Additionally, vegetation removal is required along the 100-foot-wide corridor as necessary to protect the operational integrity of the transmission line. However, low-growing vegetation, such as grass, will only be removed in small areas where necessary for support pole installation. In riparian areas along the Hoquarton Slough, taller vegetation will be removed and replaced with low-growing native species. Vegetation removal in the vicinity of wetlands and riparian areas will be avoided to the greatest extent practicable. However, construction will result in vegetation removal where necessary

within the corridor to install the support poles and subsequently to protect the operational safety and integrity of the transmission line consistent with NESC, RUS, and PUD standards for clearances and use. Vegetation management to maintain access and clearances will be performed over the life of the Project as part of the ongoing line maintenance. Low-growing vegetation such as low-lying shrubs and grass will be maintained except where support pole installation pads are being installed. Low-lying vegetation will be allowed to grow throughout the corridor following construction. Taller vegetation such as trees and tall shrubs will likely need to be removed from the corridor, specifically in the vicinity of poles and directly underneath the conductor. Thus, taller vegetation within wetlands and the one riparian area adjacent to the Hoquarton Slough will likely need to be removed. In these higher value habitats, the taller vegetation will be replaced with low-growing native species following construction. Finally, the only new impervious surface or permanent impacts proposed within wetlands are the support poles. Again, no poles are proposed in the riparian corridor.

Grading for pole installation will be minimized to only what is absolutely required. Any ground surface that has to be altered within the Water Resource Protection Overlay District for pole installation will be graded following installation to match preexisting contours. Furthermore, with the exception of existing impervious surfaces already within the Project corridor, the entire 100-foot-wide permanent corridor will be maintained as permeable, which will support the absorption of stormwater during flood events. Areas of disturbance will be immediately stabilized to prevent erosion using appropriate BMPs (Best Management Practices) including installation of straw wattles and reseeding as needed. Vegetation management to maintain access and clearances will be done over the life of the Project as part of the ongoing line maintenance. Additionally, BMPs will be implemented to minimize erosion including revegetation efforts and minimizing exposed soil.

According to staff review, the intent of this policy can be found to be satisfied with Condition#5 and 8 as described in Conclusions and Recommended Conditions Section of these findings.

- 3) The parcels are suitable for the proposed use considering their size, shape, location, topography, existence of improvements and natural features. According to the applicant, the Project is proposed within a corridor across 14 parcels in the City of Tillamook. The corridor is suitable to support the Project in accordance with the site characteristics outlined in this section. The Applicant prepared a detailed alternatives analysis that examined nine alternative routes, including the proposed route, for the portion of the Project that crosses the City of Tillamook. A systematic ranking system was established for evaluating each alternative, which in part examined land use and engineering constraints that could affect constructability and accessibility. When analyzing the various route alternatives, the Applicant specifically considered aspects of the proposed route including lot size, shape, location,

topography, existence of improvements, and natural features. Following this analysis, the proposed route was identified by the Applicant and the Project Engineer as the preferred route through the City of Tillamook in part because the parcels crossed have sufficient shape, size, and other required site characteristics required for construction and operation.

According to Sections 17, Central Commercial, and 18, Light Industrial, of City Zoning Ordinance #979, there are no front, side or rear yard setback requirements except if these properties are located adjacent to a residentially zoned property. According to Section 21.1, Water Resources Protection Overlay District and Section 22, Site Development Standards, a setback of 50 feet is required from the top of bank of Hoquarton Slough for development. According to Section 22.1, General Development Standards, (10) Site and Building Design, parking lots are required to be located at the side or rear of buildings for site appearance. Many of the properties along the north side of Front Street have a depth ranging from 91 feet to 130 feet between the Road R.O.W. and Hoquarton Slough. An additional 50 ft transmission line corridor easement over a number of properties along the north side of Front Street, one half the overall 100-foot easement, will substantially limit or prevent the additional structural use of these properties for the permitted use listed in the underlying zone.

According to the applicant, future redevelopment or new development of buildings and other aboveground structures will be limited within the corridor and specifically within close proximity to the transmission line by language in negotiated easements. However, the corridor under and around the transmission line can continue to be used for its current purpose if the landowner chooses to do so, as long as the use does not conflict with the safe operation of the line and meets the National Electric Safety Code (NESC), Rural Utilities Services (RUS), and PUD standards for clearances and use. This includes the maintenance of existing buildings and structures within the 100-foot wide corridor and under the transmission line. Existing buildings and structures can remain in their current form as the transmission line is being designed to accommodate them per NESC standards. In addition, the majority of other land uses can occur underneath the conductor. These uses include agricultural, grazing, hunting, and some development such as parking lots or roads. Any future limitations within the corridor will be part of the future negotiations with affected landowners. Thus, landowners will acknowledge an understanding of any potential future limitations as part of easement negotiations for the corridor.

Although the presence of the transmission line may limit some future structural development on adjacent subject parcels, staff finds that existing development and other potential future uses will be possible. This criterion will be met through forthcoming easement negotiations with each landowner, which will formalize what specific future uses are allowed and disallowed within the Project corridor and can be customized to satisfy their projected

needs as described in Condition # 9 of the Conclusions and Recommended Conditions Section of these findings.

- 4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted use listed in the underlying zone. According to the applicant, the proposed Project will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties. The area crossed by the Project, in particular along Front Street, is developed in accordance with uses allowed in the underlying base districts. Construction may cause some delays for traffic and landowners in the general vicinity, but any delays will be temporary and limited to the duration of construction. Operation of the Project will create some potential limits on existing and future development within the proposed corridor in order to maintain the safety requirements. However, these limits will not be substantial for a variety of reasons. The transmission line will be designed to accommodate existing uses including buildings. Thus, existing uses can continue unaffected underneath the transmission line except for any specific activity that could harm the integrity of a support pole or the conductor per NESC standards. For example, use of an aerial crane or other tall construction equipment may be limited. Future redevelopment or new development of buildings and other aboveground structures will be limited within the corridor and specifically within close proximity to the transmission line. However, the majority of other land uses can occur underneath the conductor. In addition, any future limitations within the corridor will be part of the future negotiations with affected landowners. Thus, landowners will acknowledge an understanding of any potential limitations as part of negotiating the corridor for the Project.

The Applicant has also implemented a series of strategies to minimize impacts to development. For example, the Project was specifically routed adjacent to existing linear developments (that is, collocation) wherever possible in an effort to minimize any limitations or impairment of existing properties. These linear developments, described in more detail above under Section 2 of the applicant's narrative, include portions of Front Street as well as an existing railroad spur owned by the Port of Tillamook Bay (POTB).

Parallel construction or collocation with existing linear corridors (for example, road rights-of-way, utility corridors, or previously developed areas) was one of the criteria used in routing the Project. Collocation minimizes potential impacts to additional landowners, reduces the need to clear new corridors, and lessens potential environmental impact.

After construction, the line will be accessed by the Applicant as needed to perform inspection and maintenance work. The transmission line corridor can continue to be used for its current purpose if the landowner chooses to do so, as long as the use does not conflict with the safe operation of the line and

meets the NESC, RUS, and PUD standards for clearances and use. Allowed uses typically include agricultural, grazing, most recreational activities and some development such as parking lots or roads. Uses that are not permitted are development of buildings or any use that degrades the required ground-to-line clearances as stipulated by the NESC, RUS, and PUD standards.

Finally, as shown in Figure 2 (see Appendix A of the Applicant's narrative), the majority of the Project through the City of Tillamook is also situated along the edge of existing parcels, which decreases the negative effect of fragmenting undeveloped parcels and allows for future development in accordance with the underlying base districts. The Applicant will coordinate with individual landowners to identify specific safety requirements and allowable modifications within the corridor as applicable.

According to staff review, the character of surrounding properties adjacent to the proposed transmission line corridor will not be altered in a manner which substantially limits, impairs, or prevents the use of these surrounding properties. This criterion will be met through forthcoming easement negotiations with each landowner, which will formalize what specific future uses are allowed and disallowed within the Project corridor, and can be customized to satisfy their projected needs as described in Condition #9 of the Conclusions and Recommended Conditions Section of these findings.

- 5) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use. According to the applicant, the Project is timely and needed to reduce high loading on existing facilities, support ongoing growth in the area (load growth), to provide operational flexibility for maintenance, to improve service reliability, and replace aging infrastructure in the City of Tillamook, the Netarts/Oceanside area, and the surrounding area. The Applicant is obligated to serve increased load demand through capacity projects like the one being proposed. Furthermore, the Applicant is unaware of other planned utility projects in the area that would interfere with the Project or otherwise deem it obsolete. This is further discussed in Section 3, Purpose and Need, of the applicant's CUP application narrative.

According to staff review, and the applicant's narrative, this proposed line is to provide service to the Oceanside substation. In addition it is needed to reduce high loading on existing facilities and replace aging infrastructure in the City of Tillamook. The existing poles in Hoquarton Interpretive Park and Sue H. Elmore Park will be removed. These improvements will additionally coincide with the U.S. Highway 101/OR 6 project improvements. Therefore, according to staff review, the intent of this criterion can be found to be satisfied with Condition #10 and can be customized to satisfy their projected needs as described in Condition # 9 of the Conclusions and Recommended Conditions Section of these findings.

## **Section 28 – Provisions Applying to Special Uses**

Subsection 8. Utilities. The erection, construction, alteration, or maintenance by public utility or municipal or other governmental agencies of underground; overhead electrical, gas, steam, or water transmission or distribution systems, collection, communication, supply or disposal system including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, shall be permitted in any district. Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this Ordinance. As stated in this Section, electrical transmission systems like the Project “shall be permitted in any district” within the City of Tillamook. In addition, this provision indicates that height limitations do not apply to transmission lines as otherwise required in this Ordinance. If the Applicant is required to obtain FAA and POTB approval for the proposed Project pole placement, the Applicant shall submit a copy of FAA and POTB approval to the City prior to the initiation of construction and can be customized to satisfy their projected needs as described in Condition #4 of the Conclusions and Recommended Conditions Section of these findings.

**APPEALS:** According to Section 33, Appeals, General, and Subsection 2. Appeal to City Council, an interested party that participated either orally or in writing in the Planning Commission proceedings pertaining to the decision may appeal. In the event an applicant or interested party is not satisfied with the decision of the Commission relating to the enforcement, interpretation or action of any provision under this Ordinance, he/she may within ten (10) days after the action of the Planning Commission, appeal in writing to the Tillamook City Council. Such appeal shall be made in writing, dated and signed by the appellant, and shall file such appeal with a fee within ten (10) days after the action of the Planning Commission with the City Recorder. The City Council shall consider such appeal and render its decision within sixty (60) days after the filing of appeal with the City Recorder after a public hearing on the matter.

## **CONCLUSIONS AND RECOMMENDED CONDITIONS:**

Based upon the findings and conclusions listed above, the proposal will meet all of the City’s Comprehensive Plan and Zoning Ordinance requirements, and therefore it will be recommended that Conditional Use Permit request #CU-12-04, be approved if the following conditions are met.

1. The Applicant will provide the City of Tillamook with a formal legal description of the proposed 100-ft corridor, prepared by a registered land surveyor, prior to initiation of construction.
2. The applicant will be required to obtain approval from the City Beautification Committee prior to construction for all proposed tree removal in the 100-foot wide corridor where it crosses “...City of Tillamook public parks, public right-of-way, and other public places where the public has free access,” consistent with the City Street Tree Ordinance (Ordinance No. 1230).

3. If the applicant is required to obtain any permits from Oregon DEQ relating to noise, odor and vibration requirements in an urban environment, the applicant shall submit a copy of the DEQ approved permits to the City prior to initiation of construction.
4. If the applicant is required to obtain FAA and POTB approval for the proposed Project pole placement within the POTB Airport Airspace and Approach Zone, the applicant will submit a copy of FAA and POTB approval to the City prior to initiation of construction.
5. The applicant will be required to meet all of the City, State and Federal requirements for development in the floodplain and mitigate for any removed vegetation and for the loss of pervious surface in the floodplain.
6. The Applicant shall provide a copy of the conducted cultural resource investigation along the proposed route to the City prior to initiation of construction.
7. For each tall tree removed on City of Tillamook owned properties or from public right-of-way, the applicant will be required to replant two (2) trees on each of the subject properties affected to enhance the scenic view, the public areas and support the City Tree City USA status. The applicant shall be required to submit a replanting plan to the City Planning Department for administrative review prior to the initiation of construction.
8. The Applicant will be required to submit a *Wetland Delineation Report* to the Oregon DSL for concurrence on how the wetland and stream boundaries have been delineated. The Applicant will be required to continue to coordinate with DSL and USACE as necessary for requisite permits, including submittal of a Joint Permit Application (JPA). A copy of the JPA and any subsequent permits will be provided to the City of Tillamook prior to the initiation of construction.
9. The applicant will be required to provide language in any easement the applicant obtains from an affected property owner that specifies what future uses are allowed and disallowed within each easement. Copies of these customized agreements with each affected property owner will be provided to the City prior to initiation of construction.
10. The applicant will be required to remove three (3) poles to the east of Main Avenue in Hoquarton Interpretive Park and remove two (2) poles to the west of Main Avenue in Sue H. Elmore Park at the time of proposed pole construction and US 101/OR 6 bridge construction.
11. All transmission poles proposed with this Project within the City of Tillamook shall be made of galvanized steel to reduce glare and preserve scenic views.
12. A one-year extension (2013-2014) for the Conditional Use Permit #CU-12-04 will be granted so that the Applicant can initiate construction in 2014. If the applicant fails to

initiate construction in 2014, a request by the Applicant to the City Planning Commission for an additional one-year extension will be required.

13. If revisions are made to Conditional Use Permit #CU-12-04, a copy of the revised plan detailing the amendments to the Conditional Use Permit shall be submitted to the City and said revisions shall be reviewed and approved by the City Planning Commission prior to initiation of construction.
14. In the event of an unanticipated discovery of prehistoric or historic period cultural materials, a standard unanticipated discovery procedure will be implemented, construction within the immediate vicinity of the discovery will stop, and the area will be secured to protect the resource from damage. A qualified archaeologist will then document the find by preparing a brief written statement and taking photographs. This documentation will be submitted to the Oregon State Historic Preservation Office (SHPO), and work within the immediate vicinity of the find will not resume until a preservation plan is approved in coordination with SHPO. A copy of the documentation will be provided to the City of Tillamook.
15. The applicant is required to comply with all applicable local, state and federal laws of any kind, including without limitation codes, ordinances, regulations, rules and statutes.

BEFORE THE PLANNING COMMISSION  
OF THE CITY OF TILLAMOOK

IN THE MATTER OF A CONDITIONAL USE REQUEST )  
 )  
 FOR THE FOLLOWING PROPERTIES: )  
 T1S R9W Section 30, Tax lot 800; )  
 T1S R9W Section 30BC, Tax lot 200; )  
 T1S R9W Section 30BD, Tax lots 600, 700; )  
 T1S R10W Section 25AC, Tax lots 300, 400, 4500, 4501, 4600; )  
 T1S R10W Section 25AD, Tax lots 200, 401, 501, 502, 600, 700, 701 )  
 ) ORDER #CU-12-04  
 ZONING: O, Open Space; R-0, Multiple Use Residential; )  
 C-C, Central Commercial; I-L, Light Industrial; AO, Airport Overlay; )  
 WRPO, Water Resource Protection Overlay District; )  
 FHO, Flood Hazard Overlay )  
 )  
 APPLICANT: Tillamook People's Utility District )  
 )  
 OWNER: Dean Alexander, Barbara Aufdermauer, )  
 Bradley and Beatrice Barclay, City of Tillamook, )  
 Dennis and Connie Johnson, Marie Mills Center Inc., )  
 Perkins Investments, LLC, Tillamook County Creamery Association, )  
 Western Oregon Conference Association of Seventh Day Adventists )

The above named applicant applied to the City for a Conditional Use Permit (CU-12-04) to construct a new 1.1-mile portion of a 115-kilovolt (kV) transmission line that crosses the City of Tillamook between the Bonneville Power Administration's (BPA) Tillamook Substation located to the east of the City of Tillamook on Oregon Route 6 and a proposed PUD substation (Oceanside Substation) near the community of Oceanside in Tillamook County. The proposed Project is routed adjacent to existing linear developments on portions of Front Street as well as an existing railroad spur owned by the Port of Tillamook Bay. The Project will require the establishment and maintenance of a 100 foot wide Project corridor as well as the installation of ten (10) support poles between 70 and 90 feet above ground, and conductors, within the O Zone, R-0 Zone, C-C Zone, I-L Zone, AO Overlay Zone, WRPO Overlay Zone, FHO Overlay Zone of the City of Tillamook.

A public hearing on the above-entitled matters was held before the Planning Commission on January 3, 2013, and the Planning Commission closed the public hearing and rendered a decision at the January 3, 2013 meeting.

The Planning Commission orders that this application for a Conditional Use Permit (CU-12-04) is approved and adopts the amended findings of fact and conclusions of law attached hereto.

The effective date of this approval is 10 days following the signing of this order, subject to any attached conditions.

This decision may be appealed to the City Council (by an affected party) by filing an appeal with the City within 10 days of this date.

DATE SIGNED: January 7, 2013

DATE MAILED: January 7, 2013

CITY OF TILLAMOOK PLANNING COMMISSION CHAIR

  
 Jan Stewart, Planning Commission Chair