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*Application*

# **Tillamook-Oceanside Transmission Line Conditional Use Permit Application**

Submitted to  
**City of Tillamook Planning Department**

October 2012

Submitted by  
**Tillamook People's Utility District**  
1115 Pacific Avenue, Tillamook, Oregon 97141

**CITY OF TILLAMOOK**  
**LAND USE APPLICATION BEFORE THE PLANNING COMMISSION**

\_\_\_\_\_ Application Deadline

PLEASE NOTE: Failure for you to provide ALL required material by this date will result in the cancellation of hearing.

\*\*\*\*\*

**For Planning Department Use Only:**

Date Received: \_\_\_\_\_ Hearing Date and Time: \_\_\_\_\_

Reference No: \_\_\_\_\_ Fees: \_\_\_\_\_ Request: \_\_\_\_\_

Paper Notice (to be billed): \_\_\_\_\_

Mailings (to be billed): \_\_\_\_\_

Receipt No: \_\_\_\_\_

Attachments Received: \_\_\_\_\_ Address List \_\_\_\_\_ Affidavit of Mailing

\_\_\_\_\_ Site Plan \_\_\_\_\_ Affidavit of Posting

\*\*\*\*\*

**APPLICANT:** Please complete the remainder of this application

Applicant: Name (s): Tillamook People's Utility District

Address: 1115 Pacific Avenue

City: Tillamook State: OR Zip: 97141

Business Phone: (503) 815-8630 Home: \_\_\_\_\_

Location Info: Tax Lot: Multiple Section: 30 & 25 Township 1S Range: 9W & 10W

Situs Address: see narrative for location and size information

Parcel Size: Dimensions: N/A

Square Footage: N/A

Specifications of Request: Conditional Use Permit application for electrical transmission line from existing BPA Tillamook Substation to proposed Oceanside Substation through the City of Tillamook

\_\_\_\_\_

As the applicant(s) of the property described, I/we realize that this application rests upon the above answers and accompanying data, and do hereby affirm and certify under penalty of perjury that the foregoing statements and answers are in all respects true and correct to the best of my/our knowledge.

APPLICANT(S):

Robert S. White  
Applicant Name Printed

Robert S. White 10/2/12  
Signature Date

\_\_\_\_\_  
Applicant Name Printed

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Name Printed

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Name Printed

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**IF THE APPLICANT LISTED ON THE APPLICATION IS OTHER THAN THE SOLE DEED HOLDER OF THE PROPERTY OR PROPERTIES DESCRIBED ABOVE, COMPLETE THE FOLLOWING AUTHORIZATION TO ACT AS AGENT.**

**I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT AS DEED HOLDER(S) OF RECORD OF THE PROPERTY OR PROPERTIES DESCRIBED ABOVE, I/WE HEREBY AUTHORIZE THE PERSON LISTED AS THE ON THIS APPLICATION TO ACT AND APPEAL AS AGENT WITH RESPECT TO THIS APPLICATION. I/WE ALSO GRANT PERMISSION TO THE APPLICANT TO RECT A PUBLIC NOTICE SIGN ON TH E SUBJECT PROPERTY FOR PUBLIC INFORMATION PURPOSES.**

See Appendix E for landowner signatures

\_\_\_\_\_  
Owner Name Printed

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, & Zip Code

ACKNOWLEDGEMENT OF MAILING LIST

STATE OF OREGON )  
COUNTY OF TILLAMOOK ) SS.  
CITY OF TILLAMOOK )

I, Robert S. White, 1115 Pacific Ave,  
(Print Name Here) (Print Address Here)

do hereby certify that on the 2 day of October, 2012, I submitted with  
(Date) (Month) (Year)  
my application such names and addresses and tax lot numbers as are listed on the last  
preceding tax role of the Assessor of Tillamook County.

That said list contains a true copy of all property owners within 250 feet of the  
(Section 10 of Ord. 979)  
subject property.

Dated this 2 day of October, 2012.  
(Date) (Month) (Year)

Robert S. White  
Applicant's Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2 DAY OF October, 2012.

Crissa L. Alexander  
Notary Public for Oregon

My Commission Expires: 10/23/2015.





**Taxlots Crossed by Project within City of Tillamook or City of Tillamook UGB**

<b>Map Number</b>	<b>Taxlot</b>	<b>Map Taxlot</b>	<b>OWNER</b>	<b>Within City Limits or Between City Limits and UGB?</b>
01S09W30	800	1S09300000800	CHURCH, W OR CONF ASSN	Between city limits and UGB
01S09W30BC	100	1S0930BC00100	CITY, TILLAMOOK	Within city limits
01S09W30BC	200	1S0930BC00200	CITY, TILLAMOOK	Within city limits
01S09W30BD	100	1S0930BD00100	HOGAN, DAVID & RITA	Between city limits and UGB
01S10W25AC	300	1S1025AC00300	DCJ LLC	Within city limits
01S10W25AC	400	1S1025AC00400	CITY TILLAMOOK	Within city limits
01S10W25AC	4500	1S1025AC04500	CITY TILLAMOOK CITY HALL	Within city limits
01S10W25AC	4501	1S1025AC04501	PERKINS INVESTMENTS LLC	Within city limits
01S10W25AC	4600	1S1025AC04600	AUFDERMAUER, BARBARA L TRUSTE	Within city limits
01S10W25AD	200	1S1025AD00200	CITY TILLAMOOK	Within city limits
01S10W25AD	401	1S1025AD00401	MARIE MILLS CENTER INC	Within city limits
01S10W25AD	501	1S1025AD00501	TILLAMOOK COUNTY CREAMERY ASSN	Within city limits
01S10W25AD	502	1S1025AD00502	TILLAMOOK COUNTY CREAMERY ASSN	Within city limits
01S10W25AD	600	1S1025AD00600	ALEXANDER, DEAN	Within city limits
01S10W25AD	700	1S1025AD00700	BARCLAY, BRADLEY & BEATRICE M	Within city limits
01S10W25AD	701	1S1025AD00701	JOHNSON, DENNIS T & CONNIE	Within city limits



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# Acronyms and Abbreviations

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BMP	Best Management Practices
BPA	Bonneville Power Administration
C-C	Central Commercial
CTCP	City of Tillamook Comprehensive Plan
CUP	conditional use permit
DSL	Department of State Lands
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
I-L	Light Industrial
JPA	Joint Permit Application
kV	kilovolt
MP	Mile Post
MVA	megavolt-ampere
MW	megawatt
NESC	National Electric Safety Code
NPDES	National Pollutant Discharge Elimination System
O	Open Space
OAR	Oregon Administrative Rules
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
PUD	Tillamook People’s Utility District
R-0	Multiple Use Residential
RUS	Rural Utilities Services
SHPO	State Historic Preservation Office
TBD	to be determined
TCZO	Tillamook City Zoning Ordinance
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WRPO	Water Resources Protection Overlay District



## SECTION 1

# Request

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Tillamook People’s Utility District (PUD, Applicant) proposes 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 (see Figure 1 in Appendix A). Approximately 1.1 miles of the proposed 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.



# Project Description

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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, and the remaining 5.9 miles are proposed outside of the City of Tillamook in Tillamook County. The 1.1-mile segment of the 115-kV electric transmission line as shown in Figure 2 (see Appendix A) is the only component of the overall Project, subject to the City of Tillamook's jurisdiction. Thus, it is the only component analyzed in this CUP request and is referred to throughout this application as the Project. The Project is proposed through four different zoning districts within the City of Tillamook as shown in Figure 3 (see Appendix A). The proposed distribution substation is proposed entirely in Tillamook County near the communities of Netarts and Oceanside. The proposed substation will have two distribution feeders serving the Oceanside and Netarts areas which will act as a backup source for the PUD's Wilson River Substation. The Applicant will request the requisite permits for the remaining 5.9 miles of the transmission line and the proposed substation from Tillamook County through a separate review and approval process.

The proposed route for the Project was selected following a detailed analysis of potential alternative routes. This analysis incorporated a systematic rating system that was established for evaluating each alternative. The Applicant examined each alternative against a set of established criteria such as permitability, ease of obtaining corridor approval, access, constructability, and a series of other environmental, land use, and financial factors. The complete alternatives analysis for routes through the City of Tillamook is presented in Appendix B.

The Project within the City of Tillamook has been routed adjacent to existing linear developments (that is, collocation) wherever possible. These linear developments, described in more detail below under Section 3, 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.

The main Project components and construction-related activities are outlined below.

## 2.1 Project Components

The following sections describe the permanent Project components proposed in the City of Tillamook. Generally, the Project will require the establishment and maintenance of a Project corridor as well as the installation of support poles and conductors.

### 2.1.1 Corridor

The Project will require the establishment of a corridor with a minimum width of 100 feet. This 100-foot-wide corridor is one of the two Project components proposed for approval through receipt of the CUP. The second component includes the aboveground support poles and electrical conductor proposed within the 100-foot-wide corridor. 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. A list of landowners within 250-feet of the corridor is included in Appendix C.

In addition to the use of easements, the PUD focused on selecting a route that maximizes use of existing rights-of-way, (that is, roads and railroads). Collocation with existing rights-of-way minimizes potential impacts to additional landowners, reduces the need to clear new corridors, and lessens potential environmental impact. The

PUD will work with ODOT, the City of Tillamook, Tillamook County, and Port of Tillamook Bay Railroad to secure requisite permits and approvals to utilize portions of the 100-foot-wide corridor that cross existing rights-of-way.

After construction, the corridor will be used by the PUD as needed to perform inspection and maintenance work on the transmission line. 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. Allowed uses typically include agricultural, grazing, hunting, and some development such as parking lots or roads. Uses that are disallowed include development of buildings or any use that degrades the required ground-to-line clearances as stipulated by the NESC, RUS, and PUD standards.

### 2.1.2 Support Poles

Through the City of Tillamook, 10 support poles are proposed to support the transmission line conductor; steel monopole will be typically used. 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 footprint of each support pole's ground penetration is considered permanent disturbance. A 5-foot diameter is used for all support poles in generating impacts to present a conservative estimate.

The distance between support poles will vary depending on different factors including but not limited to topography, location of jurisdictional waters, existing land use, and clearance requirements. In the City of Tillamook, the distance between support poles ranges 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 with this Project. It is important to note that the only dead-end support poles that are anticipated to be used in the City of Tillamook are 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. Again, the dead-end poles will be self-supporting without need for guy or support wires.

A typical pole type diagram as well as photo simulations of the Project proposed in the City of Tillamook are included in Appendix D.

### 2.1.3 Conductors

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 system protection data.

## 2.2 Construction Activity

Transmission line construction involves a land survey of the route centerline, final design of the line (detailing exact support pole selection and placement), creation of access roads to the support pole locations, if necessary, installing vibratory caissons, erection of the poles and pole hardware, installation of conductors, and testing of the line before it is placed in service.

## 2.2.1 Equipment

Typical equipment for this type of line construction includes the following:

- Pickup trucks
- Line trucks
- Graders and bulldozers
- Excavators
- Tractor-trailers
- Cranes
- Drum pullers and tensioners
- Harrows
- Broadcast seeders

## 2.2.2 Access Roads

Access is required along the Project corridor for line construction and ongoing maintenance. General access to the Project within the City of Tillamook is available via existing roads. It is anticipated that minimal improvements will be needed on existing roads during construction.

The PUD includes access rights as part of the easement agreements that will be obtained from underlying landowners.

## 2.2.3 Vegetation Removal

Construction includes vegetation removal where necessary within the corridor to install the support poles and subsequently to protect the operational integrity of the transmission line. Low-growing vegetation such as low-lying shrubs and grass will be maintained except where support pole installation pads are being installed (see Section 2.2.4 below). 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. 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. 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. Vegetation management to maintain access and clearances will be performed over the life of the Project as part of the ongoing line maintenance.

## 2.2.4 Support Pole Installation Pads

At some support pole sites, leveled areas (“pads”) are needed to facilitate the safe operation of construction cranes and other equipment. At most pole locations, leveled areas already exist along the railroad right-of-way or along Front Street, and new leveled pads that would cause ground disturbance are not required. Only poles 7, 8, and 13 (see Figure 2 in Appendix A) may require these pads since these poles are not within a previously-leveled area. The pad required for the location and safe operation of cranes is up to approximately 50 feet by 50 feet. The pads will be cleared of vegetation only to the extent necessary and within the City of Tillamook, pads will occur within the 100-foot-wide corridor.

All materials required for assembling the support pole, including the poles themselves, cross-arms, insulators, miscellaneous hardware, and stringing sheaves will be delivered to each support pole site by truck and pole trailers. The pole will then be assembled on the ground, rigged with insulators and stringing sheaves at each conductor position, raised, and set in place. Steel caissons will be utilized as the pole foundations to enhance strength and stability. The caissons will be driven into the ground using a vibratory hammer. The support poles will be placed within the hollow caissons following caisson installation.

## 2.2.5 Conductor Installation

For public protection during wire installation, guard structures will be erected over highways, railroads, power lines, and other obstacles. Guard structures typically consist of H-frame support poles, with a long cross-arm, placed on either side of an obstacle to prevent conductors from falling on or across the obstacle. Equipment for erecting guard structures includes augers, line trucks, pole trailers, and cranes. Guard structures may not be required for small roads. On such occasions, other safety measures such as barriers, flaggers, or other traffic control will be used.

Installation of the sock line (conductor pilot line or pulling rope) will be performed via ground methods. Ropes will be draped from the stringing sheaves at each support pole. A pilot line is then strung along the ground and attached to each rope at the support pole location. The pilot line will be pulled up to the sheave and pulled through until all sheaves within a pull section have the pilot line installed through the sheaves. At that time, the pilot line will be attached to the pulling line and will be pulled back through before being attached to the conductor for the final pull-through. The conductor will be strung using powered pulling equipment at one end and powered braking or tensioning equipment at the other end.

## 2.2.6 Conductor Pulling and Tensioning Sites

Conductor pulling and tensioning sites will be located approximately 2 miles apart on straight line sections where dead-end structures are placed and at some angle points along the line route. The actual locations will be determined by the final line design and by the construction contractor. The level area required for the safe operation of pulling and tensioning equipment could be up to 50 feet by 200 feet. As with the support pole sites, the work area will be cleared of vegetation only to the extent necessary. After line construction, areas will be graded to blend with the natural contours as much as possible and will be restored to pre-construction condition to the extent practicable and as required by the landowner. Note that no conductor pulling and tensioning sites are proposed in the City of Tillamook.

## 2.2.7 Staging Areas

The construction contractor will need secure staging areas to store materials and equipment. The construction contractor is expected to identify suitable locations in Tillamook County. The construction contractor will make these arrangements. The applicant may use their own warehouse facility within the City of Tillamook as a staging area, but no new staging areas will be situated within the City of Tillamook.

## 2.2.8 Construction Workforce

The peak construction workforce is estimated at 20 people, working at various locations along the line. In a given location, the peak workforce is estimated at 10 people.

## 2.2.9 Construction Traffic

Construction traffic will be minor due to the short length of the transmission line and the short duration of the construction schedule. This traffic will consist of the construction crews traveling to and from the construction site(s) (that is, support pole locations). More than one construction crew might be working at various locations along the route at the same time.

Construction materials (support poles, cross-arms, hardware, conductors, etc.) will be delivered along the route by truck. Line trucks, cranes, and other needed equipment will also travel to the site on a daily basis.

## 2.3 Estimated Land Disturbances

Land disturbance associated with the Project is described below. Note that only Project components resulting in land disturbance within the City of Tillamook are support poles and support pole installation pads as described below.

### 2.3.1 Support Poles

The footprint of each support pole’s ground penetration is a permanent disturbance. The total permanent disturbance resulting from the 10 support poles proposed in the City of Tillamook is estimated based on the support pole type dimensions shown below in Table 1. The diameter of the steel support poles proposed will range from 1.5 to 5 feet.

TABLE 1  
Pole Dimensions

Pole Type	Average Diameter
Steel	5 feet or less
Tangent	1.5 feet
Angle	2.5 feet
Dead-end	5 feet

### 2.3.2 Support Pole Installation Pads

The footprints of three support pole pads (poles 7, 8 and 13) are a temporary disturbance, only needed during construction. The total temporary disturbance resulting from the 3 required support pole pads proposed in the City of Tillamook is estimated based on pad dimensions of approximately 50 feet by 50 feet.

### 2.3.3 Total Land Disturbance

Table 2 identifies permanent disturbance areas proposed within the City of Tillamook for installation of 10 support poles. It is important to note that while actual pole diameters will range from 1.5 to 5 feet, a 5-foot diameter is used for all support poles in generating impacts to present a conservative disturbance estimate.

TABLE 2  
Permanently Disturbed Areas

Project Feature	Square Feet
Support Poles	196
Guys and Anchors <sup>a</sup>	0
Construction/Maintenance Roads (non-cultivated lands) <sup>b</sup>	0
<b>Total Permanently Disturbed Area</b>	<b>196</b>

<sup>a</sup> No guys or anchors are anticipated in the City of Tillamook.

<sup>b</sup> No road construction is anticipated in the City of Tillamook.

Table 3 identifies temporarily disturbed areas proposed within the City of Tillamook for installation of 10 support poles, requiring 3 installation pads (poles 7, 8, and 13).

TABLE 3  
Temporarily Disturbed Areas

Project Feature	Square Feet
Support Pole Installation Pads	7,500
Conductor Pulling and Tensioning Areas <sup>a</sup>	0
<b>Total Temporarily Disturbed Area</b>	<b>7,500</b>

<sup>a</sup> No conductor pulling and tensioning areas are anticipated in the City of Tillamook.

### 2.3.4 Reclamation

As may be required by the landowners, temporary disturbance areas (that is, area that are only needed for construction) will be restored to as near original condition (for example, re-contoured and reseeded) as possible. All sites, with the exception of support pole sites, would be graded as closely as possible to the original contour. Excess soil materials, rock, and other objectionable materials that are not used in restoration work would be disposed of in an approved manner.

## 2.4 Maintenance and Maintenance Access

The Applicant will perform routine, periodic inspection and maintenance, and emergency repairs on the transmission line support poles and hardware. Maintenance and repair activities typically include inspection, replacing poles, cross-arms and insulators, and performing vegetation control. Access for this work will be across those roads used for construction.

## 2.5 Fire Protection

All federal, state, and county laws, ordinances, rules, and regulations pertaining to fire prevention, pre-suppression, and suppression will be adhered to. All construction personnel will be advised of their responsibilities under the applicable fire laws and regulations. The construction contractor will notify the local fire district if a construction-related fire occurs.

The construction contractor will be responsible for any fire started by its employees or operations, whether in or out of the Project area, and will be responsible for fire suppression and rehabilitation.

Specific safety measures will be implemented during line construction to prevent fires and to ensure quick response and suppression in the event a fire occurs.

## 2.6 Avian Protection

The Applicant's avian protection policy recognizes that bird interactions with power lines cause bird injuries and mortalities that may result in outages, violate bird protection laws, and cause grass and forest fires. Therefore, the Applicant is committed to minimize bird interaction with power lines to the greatest extent practicable. The transmission line will be designed and built to Avian Safe standards (*Suggested Practices for Avian Protection on Power Lines*, APLIC, 2006) and the PUD's *Avian Protection Plan* (Tillamook PUD, 2008), which provides a minimum 60-inch horizontal and 40-inch vertical separation between phase conductors and between phase conductors and grounded hardware. The avian safe construction standards will include the use of covered conductor wires at locations such as transformer banks and double dead-end distribution structures. In areas of potential bird collisions, bird flappers or aerial balls may be used to prevent line collisions.

## 2.7 Noxious Weed Control

The PUD is committed to control the spread of noxious weeds within the Project area during the construction, reclamation, and maintenance phases of the transmission line development. Efforts would be made to reduce the spread of noxious weeds during the transmission construction and maintenance processes. The following guidelines will be followed during construction, reclamation, and maintenance stages of the Project to control the spread of noxious weeds.

Equipment and supplies necessary for the reclamation of roads and a transmission line are possible causes of the spread of noxious weeds. During construction, construction equipment, materials, and vehicles should be stored at the sites where construction will occur or at specified construction yards. All personal vehicles, sanitary facilities, and staging areas will be confined to a limited number of specified locations to decrease chances of incidental disturbance and spread of noxious weeds.

Following construction, reclamation efforts will be made to limit the spread and establishment of a noxious weed community within the disturbed areas. Reseeding will be done as soon as possible during the optimal period after construction. Certified “noxious weed-free” seed will be used on all areas to be seeded. On agricultural lands that are cultivated or pasture lands, this effort will be coordinated with the landowner, so that the appropriate reclamation is done.

During line maintenance, if noxious weed communities are found, they will be eradicated unless the area is too large to effectively eradicate, in which case the community will be controlled or contained to prevent further growth. The PUD will perform the required weed control.

## 2.8 Other Permits

The PUD is concurrently submitting multiple applications for permits necessary at this stage of the development process. These permits are described below.

### 2.8.1 Section 404/Removal-Fill Permit

The overall Project will include some activities within jurisdictional “waters of the state.” Thus, a Clean Water Act Section 404 Permit and a Joint Removal-Fill Permit may be required from the U.S. Army Corps of Engineers (USACE) and the Oregon Department of State Lands (DSL), respectively. Whether these permits are necessary is still being determined based on public agency concurrence on the location of wetlands and water bodies (that is, concurrence on the Project wetland delineation) and subsequent Project impacts. The Project would be permitted under USACE’s Nationwide Permit 12 (Utility Crossings) since the total area of Project impacts to jurisdictional wetlands and waters is less than the 0.5 acre threshold required for this Nationwide Permit.

### 2.8.2 NPDES 1200-C Permit

The Project will also require a National Pollutant Discharge Elimination System (NPDES) 1200-C permit for storm water discharges from the Oregon Department of Environmental Quality (ODEQ). An NPDES 1200-C permit must be obtained for construction activities that disturb 1 acre of land or more. The application for the NPDES 1200-C permit will be submitted to ODEQ at least 30 days prior to commencing any construction activities.

### 2.8.3 Tillamook County Permits

The PUD is also submitting separate applications for necessary approvals and permits for the portion of the Project within Tillamook County

### 2.8.4 Road Crossing Permits

The Project corridor will cross public rights-of-way at all state and county road crossings. The applicable road-crossing permits will be obtained prior to the start construction activities.

## 2.9 Project Schedule

Project construction will occur over a period of approximately 4 months from the time construction begins until to commercial operation. Construction is anticipated to begin in May or June 2013. Table 4 presents the major tasks and key milestones. The schedule will depend on regulatory restrictions, time of year, the need to accommodate crop-related activities in Tillamook County, and weather and ground conditions.

TABLE 4  
**Project Schedule**

<b>Task/Milestone</b>	<b>Start</b>	<b>Finish</b>
Obtain Necessary Permits	September 2012	TBD
Route Survey	TBD	+ 6 months
Acquisition of Corridor	TBD	+ 6 months
Engineering	January 2013	January 2014
Construction (Transmission line and substation)	June 2014	September 2014
Testing and Commissioning	September 2014	October 2014
Line Energization	September 2014	October 2014

TBD = to be determined

# Purpose and Need

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The Project is needed to reduce high loading on existing facilities and support ongoing growth in the area (load growth), improve service reliability, and replace aging infrastructure in the City of Tillamook, Netarts, Oceanside, and the surrounding areas.

## 3.1 Load Growth

The Wilson River Substation is approaching its capacity due to load growth in the City of Tillamook, Bay City, and the communities of Netarts and Oceanside. The electrical load at peak winter times is approximately 65 megawatt (MW). This load is served by two power transformers in the Wilson River Substation that have nameplate ratings of 33 megavolt-ampere (MVA) and 40 MVA. Normally, this load is shared by these transformers; when one of the transformers is not available for service, the load is served by the other transformer and load is shifted to power transformers in the Trask River and Garibaldi Substations. As the loads have grown, the ability to transfer these loads to adjoining substations has exceeded the capacity of the system elements (such as conductors and transformers) to carry the additional load.

Building a substation in the Netarts-Oceanside area will transfer approximately 9 MW of load at peak times from the Wilson River Substation to the proposed substation, allowing for continued development and growth in the Netarts-Oceanside area and allowing the Wilson River Substation to support additional growth in its service area. It will also provide additional reserve capacity to allow for the transfer of loads from the Garibaldi or Trask River substations during outage or maintenance conditions. The new substation will also provide reserve capacity to allow for the transfer of loads from the Wilson River Substation during outage or maintenance conditions.

The ability to transfer loads between substations will reduce load curtailments to large commercial customers. As loads continue to grow, additional load curtailments will occur.

## 3.2 Reliability

The proposed transmission line and substation will serve approximately 1,700 electric meters or approximately 3,800<sup>1</sup> customers in the geographic area along Highway 131 that is west of the Tillamook River. This includes the communities of Oceanside and Netarts as well as Whiskey Creek Road. Currently this area is served by a more than 14-mile-long distribution line that passes through forest lands and tree-lined rights-of-ways from the Wilson River Substation. Most of the customers are located near the ends of the line and have experienced many outages.

The proposed transmission line and substation will provide a new, more reliable source of power to the Netarts/Oceanside area and substantially reduce the number of customers involved in an outage and the length of the outage. Transmission lines are built to a higher degree of reliability than distribution lines due to their more critical nature and have much wider rights-of-ways than distribution lines. This will result in fewer outages in the Netarts/Oceanside area.

The proposed substation will provide a second source of power near the end of the existing line. When an outage occurs, the damaged line segment can be isolated and the undamaged portions of the line restored to service from the substations at each end of the line. This will substantially reduce the length of the outage for customers not located in the damages line segment.

The proposed substation will also have two distribution feeders. As a result, there will be fewer customers on each feeder and an outage on one of these feeders will not affect customers located on the other feeder. This will substantially reduce the number of customers involved in the outage.

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<sup>1</sup> Based on U.S. Census Bureau Statistics, 2010.

During outages related to the Wilson River Substation, the proposed transmission line will allow for the transfer of loads from the City of Tillamook and the surrounding area.

### **3.3 Replacement of Aging Infrastructure**

Approximately 2 miles of the existing radial distribution line serving the Netarts, Oceanside, and Whiskey Creek Road areas is a double-circuit pole line that is more than 50 years old. The top circuit is a Copper-Weld Copper wire that is failing due to the rusting of the inner steel core of the wire. Industry and PUD safety practices do not allow personnel to work on the wire while energized.

This double-circuit line needs to be replaced with a single circuit of much larger wire. Currently, this work cannot be accomplished without several long, extended outages to all customers in the Netarts, Oceanside, and Whiskey Creek Road areas. By building the proposed transmission line and substation, this segment of line can be removed from service and reconnected without interrupting service to any customers.

SECTION 4

# Compliance with City of Tillamook Land Use Regulations

The Applicant received input from the City of Tillamook planning staff regarding the applicable land use regulations in addition to the relevant approval process for constructing and operating the Project. This section describes the required land use approvals for the portion of the Project located in the City of Tillamook and demonstrates how the Project complies with the applicable provisions from the Zoning Ordinance of the City of Tillamook City, Oregon (Tillamook City Zoning Ordinance, TCZO) (City of Tillamook, 2003) and the City of Tillamook Comprehensive Plan (CTCP) (City of Tillamook, 2003). This information is based on the existing zoning districts and activities proposed for construction and operation of the Project.

## 4.1 Background

The Applicant proposes approximately 1.1 miles of an approximately 7.0-mile 115-kV transmission line project through the City of Tillamook generally from Mile Post (MP) 0.3 to MP 1.3<sup>2</sup>. Figure 2 (see Appendix A) shows the proposed route within the City of Tillamook. The crossing of the City of Tillamook occurs within four land use districts as designated by the TCZO, as shown in Figure 3 (see Appendix A). Table 5 below lists the TCZO land use districts crossed by the Project and summarizes the length of crossing, how the use is permitted in each district, and how the use is defined in accordance with the applicable sections of the TCZO.

TABLE 5  
**Land Use Districts Crossed by the Project within the City of Tillamook**

Land Use District	TCZO Section	Use Permitted	Use Defined As	Length of Crossing (miles) <sup>a</sup>
Open Space (O)	Section 11	Permitted	Overhead electrical transmission system <sup>b</sup>	0.4
Multiple Use Residential (R-0)	Section 14	Conditionally	Public facility	0.2
Central Commercial (C-C)	Section 17	Conditionally	Public facility	0.4
Light Industrial (I-L)	Section 18	Conditionally	Public facility	0.4

<sup>a</sup> Note that the length of crossing shown in this table totals more than 1.1 miles because the transmission line corridor crosses more than one land use district at the same time in certain locations (see Figure 3 in Appendix A).

<sup>b</sup> TCZO Section 28(8) specifically states that the erection of an overhead electrical transmission line, like that being proposed by the Applicant (a public utility), “shall be permitted in any district.”

In the City of Tillamook, the Project crosses four land use districts: Open Space (O), Multiple Use Residential (R-0), Central Commercial (C-C), and Light Industrial (I-L). The Project is either a permitted use or conditional use in each of these districts as shown in Table 5. Therefore, a CUP is required and will cover the entire segment of the Project where it crosses the City of Tillamook. The Project also crosses two overlay districts in the City of Tillamook: the Water Resources Protection Overlay (WRPO) District for approximately 0.5 mile (as shown in Figure 4 in Appendix A), and the Flood Hazard Overlay (FHO) District for approximately 0.8 mile (as shown in Figure 5 in Appendix A). The Applicant demonstrates compliance with the applicable substantive criteria from these overlay zones in Section 4.2.

In accordance with TCZO Section 27(2), this CUP application falls under the reviewing authority of the City of Tillamook Planning Commission. A review of the applicable provisions from the TCZO is included below, presented

<sup>2</sup> As shown on Figure 2, the portion of the transmission line in the City of Tillamook extends from MP 0.25 to MP 1.35; however, all distances presented in this application are rounded to tenths of a mile to allow for minor route variations that may occur. All other portions of the Project are proposed in Tillamook County, Oregon.

in numerical order from the TCZO as the provisions relate the CUP request for the Project. Provisions that do not apply to the Project are not included.

## 4.2 Zoning Ordinance of the City of Tillamook City, Oregon

### 4.2.1 Section 10 - Application Procedures and Fees

1. Application for Land Use Action.

- A. Initiation. *An application for a land use action may be initiated by the owner of the property involved or an authorized agent. An application for a change of zone may also be initiated by the Council or the Commission, in accordance with the provisions of subsection 2 below. Authorization to act as an agent shall be in writing and filed by the Planning Department. When any such application requires the submission of a site plan, the site plan shall be submitted in a form as described within Section 22(5).*

**Finding:** Figure 2 (see Appendix A) identifies the tax lots crossed by the Project. The Applicant obtained permission from the landowners whose property will be crossed by the proposed corridor for the Project to submit this CUP application. Authorization for the PUD to act as an agent is included in Appendix E, and the original letters with landowner signatures were submitted to the City of Tillamook under separate cover.

Regarding the site plan review component of this criterion, the Project is not a conventional aboveground structure or building that the criteria for Site Plan Review, per TCZO Section 22, are intended to regulate. The Project will not be inhabited or include roofs, windows, signs, landscaping, storage, streets, alleys, parking, sidewalks, paths, or other design features included in this Site Plan Review criteria. Furthermore, the TCZO definition of “Structure,” contained in TCZO Section 4, specifically exempts “utility poles” from being considered structures. Therefore, the Project is not subject to Site Plan Review. Staff from the City of Tillamook Planning Department confirmed during the pre-application meeting for the Project, that site plan review is not required for the Project (Mattison, pers. comm., 2010). Therefore, this criterion is satisfied.

3. Ownership List. *The applicant shall file with such applications a list of the names, addresses, and tax lot numbers of all owners of property situated within the following radii, including public rights-of-way, of the external boundaries of the property affected by the application:*

B. Conditional Use Permit – two hundred fifty feet

*Such names, addresses, and tax lot numbers shall be those listed on the last preceding tax role of the Assessor of Tillamook County. The applicant shall also file with the application an affidavit attesting to the validity of said ownership list.*

**Finding:** A list of names, addresses, and tax lot numbers within 250 feet of the external boundaries of the properties affected by the Project is included in Appendix C. The required affidavit attesting to the validity of said ownership list is also included on page 3 of the City of Tillamook’s official Land Use Application Form at the beginning of this application.

8. Application Fees and Required Land Use Criteria.

*Required Land Use Criteria: the following information is required, as listed above, for all land use actions within the Urban Growth Boundary of the City of Tillamook.*

- A. *A list of the names, addresses, and tax lot numbers of all property owners situated within the distances listed under 3 (A – L) of this section.*

**Finding:** A list of names, addresses, and tax lot numbers of all property owners within 250 feet of the external boundaries of the properties affected by this application, as required by TCZO Section 10(3)(B), is provided in Appendix C.

- B. *A drawing of the affected area shall contain the date of preparation, a NORTH arrow, and written and graphic scale, and include the site plan procedures listed separately for each land*

*use action (e.g. for a Site Plan Review, the site plan procedures as listed in Section 22 of this Ordinance).*

**Finding:** A figure showing the Project’s centerline, preliminary support pole locations, and 100-foot-wide corridor as proposed through the City of Tillamook is provided as Figure 2 (see Appendix A).

The Project is not a conventional aboveground structure or building that the criteria for Site Plan Review, per TCZO Section 22, are intended to regulate. The Project will not be inhabited or include roofs, windows, signs, landscaping, storage, streets, alleys, parking, sidewalks, paths, or other design features included in this Site Plan Review criteria. Furthermore, the TCZO definition of “Structure,” contained in TCZO Section 4, specifically exempts “utility poles” from being considered structures. Therefore, the Project is not subject to Site Plan Review. Staff from the City of Tillamook Planning Department confirmed during the pre-application meeting for the Project, that site plan review is not required for the Project (Mattison, pers. comm., 2010), and therefore, the site plan procedures identified in TCZO Section 22 of the TCZO are not provided below.

*C. A written statement of the intended use of the property, and a written response to the standards and criteria listed separately for each of the land use actions (e.g. for a Site Plan Review, the criteria listed in Section 22 of this Ordinance).*

**Finding:** Section 2 of this CUP application provides a statement of the intended use of the property. Responses to the standards and criteria for a CUP are included throughout Section 4.

*D. Statement of utility availability.*

**Finding:** The Project is a utility facility that will transmit electricity between the existing BPA Tillamook Substation to a planned substation near the community of Oceanside, located in Tillamook County. Both substations are located outside of the City of Tillamook city limits. No utilities are required to support the Project within the City of Tillamook. Therefore, receipt of a statement of utility availability is not applicable.

*E. Location, dimensions and names of adjacent streets and proposed internal streets showing center line radii and curb return radii.*

**Finding:** Figure 2 (see Appendix A) shows the Project in relation to existing adjacent streets in the City of Tillamook. Existing road rights-of-way are shown between tax lot lines, and generally range from 60 feet (Front Street) to 90 feet (Highway 101). Access to the Project within the City of Tillamook will occur entirely along existing roads and within the proposed 100-foot-wide corridor. The Applicant does not propose nor is it required to provide new internal streets or access roads. Therefore, this criterion is satisfied.

*F. The size and location of all existing and proposed public and private utilities, easements, or rights-of-way.*

**Finding:** The Project is an overhead transmission line and has been designed to avoid conflicts with underground utilities and at-grade rights-of-way such as highways and streets. Therefore, underground utilities and easements are not displayed. The Applicant is the public utility provider of electricity for the region and has designed the proposed route to avoid its other existing aboveground electrical lines. Figure 6 (see Appendix A) shows the PUD’s existing electrical lines including support poles. Existing road rights-of-way are shown on Figure 2 (see Appendix A) between tax lot lines.

*G. The building envelope, size, setback dimensions and height of all proposed structures which are to be retained on the site.*

**Finding:** No structures are to be erected as a result of the Project and existing structures along the Project corridor will be retained. TCZO Section 4 defines a “structure” as “a building or other major improvement that is constructed, built, or installed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.” However, the Project proposes the use of support or utility poles, which come to the ground at only one point and are specifically exempt from the definition of a structure. Likewise, the Applicant believes that the support poles proposed as a part of this Project do not

constitute “structures” because, in general, the Applicant has not been required to obtain land use approval for its previous transmission and distribution line projects.

- H. Existing site specific physical features including drainage ways, ponding areas and structures, with indication as to which are to be retained. Adjacent properties and their physical features within 50 feet of the property line shall be identified, including setback dimensions of adjacent structures.*

**Finding:** The Applicant has conducted desktop and field biological surveys within a 300-foot-wide study corridor over the 100-foot-wide corridor through which existing physical features (delineated wetlands and water bodies) were identified. Figure 4 (see Appendix A), as well as Appendix F provide detail on existing site-specific physical features within the 300-foot-wide study corridor including Hoquarton Slough and wetlands (see Figures 3 and 6 in Appendix F). Existing structures within 50 feet are shown in Figure 2 (see Appendix A). The various physical features will be retained within the corridor except for minimal impacts where support poles are proposed in wetlands.

- I. The location of all existing trees and shrubs and those which are to be retained on the property, the location and dimensions of landscaped areas, location of proposed plan material and ground cover and other pertinent landscape features.*

**Finding:** Figure 2 (see Appendix A) shows the location of existing trees and shrubs on a current aerial image. Construction includes vegetation removal where necessary within the corridor to install the support poles and subsequently to protect the operational integrity of the transmission line. 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. 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 near pole 8 (see Figure 4 in Appendix A). In these higher value habitats, the taller vegetation will be replaced with low-growing native species following construction. 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. Vegetation management to maintain access and clearances will be performed over the life of the Project as part of the ongoing line maintenance.

A qualified biologist conducted an evaluation of the Project study corridor for plant and wildlife presence and habitat on April 4-8, 2011 and August 15, 2012. Results of this study are provided in Appendix G. Part of this study was also to locate and record existing tree data on City of Tillamook property. Figure 3 of Appendix G shows the location of native trees on City of Tillamook property within the 100-foot-wide corridor. Required tree removal will be conducted in accordance with the City-approved tree-removal process, as outlined in Ordinance No. 1266 – An Ordinance Repealing Ordinance #1230 and Replacing with a New Tree Ordinance.

The Project is an overhead linear utility facility and does not include landscaped areas or other landscape features. Therefore, proposed landscaping is not identified in the mapping.

- J. The proposed layout of the parking lot including location and dimension of parking spaces, curb islands, internal planter strips, maneuvering aisles, and access driveways with indication of direction of travel.*

**Finding:** The Applicant does not propose and is not required to provide any new parking facilities as a component of this Project. Therefore, this criterion is not applicable.

- K. Statement of maintenance responsibility for all improvements shown on the site plan.*

**Finding:** The only improvement associated with this Project is the overhead transmission line. The Applicant acknowledges responsibility for maintaining this improvement or for contracting others to perform necessary maintenance. Therefore, this criterion is satisfied.

L. *Site data including:*

1. *Total area of the property (square feet).*
2. *Building coverage (square feet).*
3. *Parking lot coverage (square feet).*
4. *Parking lot landscape area (square feet).*
5. *All other landscape area coverage (square feet).*
6. *Number of parking stalls provided.*
7. *Number of residential units as appropriate.*
8. *Existing and proposed gross floor area (square feet).*

**Finding:** The total area occupied by the Project’s 100-foot-wide corridor is approximately 580,800 square feet (13.3 acres) within the City of Tillamook. The Applicant does not propose and is not required to provide the site development features outlined in TCZO Section 10(8)(L)(2-8). No buildings, parking lots, landscape areas, parking stalls, or residential developments are proposed as part of this Project. Therefore, site data related to these features are not provided.

M. *Finished floor elevation related to curb, street or other established grade or bench mark, and drainage pattern. All lots shall show grading and drainage with existing grades or contours and finished grades or contours clearly indicated.*

**Finding:** The Project includes an overhead transmission line and does not include any structures or buildings. As discussed above in response to TCZO Section 10(8)(G), the Project is not classified as a structure. The only instance where existing grade may be slightly modified is at support pole locations during construction. Existing grade will be restored following construction where possible without jeopardizing the operational integrity of the transmission line.

N. *Location of all fencing used to divide properties, signed by a registered land surveyor, with seal affixed. If the property is part of a recorded plat, a reference to the plan must be used.*

**Finding:** The Applicant does not propose and is not required by the TCZO to provide fencing with the Project; therefore, this criterion does not apply.

O. *A legal description of the property prepared and signed by a registered land surveyor, with seal affixed. If the property is part of a recorded plat, a reference to the plan may be used.*

**Finding:** The Applicant will provide the City of Tillamook with a formal legal description of the corridor, prepared by a registered land surveyor, prior to initiation of construction.

P. *Transportation System Plan Compliance.*

1. *Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). “Significant” means the proposal would:*

**Finding:** This CUP application does not include a proposed comprehensive plan amendment or land use regulation change; therefore, the criteria contained in this section of the TCZO do not apply.

Q. *The location of all pedestrian and bicycle circulation areas and bicycle racks/storage, including sidewalks, internal pathways, pathway connections to adjacent properties and any bicycle lanes or trails.*

**Finding:** The Applicant does not propose and is not required to provide pedestrian and bicycle circulation areas. Section 22.1(10) outlines the requirements of Site and Building Design, which includes designing sites and buildings for pedestrian and bicycle circulation. However, since the Project is an overhead development, it cannot be designed for pedestrian and bicycle circulation and will not interfere with existing pedestrian and bicycle circulation. Likewise, the Application does not propose and is not required to provide bicycle racks and storage or the construction of sidewalks, internal pathways, pathway connections to adjacent properties, or bicycle lanes of trails with the Project. Therefore, this criterion does not apply.

*10. Public Hearings. Unless otherwise required by this Ordinance, any hearing before the Commission or Council required by any provision of Section 10 to 36 shall be in a public hearing held in accordance with the notification and procedure requirements hereinafter provided.*

**Finding:** The Applicant understands that a Commission hearing will be required for this CUP request. The Applicant will comply with appropriate regulations related to this hearing, including public notification requirements and the pertinent substantive criteria contained in TCZO Sections 10(8)(Q)(10) and 10(8)(Q)(11).

*12 Posting Notices. The Director shall require that affected applicants post notices of public hearings to be held by the Council or Commission for any land use action by posting a sign in a manner clearly visible on the subject property within 10 feet of whatever boundary line of such land abuts each public road or street. If a public road abuts thereon, then such sign shall face in such a manner as may be most readily seen by the public. Such signs shall be provided to affected applicants by the Director.*

**Finding:** This criterion is intended for single lot developments and the Applicant acknowledges that it is difficult to satisfy the specific sign-posting requirements contained in this criterion with the proposed Project given the number of properties and public streets crossed. The Applicant will coordinate with the City of Tillamook to ensure that adequate public notice is provided.

#### 4.2.2 Section 11 - Open Space Land Use, Or O District

As shown in Figure 3 (see Appendix A), 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.

*3. Conditional Uses. The following lot requirements shall be observed.*

**Finding:** In pre-application meetings between the Applicant and City of Tillamook staff, City staff noted that the Project could be permitted in all districts crossed, including the O District, and would be reviewed under a consolidated CUP application. Additionally, TCZO Section 28(8), Utilities, states the following:

*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... 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.*

TCZO Section 28(8) specifically states that the erection of an overhead electrical transmission line, like that being proposed by the Applicant (a public utility), “shall be permitted in any district” even if it is not explicitly listed as an outright permitted or conditional use in a specific district. Per guidance from City of Tillamook planning staff, the Applicant understands that the CUP will cover the entire Project including the portion within the O District.

*4. Height Regulations. None.*

*5. Lot Regulations. None.*

**Finding:** The Project is consistent with height and lot regulations in the O District. Therefore, these criteria are satisfied.

*6. Site Review. Required for development of the permitted and conditional uses except 2D – Open Space, as per Section 22.*

**Finding:** The Project is not a conventional aboveground structure or building that the criteria for Site Plan Review, per TCZO Section 22, are intended to regulate. The Project will not be inhabited or include roofs, windows, signs, landscaping, storage, streets, alleys, parking, sidewalks, paths, or other design features included in this Site Plan Review criteria. Therefore, the criteria contained in TCZO Section 22 related to Site Review are not applicable. The Applicant obtained concurrence from City of Tillamook staff during the pre-application meeting that Site Plan Review is not required for this Project (Mattison, pers. comm., 2010).

7. *Off-Street Parking. As required in Section 25.*

**Finding:** The Applicant does not propose nor is it required to provide off-street parking, based on the requirements of TCZO Section 25(2). TCZO Section 25(2) states that the off-street parking standards apply to buildings or structures that provide floor area and/or seating capacity. The Project is neither a building nor a structure, based on the definitions provided in TCZO Section 4, and it does not provide floor area or seating capacity. Therefore, this criterion is not applicable.

### 4.2.3 Section 14 - Multiple Use Residential District, Or R-0 District

As shown in Figure 3 (see Appendix A), approximately 0.2 mile of the Project crosses the R-0 District, and the 100-foot-wide corridor through the R-0 District will cover an area of approximately 2.4 acres. Furthermore, two support poles are proposed in the R-0 District.

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 and Duplex Residential, R-5.0 Zone, except as otherwise provided by subsection 2, above.*

**Finding:** TCZO Section 13(3) lists the conditional uses allowed in the Single-Family and Duplex Residential (R-5.0) District. However, TCZO Section 13(3)(A) cross-references yet another section of the TCZO to state that “any conditional use permitted in the Single-Family R-7.5” District is also considered a conditional use in the R-5.0 District. Therefore, conditional uses that are listed in TCZO Section 12 –Single Family Residential, Or R-7.5 District are also deemed conditional uses by reference in the R-5.0 District and the R-0 District.

Accordingly, the Applicant reviewed the list of approved conditional uses for the R-7.5 District in TCZO Section 12(3). TCZO Section 12(3)(A) lists “any public facility as defined in this Ordinance” as a conditional use. As defined in TCZO Section 4, a “public facility” includes:

*Projects, activities, and facilities deemed to be necessary for the maintenance of other public purposes consistent with CTCP policies, including non-public activities permitted by government agencies. Such public facilities shall include any activity undertaken or structure held, used, or controlled for public or quasi-public purposes including but not limited to, churches, fraternal organizations or clubs, hospitals, schools, nursing homes, federal, state, county, or municipal offices or facilities, recreational facilities, and **public utilities**. Such determination shall be made without reference to the ownership of the structure or the realty upon which it is situated. (emphasis added)*

The proposed Project is clearly defined as a public utility. The Project is a 115-kV electric transmission line that is proposed by the Tillamook PUD, the public electricity provider for the City of Tillamook and the surrounding area. However, while “public utilities” are listed in the definition of a “public facility,” the TCZO does not contain a specific definition of “public utilities.” The nearest term identified in the TCZO, “utility facility,” is included below:

*A structure, pipe, or transmission line, which provides the public with electricity, gas, steam, heat, communication, water, sewage collection or other similar service.*

The Project is a public electrical transmission line, which is contained within the definition of “utility facility” provided directly above. Given that the Project satisfies the TCZO 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 the R-0 District according to TCZO Section 14(3)(A).

4. Height Requirements. *No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of forty-five (45) feet. For exceptions, see Section 14(31) and Section 30(3).*

**Finding:** The support poles used to support the Project are anticipated to vary in height from approximately 70 to 90 feet above ground. However, the features associated with the Project are not considered buildings or structures according to TCZO Section 4 – Definitions. A structure is defined in TCZO Section 4 as “anything, such as a building or other major improvement that is constructed, built, or installed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which requires location on the ground,” though it specifically makes an exception for other minor improvements such as “utility poles.”

Additionally, TCZO Section 28(8) states that “utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this Ordinance.”

Therefore, height requirements according to TCZO Section 14(4) are not applicable to this Project.

5. Lot – Requirements. *The following lot requirements shall be observed.*

**Finding:** The Project is not a conventional aboveground structure or building that the criteria for lot requirements, per TCZO Section 14(5), are intended to regulate. The Project will not be inhabited and will not require the creation of new lots. Setback requirements apply only to “a building or structure,” as defined in TCZO Section 4. As discussed in response to TCZO Section 14(4), the proposed Project is not considered a building or a structure under the TCZO. Therefore, this criterion is not applicable.

6. Signs. *Signs are allowed per Section 24 of this ordinance.*

**Finding:** The Project will not include nor is it required to provide any permanent signs or temporary signs for advertising, which TCZO Section 24 is intended to regulate. Any signs used by the Project will be related to its construction and will be temporary in nature. Therefore, this criterion is not applicable.

7. Off-Street Parking. *Off-street parking shall be provided as required in Section 25.*

**Finding:** The Project is a linear transmission line that does not include nor is required to provide off-street parking, based on the requirements of Section 25(2). Section 25(2) states that the off-street parking standards apply to buildings or structures that provide floor area and/or seating capacity. The Project is neither a building nor a structure, based on the Definitions provided in TCZO Section 4, and it does not provide floor area or seating capacity. Therefore, this criterion is not applicable

8. Design. *The applicable design standards in Section 22 “Site and Building Design” apply to all new development.*

**Finding:** The Project is not a conventional aboveground structure or building that the criteria for Site Plan Review, per TCZO Section 22, are intended to regulate. The Project will not be inhabited or include roofs, windows, signs, landscaping, storage, streets, alleys, parking, sidewalks, paths, or other design features included in this Site Plan Review criteria. The Applicant obtained concurrence with Tillamook City Planner David Mattison during the pre-application meeting that Site Plan Review can be waived for this Project (Mattison, pers. comm., 2010). Therefore, this criterion is not applicable.

9. Other Required Conditions:

- A. *See Section 28, applying to Special Uses where applicable.*

**Finding:** TCZO Section 28(8) provides additional information related to utilities. TCZO Section 28(8) states that:

*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... 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.*

TCZO Section 28(8) allows the Project to be permitted in any district, and it allows the Project to exceed height limits provided in the TCZO, if necessary.

*C. Site Plan approval as per Section 22, for all uses except for single-family and duplex dwelling.*

**Finding:** The Project is not a conventional aboveground structure or building that the criteria for Site Plan Review, per TCZO Section 22, are intended to regulate. The Project will not be inhabited or include roofs, windows, signs, landscaping, storage, streets, alleys, parking, sidewalks, paths, or other design features included in this Site Plan Review criteria. The Applicant obtained concurrence with Tillamook City Planner David Mattison during the pre-application meeting that Site Plan Review can be waived for this Project (Mattison, pers. comm., 2010). Therefore, this criterion is not applicable.

*D. All activities and uses within the R-0 District must be conducted wholly within an enclosed building, except as provided in subsection 3(b), above.*

**Finding:** The Project is not a conventional aboveground structure or building that the criteria in TCZO Section 14(9)(D) are intended to regulate. Therefore, this criterion is not applicable.

#### 4.2.4 Section 17 - Central Commercial District, Or C-C District

As shown in Figure 3 (see Appendix A), approximately 0.4 mile of the Project crosses the C-C District, and the 100-foot-wide corridor through the C-C District will cover an area of approximately 4.8 acres. Furthermore, one support pole is proposed in the C-C District.

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

*A. Any public facility.*

**Finding:** The Project can be considered a public facility based on the definitions provided in TCZO Section 4 – Definitions:

*Projects, activities, and facilities deemed to be necessary for the maintenance of other public purposes consistent with Comprehensive Plan policies, including non-public activities permitted by government agencies. Such public facilities shall include any activity undertaken or structure held, used, or controlled for public or quasi-public purposes including but not limited to, churches, fraternal organizations or clubs, hospitals, schools, nursing homes, federal, state, county or municipal offices or facilities, recreation facilities, and **public utilities**. Such determination shall be made without reference to the ownership of the structure or the realty upon which it is situated. (emphasis added)*

The proposed Project is clearly defined as a public utility. The Project is a 115-kV electric transmission line that is proposed by the Tillamook PUD, the public electricity provider for the City of Tillamook and the surrounding area. However, while “public utilities” are listed in the definition of a “public facility,” the TCZO does not contain a specific definition of “public utilities.” The nearest term identified in the TCZO, “utility facility,” is included below:

*A structure, pipe, or transmission line, which provides the public with electricity, gas, steam, heat, communication, water, sewage collection or other similar service.*

The Project is a public electrical transmission line, which is contained within the definition of “utility facility” provided directly above. Given that the Project satisfies the TCZO 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 the C-C District.

4. Height Regulations. *No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 100 feet. For exceptions, see Section 17 (3C).*

**Finding:** The poles used to support the Project will vary in approximate height from 70 to 90 feet above ground. However, the features associated with the Project are not considered buildings or structures according to TCZO

Section 4 – Definitions. A structure is defined in TCZO Section 4 as “anything, such as a building or other major improvement that is constructed, built, or installed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which requires location on the ground,” though it specifically makes an exception for other minor improvements such as “utility poles.”

Additionally, TCZO Section 28(8) states that “utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this Ordinance.”

Therefore, height requirements according to TCZO Section 14(4) are not applicable to this Project.

5. Lot Requirements.

**Finding:** The Project is not a conventional aboveground structure or building that the criteria for lot requirements, per TCZO Section 17(5), are intended to regulate. The Project will not be inhabited and will not require the creation of new lots. Setback requirements apply only to “a building or structure,” as defined in TCZO Section 4. As discussed in response to TCZO Section 14(4), the proposed Project is not considered a building or a structure under the TCZO. Therefore, this criterion is not applicable.

6. Signs. Permitted as per Section 24.

**Finding:** The Project will not include nor is it required to provide any permanent signs or temporary signs for advertising, which TCZO Section 24 is intended to regulate. Any signs used by the Project will be related to its construction and will be temporary in nature. Therefore, this criterion is not applicable.

7. Off-Street Parking and Loading. Off-street parking and loading spaces or an equivalent as accepted by the Planning Commission shall be provided as required in Section 25.

**Finding:** The Project does not include nor is it required to provide off-street parking, based on the requirements of TCZO Section 25(2). TCZO Section 25(2) states that the off-street parking standards apply to buildings or structures that provide floor area and/or seating capacity. The Project is neither a building nor a structure, based on the definitions provided in Section 4, and it does not provide floor area or seating capacity. Therefore, this criterion is not applicable.

8. Other Required Conditions.

- A. *All uses, excepting automobile, truck, trailer and boat sales, car washes, automobile service stations, and drive-up windows shall be conducted wholly within an enclosed building.*

**Finding:** The Project is not a conventional aboveground structure or building that the criteria in TCZO Section 17(8)(A) are intended to regulate. Therefore, this criterion is not applicable.

- B. *In any C-C district directly across the street or abutting any R-7.5, R-5.0 or R-0 District, the parking and loading area shall be set back at least ten (10) feet from the street right-of-way. These areas shall be appropriately landscaped either along the residential street frontage, side yard or rear yard to protect the character of adjoining and adjacent residential property. Such landscaping shall be maintained.*

**Finding:** The Project does not include nor is it required to provide parking and loading areas, based on the requirements of TCZO Section 25(2). TCZO Section 25(2) states that the off-street parking standards apply to buildings or structures that provide floor area and/or seating capacity. The Project is neither a building nor a structure, based on the definitions provided in Section 4, and it does not provide floor area or seating capacity. Therefore, this criterion is not applicable.

C. Site Plan Review as per Section 22.

**Finding:** The Project is not a conventional aboveground structure or building that the criteria for Site Plan Review, per TCZO Section 22, are intended to regulate. The Project will not be inhabited or include roofs, windows, signs, landscaping, storage, streets, alleys, parking, sidewalks, paths, or other design features included in this Site Plan Review criteria. The Applicant obtained concurrence with Tillamook City Planner David Mattison during the pre-

application meeting that Site Plan Review can be waived for this Project (Mattison, pers. comm., 2010). Therefore, this criterion is not applicable.

- D. 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.*

**Finding:** Potential impacts associated with construction and operation of the Project related to disturbing vibrations and unpleasant odorous gases are provided below.

**Disturbing Vibrations.** 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.

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.

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

**Odorous Gases.** 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.

- E. All uses in the C-C 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.*

**Finding:** Potential impacts associated with construction and operation of the Project related to smoke, gas, odor, dust, sound, vibration, soot, heat, glare, or lighting are provided below. Some of the conditions listed may be present related to construction; however, the impacts will only be temporary. During operation, a transmission line does not cause smoke, gas, odors, dust, soot, or heat. As noted above, the Project is unlikely to generate audible noise (that is, sound) during operations and any noise and vibration impacts during construction will only be temporary. The support poles will be constructed using galvanized steel to eliminate glare. Lights are not proposed as part of the Project.

**Smoke, gas, odor, dust, soot, and heat.** During construction, limited smoke, gas, odor, dust, and soot may be generated by the construction equipment. These emissions will be minimized through the use of BMPs including dust and soot 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 initiation of construction. Appropriate construction equipment will also be used to minimize smoke, gas, and odor. Heat may also be generated from construction equipment, but it will be similar to the heat that is generated from other vehicles and will not be detectable beyond the Project area.

During operations, the Project is designed to not emit smoke, gas, odor, dust, soot, and heat as it is a stationary facility without moving parts. Small amounts of these elements may be generated from maintenance equipment but will be negligible.

Smoke, gas, odor, dust, soot, and heat are not anticipated from the Project.

**Sound and vibration.** Noise and vibration will be generated from caisson installation and construction equipment used during installation of the Project. 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.

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. Given the proposed mitigation strategies, impacts of the Project on noise are not anticipated to be significant beyond the property lines crossed by the Project.

**Glare and lighting.** Glare is not anticipated from the construction equipment, and construction will also be limited to normal daylight construction hours, which removes the need for lighting during Project construction.

During operations, the Project is designed to not produce glare because the support poles will be constructed using galvanized steel to minimize visual impacts including glare. The Applicant also does not propose nor is it required to include lighting with the Project. Glare and lighting are not anticipated from the Project.

#### 4.2.5 Section 18 - Light Industrial District, Or I-L District

As shown in Figure 3 (see Appendix A), approximately 0.4 mile of the Project crosses the I-L District, and the 100-foot-wide corridor through the I-L District will cover an area of approximately 4.8 acres. Furthermore, four support poles are proposed in the I-L District.

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

- A. *Any public facility.*

**Finding:** The Project can be considered a public facility based on the definitions provided in TCZO Section 4 – Definitions:

*Projects, activities, and facilities deemed to be necessary for the maintenance of other public purposes consistent with Comprehensive Plan policies, including non-public activities permitted by government agencies. Such public facilities shall include any activity undertaken or structure held, used, or controlled for public or quasi-public purposes including but not limited to, churches, fraternal organizations or clubs, hospitals, schools, nursing homes, federal, state, county or municipal offices or facilities, recreation facilities, and public utilities. Such determination shall be made without reference to the ownership of the structure or the realty upon which it is situated. (emphasis added)*

The proposed Project is clearly defined as a public utility. The Project is a 115-kV electric transmission line that is proposed by the Tillamook PUD, the public electricity provider for the City of Tillamook and the surrounding area. However, while “public utilities” are listed in the definition of a “public facility,” the TCZO does not contain a specific definition of “public utilities.” The nearest term identified in the TCZO, “utility facility,” is included below:

*A structure, pipe, or transmission line, which provides the public with electricity, gas, steam, heat, communication, water, sewage collection or other similar service.*

The Project is a public electrical transmission line, which is contained within the definition of “utility facility” provided directly above. Given that the Project satisfies the TCZO 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 I-L District.

4. Height Regulations. *No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet. For exceptions, see Section 18 (3B) and Section 30 (3).*

**Finding:** The poles used to support the Project will vary in approximate height from 70 to 90 feet above ground. However, the features associated with the Project are not considered buildings or structures according to TCZO Section 4 – Definitions. A structure is defined in TCZO Section 4 as “anything, such as a building or other major improvement that is constructed, built, or installed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which requires location on the ground,” though it specifically makes an exception for other minor improvements such as “utility poles.”

Additionally, TCZO Section 28(8) states that “utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this Ordinance.”

Therefore, height requirements according to TCZO Section 18(4) are not applicable to this Project.

5. Lot Requirements.

**Finding:** The Project is not a conventional aboveground structure or building that the criteria for lot requirements, per TCZO Section 18(5), are intended to regulate. The Project will not be inhabited and will not require the creation of new lots. Setback requirements apply to “a building or structure,” as defined in TCZO Section 4, which this Project does not include per the response to TCZO Section 14(4). Therefore, this criterion is not applicable.

6. Signs. Permitted as per Section 24.

**Finding:** The Project will not include nor is it required to provide any permanent signs or temporary signs for advertising, which TCZO Section 24 is intended to regulate. Any signs used by the Project will be related to its construction and will be temporary in nature. Therefore, this criterion is not applicable.

7. Off-Street Parking and Loading. *Off-street parking and loading spaces shall be provided as required in Section 25.*

**Finding:** The Project does not include nor is it required to provide off-street parking, based on the requirements of TCZO Section 25(2). TCZO Section 25(2) states that the off-street parking standards apply to buildings or structures that provide floor area and/or seating capacity. The Project is neither a building nor a structure, based on the Definitions provided in Section 4, and it does not provide floor area or seating capacity. Therefore, this criterion is not applicable.

8. Other Required Conditions.

- A. *All business, service, repair, processing, storage, or merchandise display on property abutting or across the street from a lot in a R-7.5, R-5.0 or R-0 District shall be conducted wholly within an enclosed building unless screened from the “R” District by a sight-obscuring fence or wall.*

**Finding:** The Project does not include any business, service, repair, processing, storage, or merchandise displays. Therefore, this criterion is not applicable.

- B. *Opening to structure on sides abutting to or across the street from a lot in an R-7.5, R-5.0, or R-0 District shall be prohibited if such access or openings will cause glare, excessive noise or similar conditions so as to have an adverse effect on property in the R-7.5, R-5.0, or R-0 District.*

**Finding:** The features associated with the Project are not considered buildings or structures according to TCZO Section 4 – Definitions. A structure is defined in TCZO Section 4 as “anything, such as a building or other major improvement that is constructed, built, or installed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which requires location on the ground,” though it specifically makes an exception for other minor improvements such as “utility poles.” Therefore, this criterion is not applicable.

- C. *Motor vehicle, boat, or trailer rental, sales or storage lot shall be drained and surfaced with rock or pavement except in those portions of the lot maintained as landscaped areas.*

**Finding:** The Project does not include nor is it required to provide motor vehicle, boat, or trailer rental, sales, or a storage lot; therefore, this criterion is not applicable.

- D. *In an I-L District directly across the street from a lot in a R-7.5, R-5.0, or R-0 District, the parking and loading area and outdoor display or storage areas shall be set back at least ten (10) feet from the right-of-way, and said areas shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.*

**Finding:** The Project does not include nor is it required to provide a parking and loading area, based on the requirements of TCZO Section 25(2). TCZO Section 25(2) states that the off-street parking standards apply to buildings or structures that provide floor area and/or seating capacity. The Project also does not include outdoor displays or storage areas. The Project is neither a building nor a structure, based on the definitions provided in Section 4, and it does not provide floor area or seating capacity; therefore, this criterion is not applicable.

- E. *Access point from a public road to properties in an I-L District shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.*

**Finding:** The Applicant does not propose the installation of new access points from a public road as part of the Project. During construction of the transmission line along Front Street, traffic may temporarily be impacted on Front Street for corridor clearing, pole installation, and conductor stringing. The Applicant will mitigate these impacts by using flaggers to direct traffic through appropriate detours as needed. These impacts are temporary for the brief period of construction along Front Street.

During operations, traffic impacts will be negligible. Maintenance and repair vehicles may be required to access the Project along the corridor from a public street, but potential impacts will be isolated and temporary. Therefore, this Project complies with this criterion.

- F. *All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards.*

**Finding:** During construction, materials will be staged appropriately for use and will not create a hazard. Any wastes generated during construction will be removed from the Project area as quickly as is practicable in a manner that does not generate hazards. The Applicant will comply with federal, state, and local laws, ordinances, rules, and regulations pertaining to fire prevention, presuppression, and suppression. Construction personnel will be advised of their responsibilities under the applicable fire laws and regulations. The construction contractor will notify the local fire district should a construction-related fire occur. Specific safety measures will be implemented during line construction to prevent fires and to ensure quick response and suppression should a fire occur.

During operations, no equipment or materials will be stored along the corridor. Any wastes generated during maintenance and repair activities will be removed from the Project area in a manner that does not create any hazards. Therefore, the Project complies with this criterion.

- 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.*

**Finding:** Potential impacts associated with construction and operation of the Project related to disturbing vibrations and unpleasant odorous gases are provided below.

**Disturbing Vibrations.** 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 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.

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

**Odorous Gases.** 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 BMPs 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.*

**Finding:** Potential impacts associated with construction and operation of the Project related to smoke, gas, odor, dust, sound, vibration, soot, heat, glare, or lighting are provided below. Some of the conditions listed may be present related to construction; however, the impacts will only be temporary. During operation, a transmission line does not cause smoke, gas, odors, dust, soot, or heat. As noted above, the Project is unlikely to generate audible noise (that is, sound) during operations and any noise and vibration impacts during construction will only be temporary. The support poles will be constructed using galvanized steel to minimize glare. Lights are not proposed as part of the Project.

**Smoke, gas, odor, dust, soot, and heat.** During construction, limited smoke, gas, odor, dust, and soot may be generated by the construction equipment. These emissions will be minimized through the use of BMPs including dust and soot 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 initiation of construction. Appropriate construction equipment will also be used to minimize smoke, gas, and odor. Heat may also be generated from construction equipment, but it will be similar to the heat that is generated from other vehicles and will not be detectable beyond the Project area.

During operations, the Project is designed to not emit smoke, gas, odor, dust, soot, and heat as it is a stationary facility without moving parts. Small amounts of these elements may be generated from maintenance equipment but will be negligible.

Smoke, gas, odor, dust, soot, and heat are not anticipated from the Project.

**Sound and vibration.** Noise and vibration will be generated from caisson installation and construction equipment used during installation of the Project. 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.

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. Given the proposed mitigation strategies, impacts of the Project on noise are not anticipated to be significant beyond the property lines crossed by the Project.

**Glare and lighting.** Glare is not anticipated from the construction equipment, and construction will also be limited to normal daylight construction hours, which removes the need for lighting during Project construction.

During operations, the Project is designed to not produce glare because the support poles will consist of galvanized steel. The Applicant also does not propose nor is it required to include lighting with the Project. Glare and lighting are not anticipated from the Project.

- I. See Section 28 applying to Special Uses where applicable.

**Finding:** TCZO Section 28 includes a section on utilities, TCZO Section 28(8). TCZO Section 28(8) says that:

*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... 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.*

TCZO Section 28(8) allows the Project to be permitted in any district, and it allows the Project to exceed height limits provided in the TCZO, if necessary.

- J. Site Plan Approval required.

**Finding:** The Project is not a conventional aboveground structure or building that the criteria for Site Plan Review, per TCZO Section 22, are intended to regulate. The Project will not be inhabited or include roofs, windows, signs, landscaping, storage, streets, alleys, parking, sidewalks, paths, or other design features included in this Site Plan Review criteria. The Applicant obtained concurrence with Tillamook City Planner David Mattison during the pre-application meeting that Site Plan Review can be waived for this Project (Mattison, pers. comm., 2010).

#### 4.2.6 Section 20 – Flood Hazard Overlay Zone, 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. As shown in Figure 5 (see Appendix A), 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.*

**Finding:** 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 TCZO Section 20 is intended to regulate. Specifically, none of the standards in TCZO Section 20(5) (Provisions for Flood Hazard Reduction) are applicable to a proposed overhead transmission line. The standards in Section 20(5) 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 (see Appendix A), 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.

Although the standards in TCZO Section 20(5) are not applicable, 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 this 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 this 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. Therefore, the Project is consistent with the stated purpose of the FHO District.

## 4.2.7 Section 21.1 – Water Resources Protection Overlay District

### 2. *Applicability and Generalized Mapping*

- A. *The WRP 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 WRP 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.*

**Finding:** 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. As shown in Figure 4 (see Appendix A), 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 WRPO 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 WRPO District. The Project's crossings of the WRPO 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.

As a result of these crossings, the Project is subject to the standards and procedures contained in TCZO Section 21.1. The Applicant demonstrates compliance with these criteria below.

- B. *The City of Tillamook wetlands and stream corridors map identifies the significant water resources designated in subsection 2 of this Section.*
- C. *Applicable riparian and wetlands setbacks. The applicant shall be responsible for providing a map of the precise location of the top of the streambank, the wetland edge, and/or the riparian setback at the time of application submittal.*

**Finding:** Figure 4 (see Appendix A) shows the precise location of the top of streambanks, wetland edges, and the 50-foot riparian setbacks.

- D. *The inventory of significant wetlands and riparian corridors contained in the Comprehensive Plan identifies all significant wetlands, identifies which streams are fish-bearing, and specifies the stream-size category. Based on the classification contained in this inventory, the following significant wetlands and riparian corridor setbacks shall be established:*
1. *Along all streams identified in the City of Tillamook Riparian Inventory, the riparian corridor boundary shall be 50 feet from the top of bank. This includes the following water bodies:*
    - a. *Colby Creek*
    - b. *Dougherty Slough*
    - c. *Hall Slough*

- d. *Holden Creek*
- e. *Hoquarten Slough*
- f. *Jack Creek*
- g. *Trask River*
- h. *Wilson River*

**Finding:** The Project's 100-foot-wide corridor crosses through one isolated patch of the 50-foot riparian corridor boundary of the Hoquarten Slough (see Figure 4 in Appendix A). 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.

2. *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.*

**Finding:** 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). 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.

3. *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.*

**Finding:** The riparian corridor along the Hoquarten 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 Hoquarten Slough and the riparian corridor boundary are shown in Figure 4 (see Appendix A).

4. *Except as provided for in D(4), 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.*

**Finding:** The riparian corridor boundary associated with the Hoquarten Slough is the only riparian corridor boundary in close proximity to the Project. This riparian boundary was determined using the methodology outlined in TCZO Section 21.1(2)(D)(4) and is shown on Figure 4 (see Appendix A). The top of bank was determined by a biologist. As shown on Figure 4 (see Appendix A), 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.

3. *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;*

**Finding:** The proposed transmission line is defined by TCZO Section 4 as a “utility facility” and is therefore a permitted use within the WRPO District based on TCZO Section 21.1(3)(A)(2). In addition, TCZO 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.

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), only five support poles from the entire 1.1-mile route are proposed within a wetland boundary within the WRPO 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). 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 TCZO Section 21.1(3)(A) 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. 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, no other alternative route location is feasible for the Project. Therefore, the minor disturbance to resources contained in the WRPO District is permitted under TCZO Section 21.1(3)(A)(2).

*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.*

**Finding:** As described above in response to TCZO Section 21.1(3)(A)(2), the Project is a permitted use within the WPRO 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). 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 TCZO Section 21.1(3)(B)(3). Therefore, permanent alteration within the WPRO District resulting from support pole installation and the establishment and maintenance of the 100-foot-wide corridor is permitted in accordance with TCZO Sections 21.1(3)(A)(2) and 21.1(3)(B)(3).

- 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).*

**Finding:** The Project is not proposed to be within any streams; however, according to the definition in TCZO Section 21.1(2)(D)(2), the Project will include the introduction of one support pole in a wetland (W02), as shown in Figure 4 (see Appendix A) and as documented in the *Wetland Delineation Report* (see Appendix F). 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.*

**Finding:** The Applicant understands that once the transmission line is constructed, there are exemptions in the WRPO District for emergency repairs and routine maintenance or replacement.

- F. Any permitted crossings of significant riparian corridor waterways shall be conducted in consultation with the Oregon Department Fish & Wildlife.*

**Finding:** As shown in Figure 4 (see Appendix A), the Project does not cross any significant riparian corridor waterways within the City of Tillamook. Therefore, this criterion is not applicable.

4. *Application Requirements*

*All development applications on lots within, or partially within, the WRP overlay district shall submit the following information, in addition to other information required by this code.*

- B. *Underlying Zone Conditional Uses and Land Division Developments: site specific survey required. If any conditional use or Planned Unit Development activity is proposed within significant water resource site setbacks, the applicant shall provide a survey of the entire site that precisely maps and delineates the following:*
  1. *The location of streams and significant riparian corridors, including adjacent wetlands, and the tops of their respective stream banks or wetland boundaries;*

**Finding:** A qualified wetland biologist performed a wetland delineation along the full extent of 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, and the location of streams, significant riparian corridors, adjacent wetlands, and the tops of their respective stream banks and wetland boundaries are shown in Figure 4 (see Appendix A).

2. *Significant wetlands;*

**Finding:** All wetlands are shown in Figure 4 (see Appendix A).

3. *The area enclosed by the riparian setback;*

**Finding:** The area enclosed by the riparian setback is shown in Figure 4.

4. *Property lines and easements, existing public rights-of-way, structures, roads and utilities;*

**Finding:** Property lines and easements, existing public rights-of-way, structures, and utilities are shown in Figure 6 (see Appendix A). Only overhead electrical utility lines are shown in Figure 6 because the Project is overhead and will not have an impact on underground or at-grade utilities.

5. *Vegetation, including trees or tree clusters and under-story vegetation;*

**Finding:** Vegetation along the Project corridor is shown on the aerial in Figure 2 (see Appendix A). Specific tree locations on properties owned by the City of Tillamook are shown in Figure 3 of the Project Biological Resource Report (Appendix G).

6. *Existing and proposed contours at 2-foot intervals.*

**Finding:** Existing 2-foot contours are shown on Figure 5 (see Appendix A), which shows that there is not much elevation change within the Project corridor. Grading associated with the Project is limited and will only occur directly adjacent to support poles as required for installation. In the WRPO District, any grading required for installation will be redone once the support poles are in place to match preexisting contours. Thus, existing contours will be maintained and are shown on Figure 5.

5. Development Standards

*The following shall apply to all development, including native vegetation removal and excavation, in the WRP overlay district. No application for uses identified in Section 21.1.08 shall be deemed complete until the applicant has addressed each of these standards in writing.*

- A. *Alternatives considered. In general, land development is expected to occur outside the WRP Overlay District significant water resource setback areas. Therefore, development applications must carefully examine upland alternatives for the proposed use, and explain the reasons why the proposed development cannot reasonably occur outside of the water resource or riparian setback area.*

**Finding:** The Applicant prepared a detailed alternatives analysis in accordance with TCZO Section 21.1(3)(A) 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. 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, USFWS, DSL, and 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 this 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, no other alternative route location is feasible for the Project. Therefore, the minor disturbance to resources contained in the WRPO District is permitted under TCZO Section 21.1(5)(A)(2).

- B. *Minimize siting impacts. The proposed use shall be designed, located and constructed to minimize excavation, loss of native vegetation, erosion, and adverse hydrological impacts on significant water resources.*

2. *The development shall intrude into water resource or riparian setbacks as little as possible, recognizing the operational needs of the proposed development.*

**Finding:** As demonstrated above in response to TCZO Section 21.1(3)(A)(2) and discussed in detail in Appendix B, 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), only five support poles from the entire 1.1-mile route are proposed within wetland boundaries within the WRP 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, this criterion is satisfied.

- C. Construction materials and methods. Where development within the riparian area is unavoidable, construction materials or methods used within the riparian setback area shall minimize damage to water quality and native vegetation.*

**Finding:** The Applicant proposes a series of construction BMPs and methods that will be implemented to minimize impacts to water quality and native vegetation. 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 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). 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.

Grading for support pole installation will be minimized to only what is absolutely required. Any ground surface that has to be altered within the WRPO District for support pole installation will be graded following installation to match preexisting contours. Furthermore, with the exception of existing impervious surface within the Project corridor, the entire 100-foot-wide permanent corridor will be maintained as permeable groundcover, 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.

- D. Alteration Requiring Mitigation. If a use is proposed within a significant resource site or riparian setback area, a mitigation plan shall be prepared and implemented.*

- 1. Permanent alteration of the riparian area by placement of structures or impervious surfaces is allowable under the following procedures, subject to the mitigation requirements of subsection 5 of this section.*
  - a. A variance to the riparian setback approved through the procedures of Subsection 7 of this section.*

**Finding:** As demonstrated above in response to TCZO Section 21.1(3)(A)(2), the proposed Project is a permitted use within the WRPO District. In addition, no support poles or other impervious surfaces are proposed within the riparian corridor. Thus, no variance is required or requested. If necessary, the Applicant will provide a mitigation plan for disturbance to riparian setback areas prior to construction.

- b. Proposals for development activities within the riparian area shall be reviewed by the Oregon Department of Fish and Wildlife under its Fish and Wildlife Habitat Mitigation Policy. Mitigation recommendations by ODF&W may become conditions for approval of a proposed alteration of a wetland or riparian corridor.*

**Finding:** The Applicant has coordinated with ODFW during the route selection process and is open to continued input from ODFW on mitigation and minimization strategies for areas where the proposed corridor is within the WRPO District. Therefore, this criterion is satisfied.

- 2. Conditional uses may be approved where the applicant can demonstrate that there are no reasonable alternatives and that the proposed use(s) are designed and constructed to minimize intrusion into the significant resource.*

**Finding:** As summarized in Table 5, the proposed Project is a conditional use in all four base districts crossed in the City of Tillamook. Furthermore, as outlined above in response to TCZO Section 21.1(3)(A)(2) and discussed in detail in Appendix B, the Applicant has demonstrated that there are no reasonable alternatives for the route alignment given existing environmental, economical, and land use constraints. 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.

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 WRPO 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 reseeded as needed. Therefore, this criterion is satisfied.

- E. Plan implementation. A schedule of planned erosion control and re-vegetation measures shall be provided, which sets forth the progress of construction activities, and mitigating erosion control measures. An approved Erosion Control or Re-vegetation Plan shall be implemented and maintained as follows:*
  - 1. Erosion control measures shall be installed prior to any stripping or excavation work.*
  - 2. The applicant shall implement the measures and construct facilities contained in the approved Erosion Control Plan in a timely manner. During active construction, the applicant shall inspect erosion control measures daily, and maintain, adjust, repair or replace erosion control measures to ensure that they are functioning properly.*
  - 3. Eroded sediment shall be removed immediately from pavement surfaces, off-site areas, and from the surface water management system, including storm drainage inlets, ditches and culverts.*

4. *Water containing sediment shall not be flushed into the surface water management system, wetlands or streams without first passing through an approved sediment filtering facility or device.*
5. *In addition, the applicant shall call for City building inspection, prior to the foundation inspection for any building, to certify that erosion control measures are installed in accordance with the erosion control plan.*

**Finding:** Prior to construction, the Applicant is required to submit an application to ODEQ for a NPDES 1200-C Construction Stormwater Discharge Permit that will outline erosion and sediment control measures and BMPs to be implemented during construction. BMPs will be designed and implemented to prevent sediment and other contaminants from mobilizing offsite into entering protected water features, public streets, and the sanitary sewer system. BMPs that may be implemented during construction include the use of silt fencing and straw wattles, mulching, preservation of existing vegetation, and permanent seeding and replanting throughout areas of disturbance.

Approval of the Applicant’s NPDES 1200-C permit application will be obtained from ODEQ prior to initiation of construction. A copy of the NPDES 1200-C application and subsequent permit can be provided to the City of Tillamook as needed.

6. Variances

- A. *In cases where the riparian corridor unduly restricts the development of a lot or parcel legally created before the effective date of this ordinance, a property owner may request a variance to the riparian setback. Granting of a variance requires findings that:*

**Finding:** As demonstrated in response to TCZO Section 21.1(3)(A)(2), the proposed Project is a permitted use within the WRPO District. The Applicant has demonstrated throughout this CUP application that no practicable alternative locations are feasible (see Appendix B) and that reasonable measures will be taken to minimize intrusion into wetlands and riparian areas. Thus, no variance is required or requested.

7. Mandatory Notification of Permitting Agencies (Riparian Corridor and Isolated Wetlands not designated as Significant Resources).

*Wetlands that do not qualify as significant in City of Tillamook Local Wetland Inventory may be subject to permitting requirements of the Division of State Lands and the Army Corps of Engineers. To effectively coordinate permitting responsibilities the City of Tillamook will notify the Division of State Lands of all development applications that may impact wetland resources in the City. The applicant shall be responsible for obtaining any applicable development permits from State and Federal agencies.*

**Finding:** The Applicant is unaware of any Non-Significant Resource affected by the Project. Therefore, this provision does not apply.

## 4.2.8 Section 22 – Site Development Standards

3. Types of Development Requiring Approval.

- A. *An administrative site plan review shall be conducted when plans are made in the R-0, C-C, C-N, C-H, I-L, I-G Zone District:*

**Finding:** The Project is not a conventional aboveground structure or building that the criteria for Site Plan Review, per TCZO Section 22, are intended to regulate. The Project will not be inhabited or include roofs, windows, signs, landscaping, storage, streets, alleys, parking, sidewalks, paths, or other design features included in this Site Plan Review criteria. Therefore, the criteria contained in TCZO Section 22 related to Site Review are not applicable. The Applicant obtained concurrence from City of Tillamook staff that Site Plan Review is not required for this Project (Mattison, pers. comm., 2010). Therefore, the criteria contained in TCZO Section 22 are not applicable.

## 4.2.9 Section 22.1 – General Development Standards

### 3. Types of Development Requiring Standards.

- A. *The standards set forth in this section shall apply to major and minor partitions; subdivisions; planned unit developments; commercial and industrial site development; single family dwellings, duplexes, multi-family dwellings and multiple use structure development.*

**Finding:** The Project is a 115-kV transmission line and the Applicant does not require or propose a major or minor partition, subdivisions, planned unit developments, commercial and industrial site development, single-family dwelling, duplex, multi-family dwelling, or a multiple use structure development as part of this CUP application. Therefore, the criteria contained in TCZO Section 22.1 are not applicable.

## 4.2.10 Section 27 - Conditional Use Permits

1. Purpose. *Conditional uses may be permitted in certain districts, subject to the granting of a Conditional Use Permit. Conditional uses may require special consideration, because of unusual characteristics of the area in which it is to be located. It is important that conditional uses be properly located with respect to the objectives of this Ordinance and the effect to the surrounding properties.*
2. Planning Commission Authority. *The Planning Commission shall have the authority to approve, approve with conditions, disapprove, or revoke Conditional Use Permits subject to the provisions of this section. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of this Ordinance shall conform to all regulations pertaining to conditional uses and shall require a new Conditional Use Permit.*

**Finding:** The Project is a conditional use in three of the four base zoning districts it crosses (R-0, C-C, and I-L) and is a permitted use in the other (O). Therefore, this CUP application falls under the reviewing authority of the City of Tillamook Planning Commission.

3. Application. *A property owner or any interested person may make application for a Conditional Use Permit by filing an application in accordance with the provisions of Section 10.*

**Finding:** Figure 2 (see Appendix A) identifies the tax lots crossed by the Project. The Applicant obtained authorization from all affected property owners to file this Conditional Use Permit application in accordance with the provisions of TCZO Section 10, as shown in Appendix E.

4. Public Hearings. *Before a conditional use is permitted, the proposed conditional use shall be considered by the Planning Commission at a public hearing, or administratively. Notice of said hearing or administrative action shall be provided as per Section 10 (10-14).*

**Finding:** The Applicant understands the hearing notice requirements per TCZO Section 10 and intends to fully comply with these requirements at the appropriate time.

5. Action by the 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.*

**Finding:** The information and analysis provided throughout this CUP application demonstrates the Project’s compliance with all applicable substantive criteria contained in the TCZO. Therefore, the Planning Commission may find that the Project complies with applicable regulations and may approve this application for a CUP.

- D. *Any conditional use authorized according to this Section (excepting “E” below) shall be subject to the following criteria, where applicable:*
1. *The use is listed as a conditional use in the underlying zone, or in an applicable overlying zone.*

**Finding:** As demonstrated above in response to TCZO Sections 11(3), 14(3)(A), 17(3)(A), and 18(3)(A), the Project is either a permitted or conditional use in the O, R-0, C-C, and I-L Districts, respectively. Furthermore, in response to TCZO Section 21.1(3)(A)(2) above, the Applicant demonstrates that the Project is a permitted use where it crosses the WPRO District. Therefore, this criterion is satisfied.

2. *The use is consistent with the applicable goals and policies of the comprehensive plan.*

**Finding:** Section 4.3 of this CUP application demonstrates compliance with the applicable goals and policies of the CTCP. Therefore, this criterion is satisfied.

3. *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.*

**Finding:** As shown in Figure 2 (see Appendix A), 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 TCZO Section 27(5)(D)(3). 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. Therefore, this criterion is satisfied.

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 uses listed in the underlying zone.*

**Finding:** 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 this CUP application, 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, 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), 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. Therefore, this criterion is satisfied.

5. *The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.*

**Finding:** As discussed above in Section 3 of this CUP application, the Project is timely and needed to reduce high loading on existing facilities, support ongoing growth in the area, to provide operational flexibility for maintenance, and to improve service reliability 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. Therefore, this criterion is satisfied.

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

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.*

**Finding:** TCZO Section 28(8) outlines provisions related to public utilities and is therefore directly related to the Project. 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 the TCZO.

## 4.3 City of Tillamook Comprehensive Plan

The following section demonstrates how the Project complies with the applicable goals and policies of the CTCP. The CTCP provides a series of goals and policies that implement the Oregon statewide planning goals and define the direction, quantity, and quality of future development for the City of Tillamook. Policies are generally organized into sections according to the relevant statewide planning goal they are designed to address.

The Applicant conducted a thorough review to identify the applicable goals and policies under each section of the CTCP. Policies listed in the following CTCP chapters are applicable to the Project:

- Chapter III: Population, Land Requirements, and Urbanization
- Chapter IV: Community Development
- Chapter V: Natural Resources

The Applicant demonstrates compliance with the applicable goals and policies of the CTCP below.

### 4.3.1 Chapter III: Population, Land Requirements, and Urbanization

#### 4.3.1.1 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.*

**Finding:** This policy is a directive to the City of Tillamook and is included in the CTCP to guide City action. Therefore, it does not directly apply to the Project. However, as described above in Section 3 of this CUP application, 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. Therefore, the intent of this policy is satisfied.

### 4.3.2 Chapter IV: Community Development

#### 4.3.2.1 Vacancy Rates

*Goal: To provide for the housing needs of all citizens of the state.*

*Objective: To provide buildable land adequate to insure meeting the housing need for a population increase of 1,927.*

**Finding:** This policy is a directive to the City of Tillamook and is included in the CTCP to guide City action. Therefore, it does not directly apply to the Project. An objective of the Housing section is to continue to provide adequate housing for the anticipated population increase of the City of Tillamook. As shown in Figure 3 (see Appendix A), an approximately 0.3-mile portion of the Project is located in the R-0 District. Within the R-0 District, the transmission line is proposed to be collocated along an existing, unused railroad right-of-way. 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.

Furthermore, as discussed above in Section 3 of this CUP application, the Project indirectly supports the stated intent of this objective by providing for increased load growth and reliability to the electrical transmission network that serves the City of Tillamook. This infrastructure improvement will allow for increased residential development to serve future population growth. Therefore, the intent of this objective is satisfied.

### 4.3.2.2 Economic Development

*Goal: To diversify and improve the economy.*

*Objective. To improve the economic vitality of the Tillamook area.*

*Policy 22: 21 additional acres, located generally west, south and east of the existing downtown, shall be designated downtown commercial. Of these 21 acres, conversion from non-commercial to commercial uses is encouraged for 15 acres.*

**Finding:** This policy is a directive to the City of Tillamook and is included in the CTCP to guide City action. Therefore, it does not directly apply to the Project. However, as shown in Figure 2 (see Appendix A), the Project crosses generally north of the existing downtown, whereas the areas described in Policy 21 are generally west, south, and east of the existing downtown. Finally, PUD staff met with City of Tillamook representatives to select a route that minimizes impacts to the Front Street area. As a result, the Project will not affect the potential for commercial development in these areas. Therefore, the intent of this policy is satisfied.

*Policy 29: About 76 acres of undeveloped land is allocated for highway and tourist oriented commercial uses along Highway 101 between Hoquarten Slough and the Wilson River; and about 40 acres are allocated along Third Street east of the railroad. About 10 additional acres are designated for conversion to highway commercial.*

**Finding:** This policy is a directive to the City of Tillamook and is included in the CTCP to guide City action. Therefore, it does not directly apply to the Project. However, the Project is located south of Hoquarten Slough and north of Third Street, whereas the areas described in Policy 29 are north of Hoquarten Slough and along Third Street. As a result, the Project will not affect the potential for commercial development in these areas. Therefore, the intent of this policy is satisfied.

*Policy 32: Developments will be reviewed for their effect on the environment including aspects of soil erosion, water and air quality, fish and wildlife, shore-lands and estuaries. Site development standards are incorporated as Section 22 of the City Zoning Ordinance. The aesthetic effect of development including signs, the relationship of structures, setbacks, parking and landscaping shall continue to be considered in the site development standards. Adverse environmental impacts shall be eliminated or minimized.*

**Finding:** This policy is a directive to the City of Tillamook and is included in the CTCP to guide City action. Therefore, it does not directly apply to the Project. Furthermore, the Project is not a conventional aboveground structure or building that the criteria for Site Plan Review, per TCZO Section 22, are intended to regulate. The Project will not be inhabited or include roofs, windows, signs, landscaping, storage, streets, alleys, parking, sidewalks, paths, or other design features included in this Site Plan Review criteria. Therefore, the criteria contained in TCZO Section 22 related to Site Review are not applicable. The Applicant obtained concurrence from City of Tillamook staff that Site Plan Review is not required for this Project (Mattison, pers. comm., 2010). Therefore, the criteria contained in TCZO Section 22 are not applicable.

Nonetheless, the Applicant has minimized or eliminated adverse environmental impacts through the route selection process and various proposed construction measures. As discussed throughout this CUP application, a detailed alternatives analysis was conducted for the Project in order to identify a viable route that minimizes specific environmental disturbances (see Appendix B). Specific criteria used to evaluate separate alternative routes included a desire to minimize the following: (1) visual impacts; (2) impacts to biological resources; and (3) impacts to vegetation. The proposed route best achieves the various evaluation criteria. Additionally, the Applicant will employ applicable BMPs during construction to minimize soil erosion and provide sediment control. Specific BMPs will be provided as part of the NPDES 1200-C Construction Stormwater Permit required prior to the initiation of construction. Finally, the Applicant will minimize the removal of existing vegetation, especially in the small riparian and wetland areas located within the corridor. Therefore, the intent of this policy is satisfied.

*Policy 33: Flood hazard policies as adopted through suggestion from the Federal Flood Mitigation Office are incorporated in the City's zoning ordinance as Section 20. It shall be a continuing policy of the City to use these in all applicable cases.*

**Finding:** This policy is a directive to the City of Tillamook and is included in the CTCP to guide City action. Therefore, it does not directly apply to the Project. However, as discussed in response to TCZO Section 20, the Project is not a conventional habitable structure or a development for which the criteria of TCZO Section 20 are intended to regulate. Nonetheless, the Applicant demonstrates in response to TCZO Section 20(1)(C) how the Project is consistent with the stated purpose of the FHO. Therefore, the intent of this policy is satisfied.

*Policy 47: The City shall support an active Economic Development Advisory Committee and shall work with that committee, the Port of Tillamook Bay, the County and Chamber of Commerce to:*

- *Support public facilities including water, sewer and parking to handle the planned growth.*

**Finding:** The Project, an electrical transmission line, is a “public facility” as defined in TCZO Section 4. As discussed in Section 3 of this CUP application, the Project will provide for increased load growth and reliability to the electrical transmission network that serves the City of Tillamook. This infrastructure improvement will allow for increased residential development to handle planned growth. Therefore, this policy is satisfied.

#### 4.3.2.3 Transportation System Plan

*Goal: To provide and encourage a safe, convenient and economical transportation system.*

*Objectives: To increase the safety of the Tillamook transportation system. To provide a convenient and economical road system.*

*Policy 51: Tillamook shall take full advantage of its present investment in street improvements and also take actions to insure future developments are in the best interest of the local residents, which includes facilitating the flow of goods and services for the local economy.*

*Policy 63: The City of Tillamook shall include a consideration of land use impacts on existing or planned transportation facilities in all land use decisions.*

**Finding:** These policies are directives to the City of Tillamook and are included in the CTCP to guide City action. Therefore, they do not directly apply to the Project. However, the nature of the Project, as an aboveground development, will have negligible impacts on the City’s transportation system. No new roads, points of egress or ingress, sidewalks, or parking are proposed as part of the Project.

Temporary traffic delays may occur during construction along portions of Front Street; however, these delays will be brief and construction flaggers will be onsite to safely direct traffic as needed. During operation, the Project will be accessed by maintenance vehicles from existing roads or via the Project’s 100-foot-wide corridor. Maintenance activities will not result in an impact to the flow of traffic. Therefore, the intent of this policy is satisfied.

#### 4.3.2.4 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.*

**Finding:** As shown in Figure 3 (see Appendix A), 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 TCZO for the R-0 District above in Section 4.2.3 of this CUP application. Additionally, the Applicant demonstrates compliance with the conditional use criteria in Section 4.2.10 of this CUP application.

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. Therefore, this policy is 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 Hoquarten 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.*

**Finding:** 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 (see Appendix B). 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 Hoquarten 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. Therefore, this policy is satisfied.

*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.*

**Finding:** This policy is a directive to the City of Tillamook and is included in the CTCP to guide City action. Therefore, it 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 (see study corridor in Figures 4 and 5, included in Appendix A). 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. Therefore, the intent of this policy is satisfied.

### 4.3.3 Chapter V: Natural Resources

#### 4.3.3.1 Natural Resource Recreational Areas

*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 Hoquarten Slough and the abandoned right-of-way. Tillamook City shall cooperate with appropriate agencies in maintaining its vitality.*

**Finding:** This policy is a directive to the City of Tillamook and is included in the CTCP to guide City action. Therefore, it does not directly apply to the Project. However, 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 (see Appendix B). A segment of the proposed route does parallel Front Street in the general area identified in Policy 91 as the “waterfront park along Hoquarten 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 Hoquarten 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. Therefore, the intent of this policy is satisfied.

#### 4.3.3.2 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.*

**Finding:** 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 Hoquarten 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 Hoquarten 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. 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, this policy is satisfied.

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

**Finding:** 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 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 (see Appendix B). 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. Therefore, this policy is satisfied.

*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.*

**Finding:** The Applicant prepared a detailed alternatives analysis that examined nine different transmission line route options, including the proposed route, using a systematic rating system to compare the various routes (see Appendix B). 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. Therefore, this policy is satisfied.

#### 4.3.3.3 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.*

**Finding:** 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. Therefore, 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).*

**Finding:** This policy is a directive to the City of Tillamook and is included in the CTCP to guide City action. Therefore, it does not directly apply to the Project. However, as described above in response to TCZO Section 21.1(3)(A)(2), the Project is a permitted use within the WPRO District. Only five support poles are proposed within wetlands, riparian corridors, and their buffers as part of the WPRO 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 (see Appendix B). 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 is not inconsistent the intent of this policy.

#### 4.3.3.4 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.*

**Finding:** The Project does not cross any known natural hazards aside from a 0.8-mile crossing of floodplain. However, as discussed in response to TCZO Section 20 above, the Project is not a conventional habitable structure or a development for which the criteria of TCZO Section 20 are intended to regulate. Nonetheless, the Applicant demonstrates in response to TCZO Section 20(1)(C) how the Project is consistent with the stated purpose of the FHO.

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, this policy is satisfied.

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

*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.*

**Finding:** As discussed in response to TCZO Section 20 above, the Project is not a conventional habitable structure or a development for which the criteria of TCZO Section 20 are intended to regulate. Nonetheless, the Applicant demonstrates in response to TCZO 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. Therefore, these policies are 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.*

**Finding:** 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 (see Figure 4 in Appendix A). 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 WRPO 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 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. Therefore, these policies are satisfied.



## SECTION 5

# References

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