



Exhibit A1
Staff Report
Wilsonville Planning Division
PGE Memorial Substation
Development Review Board Panel 'B'
Quasi-Judicial Public Hearing
Adopted February 26, 2024
Added language ***bold italics underline***

Hearing Date:	February 26, 2024
Date of Report:	February 15, 2024
Application No.:	DB23-0007 PGE Memorial Substation
Request/Summary:	The requests before the Development Review Board include a Conditional Use Permit and Site Design Review.
Location:	27601 SW Parkway Ave, Tax Lot 00800, Section 11, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon
Owner/Applicant:	Portland General Electric (Meredith Armstrong)
Authorized Representative:	Carrie Brennecke (MIG)
Comprehensive Plan Designation:	Industrial
Zone Map Classification:	PDI (Planned Development Industrial)
Staff Reviewers:	Georgia McAlister, Associate Planner Amy Pepper, Development Engineering Manager Kerry Rappold, Natural Resources Program Manager
Staff Recommendation:	<u>Approve with conditions</u> the requested Site Design Review, Conditional Use Permit.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.001	Definitions
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.117	Standards Applying to Industrial Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.135	Planned Development Industrial (PDI) Zone
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.179	Mixed Solid Waste and Recycling
Sections 4.199.20 through 4.199.60	Outdoor Lighting
Section 4.184	Conditional Use Permits
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600 through 4.640.20	Tree Preservation and Protection
<u>Other Planning Documents:</u>	
Wilsonville Comprehensive Plan	
Previous Land Use Approvals	
Transportation System Plan	

Vicinity Map:



Background:

The Wilsonville area is currently experiencing increases in electrical demand due to continuing residential growth as well as a number of new commercial and industrial facilities with substantial electrical supply needs. Currently, the Wilsonville area is served exclusively by the existing Coffee Creek and Wilsonville substations. No other substations exist within a reasonable distance to offset the load at these facilities. Additionally, the existing Wilsonville substation is not a candidate for expansion due to the limited space available at the current site. The existing limitations has necessitated the development of a new substation to create additional capacity. In conjunction with the site improvements for the substation, PGE will also be modifying the routing of a nearby existing transmission line to provide two transmission sources into the new substation facility.

Summary:

Conditional Use Permit (CUP23-0001)

Conditional Use Permits are intended for uses that may not be compatible with the surrounding uses. As such, certain uses are only permitted through Conditional Use Permits. Public Utility

Structures, and more specifically in this case substations, may only be permitted through a Conditional Use Permit. While a Conditional Use Permit is required, the use is compatible with the surrounding area which is zoned Planned Development Industrial (PDI). The site of the proposed development is suitable for the use being a green-field without significant vegetation throughout the site, and being in an area that is industrial in nature. In particular, there are no nearby residents. Site design review requirements will ensure the new development does not have a significant impact to the surrounding properties and environment.

Site Design Review (SDR23-0005)

The applicant used appropriate professional services to design the proposed substation and associated landscaping. The proposed structure will be screened from the surrounding uses with landscaping and fencing. The configuration of the site will allow for efficient use of the site, allowing for repairs and regular maintenance. Landscaping is incorporated on the boundaries of the site providing shade, stormwater mitigation and aesthetic value.

Public Comments and Responses:

No public comments were received during the comment period for the project.

Discussion Points – Verifying Compliance with Standards:

This section provides a discussion of key clear and objective development standards that apply to the proposed applications. The Development Review Board will verify compliance of the proposed applications with these standards. The ability of the proposed applications to meet these standards may be impacted by the Development Review Board's consideration of discretionary review items as noted in the next section of this report.

Heritage Tree

The Failmezger Heritage Tree stands tall at over 100 year old on the west property line of the proposed development site. An impressive Oregon white oak with a 24" DBH, the tree has held the honor of the heritage tree designation since 2009. Preserved through both the construction of Parkway Ave and sidewalk, the trees unique history is obvious with a post from the Failmezger family farm's fence melded into the trunk of the oak. Aside from the construction of Parkway Ave and the sidewalk that loops to the east of the tree, the property where the Failmezger grows adjacent to have been left undisturbed. As a result, the tree has thrived to the best of its ability in the urban environment growing around it. The installation of the substation is a notable disruption in the long undisturbed parcel where the tree grows. Careful consideration has been taken to ensure the installation of the substation and associated underground lines will not negatively impact the Heritage Tree. The tree protection area shall extend in a radial arc 45' from the center of the trunk and parallel with SW Parkway Ave for 90'. A "Tree Protection Easement" is proposed, ensuring the care of the Heritage Tree continues after construction.

Noise and Visual Impact

Noise and visual impact of the proposed substation is a critical component of the Conditional Use Permit review. It is crucial that the substation is not disruptive to the surrounding business or the character of Wilsonville. The location of the proposed substation will be highly visible along I-5 fortifying the necessity of the proper screening of the utilities from the view of the public. Additionally, while the noise produced by the substation is not anticipated exceed acceptable levels screening will ensure that the noise is further dampened to lessen the impact on the surrounding environment.

To mitigate the visual impact of the substation the applicant proposes landscaping meeting the high screen landscape standard on three sides of the substation: along SW Parkway Ave (where not in conflict with the Heritage Tree), along the boundary of the church property to the north, and along the boundary with the garden center to the south. An 8-foot high *Partially Sight-Obscuring Fence* surrounds the development. Only stormwater facilities and an access drive are proposed between the fence and high screen landscape and the adjacent properties. Additionally, PGE designs all new facilities with dark sky fixtures and attempts to minimize light pollution to the greatest extent possible. A detailed Lighting Study is provided as Exhibit G to this application. Condition of Approval PDB 7 will require the high screen standard to be met along the west property line abutting I-5 as well.

To address potential noise impacts, the PGE transformers are the only equipment that emits a consistent sound within the facility. The technical specifications set a maximum sound level for the transformers, and the manufacturer will provide test data to confirm actual values prior to it leaving the factory (they are typically lower than specified). The transformer specification calls for -10 dB relative to NEMA TR1 standard. NEMA lists 78dB when all fan stages are on so they would be 68dB with all fan stages on. This would be our loudest scenario. Actual sound tests will be completed during factory acceptance testing. For comparison, 68dB is about normal conversation level. The overall low level of noise will be produced by the substation. The project proposes the high screen landscape to mitigate any potential noise impacts to adjacent properties. In addition, the site and the adjacent properties sit direct adjacency to the consistent high level of noise from Interstate 5 and it is unlikely any sound emitted from the substation would impact adjacent properties greater than they experience under current conditions.

Discussion Points – Discretionary Review:

This section provides a discussion of discretionary review requests that are included as part of the proposed applications. The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant. The requested Conditional Use Permit is a discretionary review application for the DRB.

Permitting Public Utilities

Substations shall only be permitted through conditional use permits and therefore are not an outright allowed use in any zone. The purpose of permitting substations through a Conditional Use Permit is to ensure the proposal will be consistent with the Comprehensive Plan, Chapter 4 of the Wilsonville Development Code, the characteristics of the site are suitable for the proposed use, all required public facilities and services will adequately meet the needs of the proposed use and that the proposed use will not alter the character of the surrounding area.

There is no evidence that the substation will alter the industrial character of the surrounding area. To the contrary, an existing substation is located only a few parcel south of the subject property. The immediate surrounding uses are not traditional uses in the PDI zone, with a commercial use to the south and church to the north of the property. The substation fits well as a more static uses that will not bring daily customers or traffic. The purpose of the substation is to fortify the electrical grid within Wilsonville therefore the substation will not negatively impact the surrounding uses but will enhance the performance of the electrical grid which will benefit the existing industrial uses. The substation will be screened with a variety of vegetation lessening the visual and noise impact of the proposed use on the surrounding area.

Conclusion and Conditions of Approval:

Staff reviewed the Applicant's analysis of compliance with the applicable criteria. The Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board approve the proposed application (DB23-0007) with the following conditions:

Planning Division Conditions:

Request A: Conditional Use Permit (CUP23-0001)

<p>PDA 1. <u>Prior to Issuance of Final Permit Approvals:</u> The applicant shall record a tree protection easement for the 45" DBH Oregon white oak Heritage Tree located on the east property line of the site. Such easements shall be shown on the revised plat and include the following provisions:</p> <ul style="list-style-type: none">• Landscaping within the tree protection easement shall be limited to native plantings compatible with Oregon white oaks and other preserved species, as appropriate.• Temporary and permanent drainage and irrigation shall be designed around the easement area to optimize the amount of water in the root zone of the trees to support their health.• No foundations or hardscape improvements shall be placed within the easement area.• No overhead power lines are to be installed within and/or above the tree protection easement area. See Finding A3.
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Request B: Site Design Review (SDR23-0005)

<p>PDB 1. <u>General:</u> Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding B14.</p>
<p>PDB 2. <u>Prior to Commencing Site Grading:</u> The applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees on site and directly adjacent to the site. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. <u>Ongoing:</u> No hardscape improvement shall be placed within the portion of the root zone delineated by the tree protection fencing. Fence posts for tree protection fencing within the root zones of the preserved trees shall be hand dug and supervised by the project arborist. If roots are encountered, alternative fence post placement is required as determined by the project arborist. Tree protection fencing shall not be removed without the arborist present onsite and prior notice given to the Planning Division.</p>
<p>PDB 3. <u>Prior to Commencing Site Grading:</u> Given that unforeseen tree health issues related to Mediterranean oak borer (<i>Xyleborus monographus</i>) (MOB) may arise</p>

	involving the preserved Oregon white oak on the property, the applicant shall treat the Oregon white oak heritage tree with insecticidal or fungicidal treatment and root invigoration/aeration to improve their health and pest resistance. See Finding G4.
PDB 4.	<u>Prior to Commencing Operations:</u> All landscaping required and approved by the Board shall be installed prior to issuance of any occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant. See Finding B30.
PDB 5.	<u>Ongoing:</u> The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville's Development Code. See Finding B31.
PDB 6.	<u>Ongoing:</u> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered as allowed by Wilsonville's Development Code. See Findings B32 and B33.
PDB 7.	<u>Prior to Installation of Landscape Materials:</u> The applicant shall submit a landscape plan demonstrating the high screen standard is met along the west property line. Landscaping shall be substantially similar to the high screen landscaping proposed along the north, south and east property lines. See Findings B1, B3, B6, B15, B16, B24, B34 and B35.
PDB 8.	<u>Prior to Commencing Operations:</u> The following requirements for planting of shrubs and ground cover shall be met: <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings. • All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.

- Shrubs shall reach their designed size for screening within three (3) years of planting.
- Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum.
- No bare root planting shall be permitted.
- Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting.
- Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.
- Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding B37.

PDB 9. Prior to Commencing Operations: Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. See Finding B40.

The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City's Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

Engineering Division Conditions:

Request: DB23-0007 Preliminary Development Plan

PF 1.	Public Works Plans and Public Improvements shall conform to the "Public Works Plan Submittal Requirements and Other Engineering Requirements" in Exhibit C1.
PF 2.	The Traffic Impact Study for the project (DKS, May 2023), found that all intersections impacted with the proposed development would operate above the City's acceptable level of service (LOS) D.
PF 3.	<u>Prior to Issuance of the Public Works Permit:</u> Submit site plans to Engineering showing street improvements along the development's frontage on SW Parkway Avenue, including street trees and 2 driveway approaches. Additionally, the plans shall show all stormwater facilities, including planting plans. Any damaged sidewalk

	panels shall be replaced in whole. Any unused utility stubs, including sanitary sewer laterals and oversized water mains, not intended to be utilized for this development shall be located and properly abandoned. Improvements shall be constructed in accordance with the Public Works Standards.
PF 4.	<u>Prior to Issuance of Final Permit Approvals:</u> The applicant shall provide a site distance certification by an Oregon Registered Professional Engineer for all driveway accesses per the Traffic Impact Study.
PF 5.	<u>Prior to the Issuance of the Public Works Permit:</u> Applicant shall apply for City of Wilsonville Erosion Control and Grading Permits. The erosion control permit shall be issued and erosion control measures shall be installed, inspected and approved prior to any onsite work occurring.
PF 6.	<u>Prior to the Issuance of Public Works Permit:</u> A final stormwater report shall be submitted for review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment and flow control requirements. A copy of all necessary ODOT approvals for connection to ODOT drainage facilities shall be submitted with the Public Works Permit application. <u>Prior to Final Approval of the Public Works Permit:</u> Storm facilities shall be constructed, inspected and approved by the City. The applicant shall record a Stormwater Access Easement for the storm facility.
PF 7.	<u>Prior to Any Paving:</u> Onsite stormwater facilities must be constructed and vegetated facilities planted. <u>Prior Issuance of Final Permit Approvals:</u> The applicant must execute and record with the County Stormwater Maintenance and Access Easement Agreements with the City.
PF 8.	<u>Prior to Issuance of Final Permit Approvals:</u> The applicant shall record a 6.5 foot right-of-way dedication along SW Parkway Avenue.
PF 9.	<u>Prior to Issuance of Final Permit Approvals:</u> The applicant shall record a 10 foot public utility easement along the SW Parkway Avenue right-of-way.
PF 10.	<u>Prior to Issuance of Final Permit Approvals:</u> A waiver of remonstrance against formation of a local improvement district (LID) shall be recorded in the County Recorder’s Office as wells as the City’s Lien Docket in accordance with Wilsonville Code 4.177(.02)C.2.

Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case File DB23-0007. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

Materials from Applicant – *Available Under Separate Cover*

- B1. Development Permit Application
 - Tax Map and Title Report
 - TVFR Service Provider Letter
 - Land Use Narrative
 - Arborist Report
 - Lighting Plan
 - Public Works Access Standard Waiver Request
 - Transportation Impact Study
 - Stormwater Report
- B2. **Drawing Package:**
 - Construction Plan Set
 - Memorial Substation Transmission and Distribution Routing

Development Review Team Correspondence

- C1. Engineering Division Conditions

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application for the Conditional Use Permit and Site Design Review on June 16, 2023. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on July 14, 2023. The applicant submitted additional material for the application on July 28, 2023. Staff conducted a completeness review within

the statutorily allowed 30-day review period and found the application to be incomplete on August 25, 2023. The applicant submitted additional material for the application on December 5, 2023. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be complete on December 28, 2023. The City must render a final decision for the request, including any appeals, by April 26, 2024.

2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	PDI	Grace Chapel
East:	PDI	Teledyne FLIR/Gillespie Decals
South:	PDI	Al's Garden Center
West:	N/A	I-5 Freeway

3. Previous Planning Approvals:

No prior land-use approvals.

4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information

Application Procedures-In General

Section 4.008

The processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application

Section 4.009

The application has the signature of Meredith Armstrong, representative of Portland General Electric (PGE), an authorized signer for the property owner, PGE.

Pre-Application Conference

Subsection 4.010 (.02)

The City held a Pre-application conference on February 2, 2023 (PRE23-0001) in accordance with this subsection.

Lien Payment before Approval

Subsection 4.011 (.02) B.

No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements

Subsection 4.035 (.04) A.

The applicant has provided all of the applicable general submission requirements.

Zoning-Generally

Section 4.110

This proposed development is in conformity with the applicable zoning district and City review uses the general development regulations listed in Sections 4.150 through 4.199.

Request A: Conditional Use Permit (CUP23-0001)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Conditional Use Permit

Conditional Use Permit Required
Subsection 4.184 (.01) and (.06)

A1. Public Utilizes such as the proposed substations are uses only permitted as Conditional Uses within the City of Wilsonville and shall be reviewed in accordance of the standards in this subsection to ensure compatibility of the use within the surrounding area.

Consistency with Comprehensive Plan
Subsection 4.184 (.01) A. 1.

A2. The Comprehensive Plan does not place this property in an area of special concern. The Comprehensive Plan designation for the property is Industrial which is consistent with the current PDI zoning. Substation may be permitted as a conditional use in the PDI zone. As demonstrated in Findings A8 through A14 and Request B, the proposal is consistent with the requirements of Chapter 4 of the Wilsonville Code.

Suitable Characteristics
Subsection 4.184 (.01) A. 2.

A3. The site is relatively flat and requires little grading for construction. No tree removal is necessary for the project. The trapezoidal shape of the site easily accommodates the necessary equipment are associated site improvements such as storm water and circulation for the project. Improvements to Parkway Avenue are complete along the frontage of the property. The selected site is located near the existing substation along Boeckman Rd, which will be phased out of use in the future. The proposed location will allow for seamless integration into the existing power grid which is challenging in a growing community such as Wilsonville. The proximity to existing overhead lines is also a motivation for the proposed location.

In order to ensure the Failmezger Heritage tree continues to thrive after the construction of the substation, PDA 2 requires the creation of a tree protection easement with specific care instructions for the Oregon white oak tree.

Public Facilities and Services
Subsection 4.184 (.01) A. 3.

A4. All public facilities and services already exist to meet the needs of a public utility.

Character Compatibility

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Subsection 4.184 (.01) A. 4.

- A5.** Substations shall only be permitted through conditional use permits and therefor are not an outright allowed use in any zone. Despite not being an outright allowed use in any zone, the Planned Development Industrial Zone is suitable as the performance standards of the zone mitigate potential impacts of the substation such as noise, electrical disturbances and vibration.

There is no evidence that the substation will alter the industrial character of the surrounding area. To the contrary, an existing substation is located only a few parcels south of the subject property. The immediate surrounding uses are not traditional uses in the PDI zone, with a commercial use to the south and church to the north of the property. However, even with these uses the overall area remains industrial in nature. The substation fits well as a more static use that will not bring daily customers or traffic. The purpose of the substation is to fortify the electrical grid within Wilsonville therefore the substation will not negatively impact the surrounding uses but will enhance the performance of the electrical grid which will benefit the existing industrial uses. The substation will be screened with a variety of vegetation lessening the visual impact of the proposed use. See findings B35 through B37

Comprehensive Plan Consistency

Subsection 4.140 (.06)

- A6.** The proposed substation and associated underground lines are considered a public utility structure therefore is being reviewed as a conditional use.

Adherence to Approved Plans

Subsection 4.140 (.10) A.

- A7.** A Condition of Approval ensures adherence to approved plans except for minor revisions by the Planning Director.

Planned Development Industrial (PDI) Zone

Purpose of PDI Zone

Subsection 4.135 (.01)

- A8.** Substations are a Conditional Use in all zones. See findings A1-A7 as to why a substation is a compatible use in the PDI zone supporting the purpose stated in this subsection.

Uses Typically Permitted

Subsection 4.135 (.03)

- A9.** A substation is not an outright allowed use in the PDI zone and is a Conditional Use in all zones. The existing substation in Wilsonville are either within the PDI or Public Facility

Zone. The proposed development is compatible with the uses typically permitted, will not violate performances standard and meets the requirements of a conditional use permit.

Prohibited Uses

Subsection 4.135 (.04)

A10. No prohibited uses are proposed by the applicant. Performance standards will be met. See finding A12.

Block and Access Standards

Subsections 4.135 (.04) and 4.131 (.03)

A11. The portion of SW Parkway Avenue adjacent to the subject property is improved the current Public Work standards which includes both a bike lane and sidewalk providing adequate pedestrian, bicycle, and vehicle connectivity along SW Parkway Ave. The proposed development will be accessed off SW Parkway Ave.

PDI Performance Standards

Industrial Performance Standards

Subsection 4.135 (.05)

A12. The proposed project meets the performance standards of this subsection as follows:

- Pursuant to standard A (enclosure of uses and activities), all activities are enclosed within the fence and screen by vegetation.
- Pursuant to standard B (vibrations), there is no indication that the proposed development will produce vibrations detectable off site without instruments.
- Pursuant to standard C (emissions), there is no indication the proposed use would produce the odorous gas or other odorous matter.
- Pursuant to standard D (open storage), no outdoor storage of mixed solid waste and recycling is proposed.
- Pursuant to standard E (night operations and residential areas), the proposed use is proposed further than 100 feet from any residential area.
- Pursuant to standard F (heat and glare), the applicant proposes no exterior operations creating heat and glare.
- Pursuant to standard G (dangerous substances), there are no prohibited dangerous substances expected on the development site.
- Pursuant to standard H (liquid and solid wastes), staff has no evidence that the operations would violated standards defined for liquid and solid waste.
- Pursuant to standard I (noise), staff has no evidence that noise generated from the proposed operations would violate the City's Noise Ordinance and noises produced in violation of the Noise Ordinance would be subject to the enforcement procedures established in WC Chapter 6 for such violations.
- Pursuant to standard J (electrical disturbances), staff has no evidence that the proposed use would have any prohibited electrical disturbances.

- Pursuant to standard K (discharge of air pollutants), staff has no evidence that the proposed use would produce any prohibited discharge.
- Pursuant to standard L (open burning), the applicant proposes no open burning.
- Pursuant to standard M (outdoor storage), the applicant does not propose outdoor storage.
- Pursuant to standard N (unused area landscaping), no unused areas will be bare.

Other Standards for PDI Zone

Lot Size

Subsections 4.135 (.07) A.

A13. The existing lot meets lot size requirements and no further divisions are proposed with the current application.

Setbacks

Subsections 4.135 (.07) C. through E.

A14. The proposed development is setback at least 30' from all adjacent property lines meeting setback standards of this subsection.

Request B: Site Design Review (SDR23-0005)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Site Design Review

Excessive Uniformity, Inappropriateness Design

Subsection 4.400 (.01) and Subsection 4.421 (.03)

B1. Staff summarizes the compliance with this subsection as follows:

Excessive Uniformity: The proposed development is unique to the particular development context and does not create excessive uniformity.

Inappropriate or Poor Design of the Exterior Appearance of Structures: The proposed fence is typical of industrial uses. In addition to the proposed fencing, landscaping is proposed along the north, east and south fence line providing screening and softening the appearance of the structures. A condition of approval will ensure that screening is also provided along the west fence line, facing I-5.

Inappropriate or Poor Design of Signs: No building signs are proposed. Proposed signs are necessary for safe operation and not intended to be visible off site.

Lack of Proper Attention to Site Development: The applicant employed the skills of the appropriate professional services to design the site, demonstrating appropriate attention to site development.

Lack of Proper Attention to Landscaping: The applicant proposes landscaping

professionally designed by a landscape architect, incorporating a variety of plant materials, demonstrating appropriate attention to landscaping.

Objectives and Standards of Site Design Review

Proper Functioning of the Site

Subsection 4.400 (.02) A. and Subsection 4.421 (.03)

- B2.** The professionally designed site demonstrates significant thought to make the site functional and safe for the operators of the substation with two accesses proposed along Parkway Ave. The general public will not have access to the site.

High Quality Visual Environment

Subsection 4.400 (.02) A. and Subsection 4.421 (.03)

- B3.** Landscaping will be utilized for screening along the fence line surrounding the substation. The proposed landscaping, which includes a variety of trees, shrubs and groundcover, supports a quality visual environment. Condition of approval PDB 7 will ensure landscape screening is also provided along the west fence line front I-5.

Encourage Originality, Flexibility, and Innovation

Subsection 4.400 (.02) B. and Subsection 4.421 (.03)

- B4.** The applicant proposes utility structures, fence, landscaping and storm water facilities professionally designed specifically for the site. Sufficient flexibility exists to fit the planned development for the proposed use.

Discourage Inharmonious Development

Subsection 4.400 (.02) C. and Subsection 4.421 (.03)

- B5.** The applicant proposes landscaping as screening surrounding the fenced substation to ensure the visual character of the area is maintained.

Proper Relationships with Site and Surroundings

Subsection 4.400 (.02) D. and Subsection 4.421 (.03)

- B6.** The applicant prepared a professional site-specific design that carefully considers the relationship of the substation to the surrounding area to mitigate any impacts to surrounding property owners and users of public rights-of-way. High screen landscape and fencing is proposed to mitigate any visual or noise impacts to the adjacent properties.

Regard to Natural Aesthetics

Subsection 4.400 (.02) D. and Subsection 4.421 (.03)

- B7.** The site have very little vegetation to be cleared for development. No trees are proposed for removal. Special care was taken to work around the Wilsonville designated Heritage Tree (Failmezger Tree) located in the right-of-way on Parkway Ave adjacent to the site. An

Arborist Report is included in the application and the tree is being preserved and protected. All other trees on-site or adjacent to the development are preserved. Two landscaped bioretention detention ponds are proposed to be located at the northwest and southwest corners of the property to filter and control stormwater drainage from the site without adversely impacting adjacent properties. Both ponds discharge directly to the existing public storm mains that outfall into swales in the adjacent ODOT right-of-way.

Protect and Enhance City's Appeal

Subsection 4.400 (.02) E. and Subsection 4.421 (.03)

- B8.** The applicant is proposing a new substation. The proposed development will enhance the appeal of the city by securing the stability of and adding capacity to the electrical grid within the City.

Stabilize Property Values/Prevent Blight

Subsection 4.400 (.02) F. and Subsection 4.421 (.03)

- B9.** The applicant is developing an undeveloped site within the city with a use that will support existing businesses and residents, and thus prevents blight.

Adequate Public Facilities

Subsection 4.400 (.02) G. and Subsection 4.421 (.03)

- B10.** Adequate public facilities serve the site or will with conditions of approval.

Pleasing Environments and Behavior

Subsection 4.400 (.02) H. and Subsection 4.421 (.03)

- B11.** The proposed development provides a clearly defined layout and is designed in a configuration that meets defensible space guidelines such as the inclusion of clear sightlines that allow for surveillance and clearly identified structures. Adequate fencing and lighting are provided to prevent crime. The site is fully fenced with signs stating that the property is not accessible to the public

Civic Pride and Community Spirit

Subsection 4.400 (.02) I. and Subsection 4.421 (.03)

- B12.** The proposed development will help foster civic pride and community spirit as it strengthens reliability of the City's electrical grid which is essential for residents and businesses alike.

Favorable Environment for Residents

Subsection 4.400 (.02) J. and Subsection 4.421 (.03)

B13. Adding a new substation ensures the security of access to power now and in the future providing a favorable environment to residents and potential employees.

Jurisdiction and Power of the DRB for Site Design Review

Development Must Follow DRB Approved Plans Section 4.420

B14. Condition of Approval PDB 1 ensures construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. The City will not issue any building permits for portions of the improvements requiring DRB review prior to DRB approval.

Design Standards

Preservation of Landscaping Subsection 4.421 (.01) A.

B15. The site of the proposed development includes very few natural features. The majority of the site is an open field with a few small trees along the north, south, and west property lines. The Failmezger Heritage Oak is located along the east frontage of the site within the right-of-way. With the recent discovery of the Mediterranean Oak Borer in Oregon and within the City of Wilsonville, consistent care for Oregon white oak trees is essential for their future viability. A conservation easement is proposed for the care and long-term protection of the significant oak tree. See Condition of Approval PDB 7 for details of the easement. The arborist report includes specific instruction for the protection of the Heritage Tree during construction including a fence surrounding the tree 45' from the center of the trunk. See Exhibit B1 for details. In addition to safe construction practices the underground lines to be installed to the north of the tree travelling east are to be installed approximately 25' outside of the root protection zone creating a total distance of 70' between the underground lines and center of the tree. No substantial changes to the existing elevation are proposed.

Harmony of Proposed Buildings to Environment Subsection 4.421 (.01) B.

B16. The applicant used appropriate professional services to design the screening of the substation to ensure harmony with the environment. Condition of Approval PDB 7 ensures landscape screening is provided along I-5 as well.

B17.

Special Attention to Drives, Parking, and Circulation- Access Points Subsection 4.421 (.01) C.

B18. Two new access points are proposed. The applicant requests waiver to access spacing standards. See exhibit B1 for Public Works Standard Waiver Request.

Special Attention to Drives, Parking, and Circulation- Interior Circulation
Subsection 4.421 (.01) C.

B19. The interior circulation is adequate for regular maintenance of the substation. The substation is not open for the use of the public.

Special Attention to Drives, Parking, and Circulation- Pedestrian and Vehicle Separation
Subsection 4.421 (.01) C.

B20. Pedestrian connections are not provided within the fenced substation as the public will not have access and those using the site will be performing maintenance work. Pedestrian connections are provided along Parkway Avenue.

Special Attention to Drives, Parking, and Circulation- Safe and Convenient Parking Areas
Subsection 4.421 (.01) C.

B21. No parking is proposed for this use. The substation is not open to the public and will not have staff on site. The only vehicle traffic to the site will be for maintenance and upkeep as needed which is anticipated to occur every 45-60 days.

Special Attention to Surface Water Drainage
Subsection 4.421 (.01) D.

B22. The proposed development provides to storm water facilities in the form of detention ponds at the northwest and southwest corner of the site, containing water quality features consistent with City standards. These features will help improve water quality throughout the property and mitigate the additional impervious surfaces. The proposed improvements will not adversely affect neighboring properties through the storm drainage system.

Advertising Features Do Not Detract
Subsection 4.421 (.01) F.

B23. No signs are proposed with this development.

Screening and Buffering of Special Features
Subsection 4.421 (.01) G.

B24. The high screen standard is to be applied on all borders of the property surrounding the substation. Condition of Approval PDB 7 will require screening substantially similar to the

screening proposed along the north, south, and east property lines is provided along the west property line as well.

Design Standards Apply to All Buildings, Structures, Signs, and Features

Subsection 4.421 (.02)

B25. No accessory structures or signs other than those required for safety are proposed with this development.

Conditions of Approval to Ensure Proper and Efficient Function

Subsection 4.421 (.05)

B26. The Development Review Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of the Code. In making this determination of compliance and attaching conditions, the DRB is required, however, to consider the effects of this action on the availability and cost of needed housing. No conditions of approval in addition to those already included in this staff report are recommended to ensure the proper and efficient functioning of the proposed substation.

Color or Materials Requirements

Subsection 4.421 (.06)

B27. The colors and materials for the development are all standard and typical for electrical equipment. All landscaping and screening is professional designed to meet the City's landscaping and screening standards.

Site Design Review Submission Requirements

Submission Requirements

Section 4.440

B28. The applicant submitted a site plan drawn to scale and a detailed landscape plan.

Time Limit on Site Design Review Approvals

Void after 2 Years

Section 4.442

B29. The Applicant plans to develop the proposed project within two years and understands that the approval will expire after two years unless the City grants an extension.

Installation of Landscaping

Landscape Installation or Bonding
Subsection 4.450 (.01)

B30. Condition of Approval PDB 4 will assure installation or appropriate security.

Approved Landscape Plan Binding
Subsection 4.450 (.02)

B31. Condition of Approval PDB 5 provides ongoing assurance approved landscaping is installed and maintained.

Landscape Maintenance and Watering
Subsection 4.450 (.03)

B32. Condition of Approval PDB 4 will ensure continual maintenance of landscaping in a substantially similar manner as originally approved by the Board. The applicant did not propose irrigation for the Heritage Tree. Conditions of approval PDA 2, PDB 2 and PDB 3 ensures proper care of the tree.

Limitation to Modifications of Landscaping
Subsection 4.450 (.04)

B33. Condition of Approval PDC 4 provides ongoing assurance of conformance with this criterion by preventing modification or removal without the appropriate City review.

Landscaping Standards

Buffering and Screening Required
Subsection 4.176 (.04) C.

B34. Due to the nature of the proposed use, which includes utility structures not contained within a building, the high screen standard is to be applied on along all sides of the proposed substation. The applicant proposes landscaping meeting the high screen standard along the north, south, and east borders of the substation. Condition of Approval PDB 7 ensures the high screen standard is applied along the west border with landscaping substantially similar to the screening plantings to the north, south, and east.

High Screen Standard
Subsection 4.176 (.02) F.

B35. The high screen standard is to be applied on all sides of the substation to lessen the visual and noise impact of the proposed use. The applicant proposes landscaping meeting the high screen standard along the north, south, and east borders of the substation. The plantings consists of a combination of shrubs and trees as is required including cascara,

Pacific wax myrtle, strawberry tree, Pacific mist manzanita, Oregon grape, skyrocket juniper and California lilacs. In addition to the proposed landscaping an 8 foot partially sight obscuring fence is proposed. Condition of Approval PDB 7 ensures that the high screen standard is met along the west property line as well.

Landscape Area and Locations

Subsection 4.176 (.03)

B36. 15% of the lot or approximately 27,790 sq ft is required to be landscaped. The proposal includes 28,881 sq ft landscaping to meet the required 15%. The landscaping is provided in three distinct areas of the lot including the Parkway Avenue frontage, along the south property line, and along the north property line. Additional landscaping is located around the stormwater rain gardens. The intent of the landscaping is to meet the High Screening standards and stormwater standards. Native plant materials are used for the majority of species. All additional types used are well adapted to site conditions, low resource use and easy to maintain.

Shrubs and Groundcover Materials Requirements

Subsection 4.176 (.06) A.

B37. Condition of Approval PDB 8 requires meeting the detailed requirements of this subsection. Of particular note, the applicant's landscape plan, shows at least 2-gallon containers for shrubs and 1-gallon containers for groundcover. A combination shrubs and ground cover plantings were selected for planting including Pacific mist manzanita, Oregon grape, skyrocket juniper, California lilacs, strawberry tree, beach strawberry and Vancouver jade manzanita.

Plant Materials Requirements-Trees

Subsection 4.176 (.06) B.

B38. As stated on the applicant's landscape plans, the plant material requirements for trees will be met as follows:

- Trees are B&B (Balled and Burlapped)
- Tree are 1.75"-3" caliper.

A mix of trees has been selected to be planted throughout the site in appropriate locations including Mexican blue oak, Canyon live oak, cascara, and Pacific wax myrtle. The Mexican blue oak trees and Canyon live oak trees will serve as street trees along Parkway Ave. The selection of oaks is intended to mimic the oak savannah environment where the Heritage Tree once grew. The cascara and Pacific wax myrtle will be incorporated into the screening surrounding the substation.

Plant Species Requirements

Subsection 4.176 (.06) E.

B39. The applicant’s landscape plan provides sufficient information showing the proposed landscape design meets the standards of this subsection related to use of native vegetation and prohibited plant materials.

Landscape Installation and Maintenance Standards

Subsection 4.176 (.07)

B40. The installation and maintenance standards are met or will be met by Condition of Approval PDB 9 as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival.
- Within one growing season, the applicant must replace in kind plants that die, unless the City approves appropriate substitute species.
- Notes on the applicant’s landscape plans provides for an irrigation system. Condition of Approval PDA 2 will require irrigation of the Heritage Tree.

Landscape Plan Requirements

Subsection 4.176 (.09)

B41. The applicant’s landscape plan shows all existing and proposed landscape areas. The to-scale plans show the type, installation size, number and placement of materials. Plans include a plant material list. Plants identification is by both their scientific and common names.

Completion of Landscaping

Subsection 4.176 (.10)

B42. The applicant has not requested to defer installation and thus must install landscaping prior to occupancy.

Tree Protection

Applicability of Tree Protection Standards

Subsection 4.600.20 (.03)

B43. Tree protection standards apply to all trees within the City of Wilsonville including the trees located on the proposed project site. No trees are proposed for removal therefore the focus for this proposal is preservation of the Failmezger Heritage Tree.

Tree Protection During Construction

Subsection 4.620.10

B44. The Failmezger Heritage Tree is located along the east property line of the project site. The Oregon white oak tree is over 100 years old with a large 45” DBH circumference and has

historic significance to the City of Wilsonville, thus the Heritage Tree designation. The applicant shows tree protection fencing to be installed 45' from the center of the tree encompassing the oak and protecting the roots from the impacts of construction. In addition to the proposed tree protection fencing, the applicant's arborist report and tree protection plan, included in Exhibit B1, details the precautions to be taken for the protection of the tree during construction. No excavation, trenching, grading, root pruning or similar activity is proposed within the root zone of the tree.

Tree Maintenance and Protection Subsection 4.620.20

B45. All future pruning of the Failmezger Heritage Tree shall be guided by ANSI 300 Standards for Tree, Shrub, and Other Woody Plant Maintenance and top of the tree is prohibited. See condition of approval PDA 2 for additional care requirements to be required and included in the tree protection easement.

Outdoor Lighting

Applicability of Outdoor Lighting Standards Sections 4.199.20 and 4.199.60

B46. The proposed development will install new lighting throughout the parking area and site for safety and function thus the outdoor lighting standards apply.

Outdoor Lighting Zones Section 4.199.30

B47. The subject property is within LZ2.

Optional Lighting Compliance Methods Subsection 4.199.40 (.01) A.

B48. The applicant has the option of the performance or prescriptive method. The applicant has selected to comply with the performance method.

Maximum Lamp Wattage and Shielding Subsection 4.199.40 (.01) C. 1. and Table 9

B49. The applicant has selected the performance option for the project's outdoor lighting design. The applicant's narrative states that the proposed luminaires comply with the maximum percentage of direct upright lumens and shielding requirements within Table 9. The photometric diagram is included in Exhibit B1 demonstrating the maximum light level at the property line to be .1 fc which is below the maximum allowance of .2 fc at the property line.

Maximum Mounting Height
Subsection 4.199.40 (.01) C. 3.

B50. Nothing in the applicant's materials indicates the maximum mounting height will be surpassed.

Lighting Curfew
Subsection 4.199.40 (.01) D.

B51. The applicant proposes the standard LZ 2 curfew of 10 PM for the area lights which will automatically be controlled by photocell turning lights on at dusk and off at dawn. PGE requests an exception to the curfew due to the necessity of safe substation access at any time of day for task lights that are not automatically controlled and will only be utilized in emergency situations. PGE meets the qualifications for exemption under Section 4.199.40(.01)D 3.c. as a business that operates continuously.