Department of Community Services
Land Use Planning Division
www.multco.us/landuse

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DECISION OF THE HEARINGS OFFICER

Community Service Conditional Use Permit, Design Review, Significant Environmental Concern Permit, and Lot Consolidation

Case File:	T3-2017-9259
Location:	7509 SE Altman Road, Gresham Tax Lot 2600, Section 21BC, Township 1 South, Range 4 East, W.M. and Tax Lot 100, Section 21CB, Township 1 South, Range 4 East, W.M. Tax Account # R677812230 and R994210340 (the "site")
Applicant:	Mark Lindley, Prop. Service Mgr.
Property Owner(s):	Portland General Electric
Base Zone:	Multiple Use Agriculture – 20 (MUA-20)
Overlay Zones:	Significant Environmental Concern for wildlife habitat (SEC-h)
Site Size:	2.61 acres
Public Hearing:	The hearing was opened at 9:00 a.m. on March 9, 2018 in Room 103, at the Land Use Planning Division office, located at 1600 SE 190th Avenue, Portland, Oregon, and was closed at 9:15 a.m. The record was closed upon completion of the March 9, 2018 hearing.
Testified at the Hearing:	Lisa Estrin, County planner Frank King, PGE project manager
Summary:	The applicant is requesting a community service conditional use approval and design review to expand an electrical substation to accommodate upgraded electrical ground grid, transformers, and related equipment, and allow for future expansion as necessary. In addition, the applicant is applying for a significant environmental concern permit for wildlife habitat and a lot consolidation to combine the two properties into a single parcel.

Applicable Approval Criteria: Multnomah County Code (MCC):

Community Service Conditional Use – MCC 36.6005(A) & (B), MCC 36.6010, MCC 36.6015(A)(6), MCC 36.6020(A), (D), (E) and (F);
Multiple Use Agriculture-20: MCC 36.2830(A), MCC 36.2855(C) through (G), MCC 36.2855(J), MCC 36.2870, MCC 36.2875, MCC 36.0005 Definitions – Lot of Record, MCC 36.2880, MCC 36.4100 et al;
Significant Environmental Concern for wildlife habitat - MCC 36.4515, MCC 36.4550, MCC 36.4560
Design Review - MCC 36.7050(A)(1)(a) and (1)(c), (4) and (7); and
Lot Consolidation – MCC 36.7794.

DECISION: The request for approval of a Community Service Conditional Use, Significant Environmental Concern permit, Design Review and Lot Consolidation application for an expansion of an electrical substation in the Multiple Use Agriculture – 20 zone is **Approved** subject to the following conditions:

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. This land use approval **shall expire** as described in a. or b. below:
   a. When construction has not commenced within two years of the date of the final decision. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.
   b. When the structure has not been completed within four years of the date of commencement of construction. Completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.

   The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.
3. Prior to commencement of construction of the new electrical substation, the property owner shall record a "one parcel" Partition Plat that combines the two Lots of Record contained in tax lots 1S4E21BC – 02600 and 1S4ECB – 00100 into a single parcel. [§ 36.7794]
   a. Before submittal to the County Surveyor, the applicant shall submit to the Planning Director a copy of a "one parcel" Partition Plat to verify that it is in compliance with the Lot Consolidation approval contained in Section 9.00 of this Final Order.
4. The landscape plantings and existing vegetation shown on Exhibit A.41, shall be continuously maintained in a healthy, living state. The property owner shall replace vegetation that becomes diseased or dies with specimens that are of a similar size to those that are removed. Replacement planting shall occur within the next planting season. [§ 36.4200]
5. All artificial lighting on the site shall be shielded or deflected so as to be contained within the site, not shine into adjoining dwellings, and so as to not create a hazard to the traveling public on any street. In addition, with the exception of temporary task lights, all installed lighting shall comply with the County's Dark Sky Lighting Standards of MCC 36.0570. [§ 36.4185]
6. Prior to commencement of construction, the property owner shall demonstrate that vehicles entering the site can complete a three-point or less turn-around and leave the site without backing into the public right-of-way. [§ 36.4175]
7. Prior to commencement of construction, the property owner shall first obtain a Grading and Erosion Control permit. [§ 36.4550]
8. Noise generated by uses, equipment, and activities on the site shall comply with ODEQ noise limits. [§ 36.6010(A)]

Dated this 20th day of March 2018

Joe Turner, Esq., AICP
Multnomah County Land Use Hearings Officer

This Decision is final when mailed. Appeals may be filed with the Oregon Land Use Board of Appeals within the time frames allowed by State law.

A. HEARING AND RECORD HIGHLIGHTS

1. Multnomah County Land Use Hearings Officer Joe Turner received testimony at the duly noticed public hearing about this application on March 9, 2018. At the hearing, the hearings officer received into the record and physically inspected the file maintained by the Department of Community Services Land Use and Transportation Planning Program regarding the application. The hearings officer made the declarations required by ORS 197.763. The hearings officer disclaimed any *ex parte* contacts and any bias or conflicts of interest.

2. County planner Lisa Estrin summarized the Staff Report and the applicable approval criteria. She noted that the existing substation on the site was originally approved in 1967. With this application the applicant proposed to rebuild and upgrade the facility to serve expected growth within the substation's service area. The applicant proposed to redevelop the facility in five phases. She requested the hearings officer modify condition 5 to exempt task lights from the requirement that on-site lighting be "dark sky compliant." Emergency lighting is exempt from the dark sky standards under MCC 36.0570(B)(7). However such lighting must be located and shielded to ensure the light is contained within the boundaries of the site.

3. PGE project manager Frank King appeared on behalf of the applicant. He accepted the findings and conditions in the Staff Report, including modified condition 5, without objections. He noted that the applicant can monitor and control the substation from offsite, eliminating the need for most vehicle trips to the site. Once construction is complete the facility will generate 0.5 to 1 round-trip vehicle trip per month. The applicant will only use task lights on the site to perform work in the winter or during emergencies. He waived the applicant's right to submit a final argument.

4. The hearings officer closed the record at the end of the hearing and announced his intention to approve the application, subject to the conditions in the Staff Report.

B. FINDINGS OF FACT

FINDINGS: Written are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as '**Staff**:" and address the applicable criteria. Staff comments may include a conclusory statement in *italic*. The hearings officer accepted Staff findings except where noted otherwise. Additional findings written by the hearings officer are preceded by the words "**Hearings Officer:**"

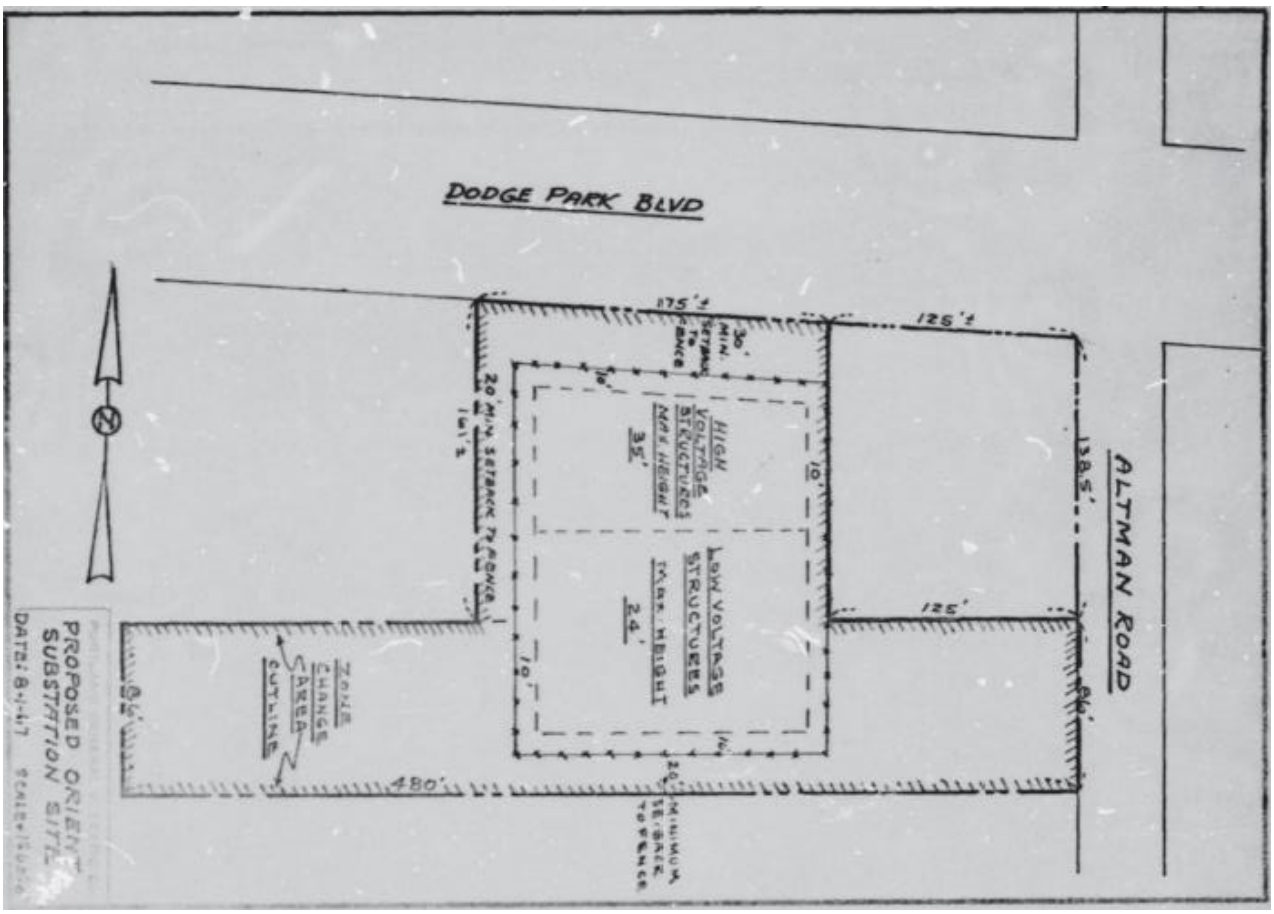
1.00 Project Description:

Staff: Portland General Electric is proposing to expand an existing substation located on the site. The applicant requests community service conditional use approval, design review, significant environmental concern permit for wildlife habitat, and a lot consolidation applications to allow for the upgrading of the existing substation to current day standards to serve the surrounding community and provide additional capacity for future electrical needs in the area.

2.00 Property Description & History:

Staff: The site is currently zoned Multiple Use Agriculture – 20 (MUA-20) and a portion of it has an overlay of Significant Environmental Concern for wildlife habitat (SEC-h). The map below shows the subject property plus the SEC-h overlay over the western portion of the site.

In 1967, the County tentatively approved the construction of the original substation in CS 21-67A (Exhibit B.3). The zoning at the time was Suburban Residential (SR). The Planning Commission granted approval of the use with a 125-foot setback from SE Altman Road. The substation was built in 1968. The planning commission final approved a landscape plan in June 1970 but staff has not been able to identify an approved landscape plan for the site. The site plan shown below is the original plan submitted for the Community Service approval in 1967.



3.00 Multiple Use Agriculture – 20 (MUA-20) Criteria:

3.01 § 36.2830 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

(A) The Community Service Uses listed in 36.6015 pursuant to the provisions of MCC 36.6000 through 36.6230.

§ 36.6015 USES.

(A) Except as otherwise limited in the EFU, CFU and OR districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority Allowed Community Service Uses in the EFU, CFU and OR districts are limited to those uses listed in each respective district.

(6) Utility facilities, subject to the approval criteria in Section 36.6010(A) through (H).

Staff: The applicant has requested a community service conditional use permit to expand and update an electrical substation at the corner of SE Dodge Park Boulevard and SE Altman Road. The subject property is zoned Multiple Use Agriculture – 20 (MUA-20). A substation qualifies as a Utility Facility. The findings for the approval criteria contained MCC 36.6010(A) through (H) are contained in Section 4.00 in this Final Order. *Criterion met.*

3.02 § 36.2855 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

All development proposed in this district shall comply with the applicable provisions of this section.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction Manual" and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: SE Altman Road is designated as a Rural Local street on the County's Transportation Planning's Functional Roadway Map. The County's preferred right-of-way width for this roadway classification at this location is 60 feet (30 feet from centerline). The current right-of-way width is 40 feet (20 feet from centerline). An additional 10 feet of right-of-way is required to bring this roadway up to its classification width. As such, the minimum Front Yard dimension along SE Altman Road would increase to 40 feet wide, measured from the existing north boundary of the site.

The site plan (Exhibit A.19) shows that the security fence, cabinets and control enclosure will be set back a minimum of 80-feet from the SE Altman Road right-of-way. The fence and proposed electrical components are setback a minimum of 30-feet from the SE Dodge Park Boulevard right-of-way. The fence will be placed a minimum of 20-feet from the rear lot line and interior side lot line.

The applicant states that most structures will meet the 35-foot height requirement (Exhibit A.4, page 15). Four utility poles will exceed the height requirement: Three poles will be 65-feet in height and will be installed approximately 55 to 60 feet from the edge of SE Dodge Park Boulevard right-of-way (Exhibit A.19); the other utility pole will be approximately 65-feet high, will be used for PGE internal communications only, and will be located approximately 90 feet from the front property line.

Hearings Officer: The proposed utility poles are structures similar to those listed in MCC § 36.2855.E and they will all be located at least 30 feet from any property line. Therefore they are exempt from the maximum height requirement. *Criteria met.*

3.03 (F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the

lot for the 10-year 24-hour storm event is no greater than that before the development.

Staff: No restroom facilities will be provided for the electrical substation. No on-site sewage disposal review has or needs to be provided for the use. The applicant has submitted a Stormwater Certificate reviewed and signed by a licensed engineer stating that the proposed project does not require a storm water system to handle the 10-year/24-hour storm event (Exhibit A.15).

3.04 (G) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.

Staff: The applicant has provided erosion control plans (Exhibit A.28) and submitted for a Grading and Erosion Control (GEC) permit. A condition of approval is included requiring that the GEC permit be issued prior to plan check or ground disturbance. *As conditioned, criterion is met.*

3.05 (J) All exterior lighting shall comply with MCC 36.0570.

§ 36.0570 DARK SKY LIGHTING STANDARDS

(B) The following exterior lighting is exempt from the requirements of paragraph (C) of this section:

(7) Lighting in support of work necessary to protect, repair, maintain, or replace existing structures, utility facilities, service connections, roadways, driveways, accessory uses and exterior improvements in response to emergencies pursuant to the provisions of MCC 36.0535, provided that after the emergency has passed, all lighting to remain is subject to the requirements of this section.

(C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.

(1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. "Fully shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding. Shielding must be permanently attached.

(2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.

Staff: The applicant has provided a Yard Lighting Plan (Exhibit A.38) and Lighting Details (Exhibit A.34 and A.35). The applicant has indicated that the Area Lights (Exhibit A.35) are Dark Sky compliant. The applicant states that the task lights (Exhibit A.34) are probably not dark sky compliant but will be used only when PGE personnel are in the substation. Emergency lighting is exempt from the dark sky standards under MCC 36.0570(B)(7). While it would be preferable for the task lights to be Dark Sky compliant, it must still be contained within the boundaries of the project. *Criterion met.*

3.06 § 36.2870 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, SR zone applied;

(2) July 10, 1958, F-2 zone applied;

(3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;

(5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;

(6) May 16, 2002, Lot of Record section amended, Ord. 982.

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 36.2885, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 36.2860, 36.2875, and 36.4300 through 36.4360, no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest.

(3) An area of land created by court decree.

§ 36.0005 DEFINITIONS

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 36.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) "Satisfied all applicable zoning laws" shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) "Satisfied all applicable land division laws" shall mean the parcel or lot was created:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or

2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or

4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

5. "Satisfied all applicable land division laws" shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

Staff: The applicant has provided a 1967 deed for Tax lot 1S4E21BC – 02600 (Tax Lot 2600). Tax lot 2600 is 1.07 acres (46,609.2 square feet). In 1967 the zoning in the area was Suburban Residential (SR) (Exhibit B.4). The minimum lot size for the Suburban Residential zone at the time ranged from 10,000 square feet to 40,000 square feet, depending on available public services, and required a minimum average lot width of 70 feet for the creation of a new lot (Exhibit B.6). Tax lot 2600 has 300 feet of road frontage adjacent to SE Dodge Park Boulevard and 138 feet of road frontage adjacent to SE Altman Road. Tax lot 2600 met all applicable zoning and land division laws at the time of creation. Tax lot 2600 is a Lot of Record.

The applicant has provided a September 1967 deed for Tax lot 1S4E21CB – 00100 (Tax lot 100). Tax lot 100 is 0.91 acres (39,639.6 square feet) and has 86 feet of road frontage adjacent to SE Altman Road. In 1967 the tax lot and the surrounding area was zoned Suburban Residential (SR) (Exhibit B.5). The minimum lot size for the Suburban Residential zone at the time ranged from 10,000 square feet to 40,000 square feet t, depending on available public services, and required a minimum average lot width of 70 feet for the creation of a new lot (Exhibit B.6). It appears that Tax lot 100 would have qualified for the 20,000 square feet lot size as the site has a public water supply and public access. CS 21-67A did not make legal lot findings, but did show the two tax lots on the proposed site plan (Exhibit B.3). Based on the evidence in the record, Tax lot 100 appears to be a Lot of Record.

3.07 § 36.2875 LOT SIZES FOR CONDITIONAL USES.

The minimum lot size for a Conditional Use permitted pursuant to MCC 36.2830, except subpart (C)(1) thereof, shall be based upon the requirements below. Parcels created to support a conditional use shall not be less than two acres in size, and the remainder parcel shall be not less than five acres.

(A) The site size needs of the proposed use;

(B) The nature of the proposed use in relation to its impact on nearby properties; and

(C) Consideration of the purposes of this district.

Staff: The applicant is proposing to consolidate Tax lots 100 and 2600 into a 1.98-acre parcel. The MUA-20 code provides "That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot." [MCC 36.2855(B)]. Including the right-of-way that would accrue if the streets were vacated to the property, increases the site size to 2.38 acres. The proposed substation will utilize 1.1 acres of land (48,300 square feet). The remaining area will be used to meet the yard requirements and provide

landscaping around the facility. The proposed expansion of the substation will provide for the electricity needs of the surrounding community (Exhibit A.4, page 13). An electrical substation facility has existed at the intersection of SE Dodge Park Boulevard and SE Altman Road since 1968 and surrounding land uses should have taken any of its impacts into consideration during their development. Staff identified no impacts and concerned citizens submitted no comments.

The purpose of the MUA-20 zone is as follows:

> "**§ 36.2800**…**are to serve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the agricultural uses and character of the area, and the applicable County policies**."

Electricity must be available for agricultural, low-density residential, and other compatible uses. The proposed expansion of the substation on a 2.38-acre parcel meets the approval criteria listed in (A) through (C), provided the two lots of record are consolidated into a single larger parcel. A condition of approval is included requiring consolidation of the two lots into a single parcel. *As conditioned, criterion is met.*

3.08 § 36.2880 OFF-STREET PARKING AND LOADING.

Off-Street parking and loading shall be provided as required by MCC 36.4100 through 36.4215.

Staff: The applicant has stated that after completion of construction, three parking spaces will be needed for personnel servicing the site. In addition, PGE states that personnel will park within the fenced area or on the driveway. The proposed driveway is 20 feet wide by 80 feet long. Inside the fenced area, a 35-foot by 90-foot area will also be available for parking. Planning staff makes additional findings in Section 6.00 for the off-street parking requirements. *Criterion met.*

4.00 Community Service Conditional Use Criteria

4.01 § 36.6005 GENERAL PROVISIONS.

(A) Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority.

(B) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC 36.7000 through 36.7060.

Hearings Officer: Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

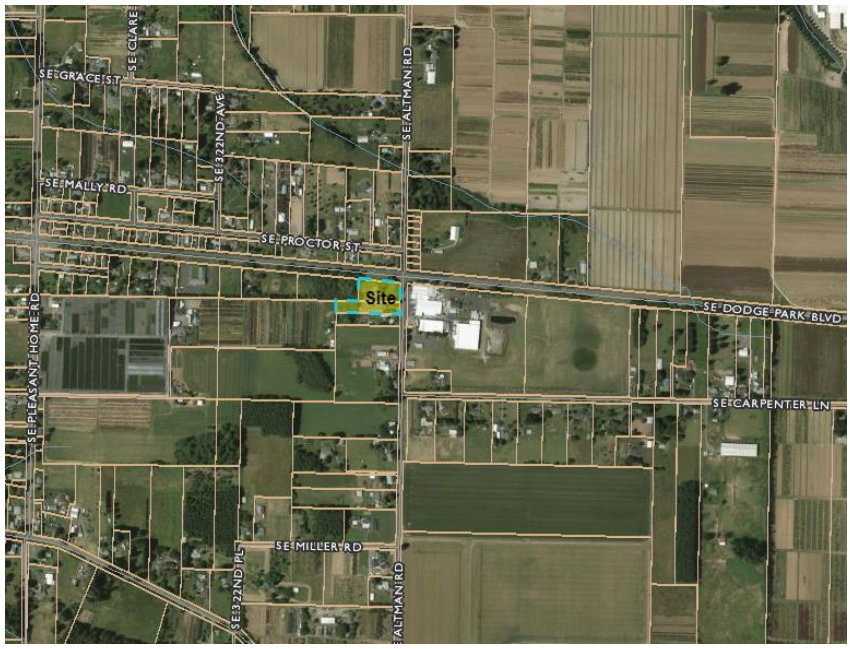
The applicant has applied for Design Review. The findings for Design Review are in Section 6.00 below.

4.02 § 36.6010 APPROVAL CRITERIA.

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC 36.6100 through 36.6125, wireless communications facilities, subject to the provisions of MCC 36.6176, and except for regional sanitary landfills, which shall comply with MCC 36.6200 through 36.6230.

(A) Is consistent with the character of the area;

Staff: The Orient Substation is located in an area of farming and rural residential properties. In addition, Scenic Fruit Company (an agricultural fruit processor) is located east of the site, across SE Altman Road. The aerial photo below is from the year 2016 and shows the surrounding mixture of small and large parcels and land uses.



The existing substation is approximately 13,100 square feet. The proposed facility will increase to 48,300 square feet. The facility will be fenced and have significant landscaping installed. After it is completed, the facility will be screened from the surrounding uses by proposed landscaping as shown on Exhibit A.41. There is a nonconforming industrial use to the east of the site. This industrial facility has significant truck traffic, equipment movement, and freezer units that produce a large noise footprint when operating. The applicant states that the substation will produce noise equal to or less than the sound levels produced by the current substation facility (Exhibit A.4, page 8). A condition is included requiring compliance with Oregon Department of Environmental Quality Noise Control Regulations. *As conditioned, the facility will be consistent with the character of the area*.

4.03 (B) Will not adversely affect natural resources;

Staff: A portion of the subject site has a Significant Environmental Concern environmental overlay for wildlife habitat (SEC-h). In addition, the National Wetlands Inventory (NWI) shows a portion of the site having a wetland. The applicant's consultant, WH Pacific, completed a Wetland Delineation Report (Exhibit A.11). The report determined that no wetlands exist on the site. The applicant has applied for a Significant Environmental Concern permit as part of the application. Based upon the findings in Section 5.00 below, the mapped wildlife habitat will not be adversely affected by the proposed expansion. *Criterion met.*

4.04 (C) The use will not:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor

(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Staff: PGE has been operating an electrical substation at this location since 1968. Farm uses exist adjacent to and nearby the subject site. These farm uses have co-existed with the substation for approximately 40 years. The proposed expansion will not increase the cost of farm or forest practices in the area as no new parcels have been purchased or added to the site and the proposed upgraded electrical substation will not generate any additional impacts on surrounding farm properties. *Criterion met.*

4.05 (D) Will not require public services other than those existing or programmed for the area;

Staff: Staff agrees with the applicant that this electrical substation is part of the existing public services serving this area. Farm, residential, accessory and industrial uses require electricity. The substation is part of the transmission and distribution system providing this public service. No other public services are needed for the use. *Criterion met.*

4.06 (E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

Staff: Exhibit B.7 is the County's Wildlife Habitat Map and shows areas of big game habitat. The property is not located within mapped areas of big game habitat. *Criterion met.*

4.07 (F) Will not create hazardous conditions;

Staff: The applicant has identified four hazardous conditions that can occur at a power substation. The first one is the release of mineral oil from electrical equipment. To ensure that equipment failure does not occur due to the release of oil, the equipment has automatic monitoring systems to notify PGE 24 hours a day if mineral oil is released. In addition, PGE has designed the new substation with an oil catch basin as shown on Exhibit A.19. Any spills will be cleaned up and reported to appropriate agencies.

The second identified hazard is called an arc flash. An arc flash is an electrical explosion or discharge that results from a low impedance connection through the air to ground or another piece of equipment in an electrical system. The applicant proposed to install an upgraded electrical ground grid to intercept and ground out potential arc flashes.

The third hazard is catastrophic failure, which is caused when an electrical power transformer fails and the mineral oil is ignited. The system is designed to allow the transformer to burn until it self-extinguishes. The substation is designed with separation between equipment to ensure that if a transformer ignites, neighboring pieces of equipment should not be involved in the fire.

The final hazard is the potential for individuals trespassing on the property. The substation is high-voltage. The proposed substation will upgrade the security measures at the site to preclude trespass. These measures include:

- A new security fence with mini-mesh (small chain link) metal and topped with barbed wire.
- Locks on all gates with an electronic card credential reader
- Onsite closed circuit television to monitor unauthorized access and theft related incidents from offsite.
- The control enclosure will also have an electronic card credential reader and a monitored alarm.

- Animal guarding will be installed at key locations around the station to prevent electrocution of small animals and birds that might come near the medium and high voltage equipment.

The applicant has considered the hazardous conditions that can be created by the proposed facility and has designed the substation to limit or prevent hazardous conditions that could affect the surrounding property owners. *Criterion met.*

4.08 (G) Will satisfy the applicable policies of the Comprehensive Plan;

CPP 11.10 Except as otherwise provided by law, new electrical substations and water system storage tanks or reservoirs intended to solely serve uses within the urban growth boundary shall not be located outside the urban growth boundary unless it can be demonstrated that there is no practical alternative site within the urban growth boundary that can reasonably accommodate the use.

Strategy 11.10-1: Amend the County Zoning Code to require a finding that all reasonable alternatives to the location of the electrical substation or water system storage tank or reservoir have been explored and that all of the alternatives are impractical. The cause for an alternative to be impractical shall not be of the applicant's own making and shall not be based solely on financial grounds.

Staff: PGE has provided a map in the narrative exhibit (Exhibit A.4, page 13) showing the upsized electrical substation will primarily serve the area of unincorporated Multnomah County east of the Metro Urban Growth Boundary. *Criteria met.*

4.09 (H) Will satisfy such other applicable approval criteria as are stated in this Section.

Staff: For the Community Service Conditional Use, the application must comply with MCC 36.6020. See the findings in Section 4.10 below.

4.10 (I) The use is limited in type and scale to primarily serve the needs of the rural area.

Staff: Not applicable.

4.11 § 36.6020 RESTRICTIONS.

A building or use approved under MCC 36.6015 through 36.6050 shall meet the following requirements:

(A) Minimum yards in EFU, CFU, MUA-20, RR, OCI, OR and PH-RC, Districts:

(1) Front yards shall be 30 feet.

(2) Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.

(3) Rear yards shall be as required in the district.

Staff: The site plan (Exhibit A.19) shows that the security fence, cabinets, and control enclosure will be set back a minimum of 80-feet from the SE Altman Road right-of-way. The fence and proposed electrical components are setback a minimum of 30-feet from the SE Dodge Park Boulevard right-of-way. The fence will be placed a minimum of 20-feet from the rear lot line and interior side lot line with substation equipment located a minimum of 30 feet from the rear and side line. *Criterion met.*

4.12 (D) Off-street parking and loading shall be provided as required in MCC 36.4100 through 36.4215.

(E) Signs for Community Service Uses pursuant to the provisions of MCC 36.7400 through 36.7505.

Staff: Off-street parking and loading is reviewed under Section 6.00 below. The applicant has provided details regarding the proposed signage. Planning staff has reviewed them to verify that they are compliant with the sign code (MCC 36.7400 through MCC 36.7505). See Section 6.00 below for additional findings.

5.00 Significant Environmental Concern for Wildlife Habitat Criteria

5.01 § 36.4515 USES - SEC PERMIT REQUIRED.

(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that development, including but not limited to, the location and design of any use, or change, replacement or alteration of a use, except as provided in MCC 36.4520, shall be subject to an SEC permit.

Staff: The applicant has requested a SEC-h permit.

5.02 § 36.4550 GENERAL REQUIREMENTS FOR APPROVAL IN AREAS DESIGNATED AS SEC-WR OR SEC-H.

The requirements in this section shall be satisfied for development in the SEC-wr and SEC-h areas in addition to the provisions of 36.4555 or 36.4560 as applicable.

(A) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

Staff: The applicant has submitted erosion control plans with Best Management Practices (Exhibit A.28). A condition of approval is included requiring that a Grading and Erosion Control permit be issued prior to construction. *As conditioned, this criterion is met.*

5.03 **(B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water resource or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.**

Staff: The applicant has provided a Yard Lighting Plan (Exhibit A.38) and Lighting Details (Exhibit A.34 and A.35). Exhibit A.35 is Dark Sky compliant. Exhibit A.34 will be used for emergency lighting when workers need to repair equipment at night during a power disruption. *Criterion met.*

5.04 **(C) The following nuisance plants, in addition to the nuisance plants defined in 36.4510, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone:**

Common Name	*Scientific*		Common Name	*Scientific*
Lesser celandine	*Chelidonium majus*		Evergreen Blackberry	*Rubus laciniatus*
Canada Thistle	*Cirsium arvense*		Tansy Ragwort	*Senecio jacobaea*
Common Thistle	*Cirsium vulgare*		Blue Bindweed	*Solanum dulcamara*
Western Clematis	*Clematis ligusticifolia*		Garden Nightshade	*Solanum nigrum*
Traveler' s Joy	*Clematis vitalba*		Hairy Nightshade	*Solanum sarrachoides*

Poison hemlock	*Conium maculatum*		Common Dandelion	*Taraxacum otficinale*
Field Morning-glory	*Convolvulus arvensis*		Common Bladderwort	*Ultricularia vuigaris*
Night-blooming Morning-glory	*Convolvulus nyctagineus*		Stinging Nettle	*Utica dioica*
Lady' s nightcap	*Convolvulus seppium*		Periwinkle (large leaf)	*Vinca major*
Pampas grass	*Cortaderia selloana*		Periwinkle (small leaf)	*Vinca minor*
Hawthorn, except native species	*Crataegus sp. except C. douglasii*		Spiny Cocklebur	*Xanthium spinoseum*
Scotch broom	*Cytisus scoparius*		Bamboo sp.	*various genera*
Queen Ann' s Lace	*Daucus carota*		English, Portuguese Laurel	*Prunus laurocerasus*
South American Waterweed	*Elodea densa*		Poison Oak	*Rhus diversiloba*
Common Horsetail	*Equisetum arvense*		Himalayan Blackberry	*Rubusdiscolor*
Giant Horsetail	*Equisetum telemateia*		Giant Knotweed	*Polygonum sachalinense*
Crane' s Bill	*Erodium cicutarium*		Climbing Binaweed	*Polygonum convolvulus*
Robert Geranium	*Geranium roberianum*		Swamp Smartweed	*Polygonum coccineum*
English Ivy	*Hedera helix*		Annual Bluegrass	*Poa annua*
St. John' s Wort	*Hypericum perforatum*		Reed Canary grass	*Phalaris arundinacea*
English Holly	*llex aquafolium*		Eurasian Watermilfoil	*Myriophyllum spicatum*
Golden Chain Tree	*Laburnum watereri*		Purple Loosestrife	*Lythrum salicaria*
Duckweed, Water Lentil	*Lemna minor*		Fall Dandelion	*Loentodon autumnalis*

Staff: The applicant has provided a planting plan for the required landscaping. No nuisance plants are proposed. In addition, the applicant acknowledges that nuisance plants cannot be planted and that they will actively managed the site to control nuisance plants (Exhibit A.14). *Criterion met.*

5.05 § 36.4560 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT.

Development within areas designated SEC-h shall comply with the provisions of this section. An application shall not be approved unless it contains the information in 36.4540(A) and (D).

(A) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

Staff: The existing site has limited trees. The applicant has indicated that four trees will be removed to construct the new substation. The aerial photo below is from 2016 and shows that the site qualifies as not being forested.

Criterion met.

5.06 **(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.**

Staff: The site plan (Exhibit A.19) shows that the security fence, cabinets and control enclosure will be set back a minimum of 80-feet from the SE Altman Road right-of-way. The fence and proposed electrical components are setback a minimum of 30-feet from the SE Dodge Park Boulevard right-of-way. Access to the site is taken from SE Altman Road. *Criterion met.*

5.07 **(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.**

Staff: The access road to the substation is approximately 80 feet long (Exhibit A.19). *Criterion met.*

5.08 **(4) Fencing within a required setback from a public road shall meet the following criteria:**

(a) Fences shall have a maximum height of 42 inches and a minimum 17-inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road

serving the development, and the front yard setback line parallel to the public road serving the development.

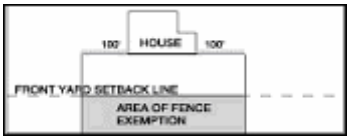


FIGURE 36.4570A
FENCE EXEMPTION AREA

(f) Fencing standards do not apply where needed for security of utility facilities.

Staff: The proposed fencing is setback a minimum of 30-feet from SE Dodge Park and 80-feet from SE Altman Road. This will allow animals to exit the right-of-way. The proposed fencing is designed to be anti-climb by humans and animals to prevent access to the substation grounds, as there is a high hazard from electrocution. The substation has been designed to provide the necessary security for the utility facility and meet the fencing standards. *Criterion met.*

5.09 **(5) The nuisance plants listed in Table 1 shall not be planted as landscaping and shall be controlled within cleared areas of the subject property.**

Staff: The applicant has provided a landscaping plan with the type and size of plants to be installed around the perimeter of the substation (Exhibit A.41). Planning staff reviewed this exhibit to make sure that none were listed on the Nuisance Plant list in Table 1. None were found to be nuisance plants. The applicant has also indicated that vegetation within the substation will be controlled as needed to prevent plant intrusion in the needed open space (Exhibit A.4). *Criterion met.*

6.00 Design Review & Off-Street Parking

6.01 § 36.7020 APPLICATION OF REGULATIONS.

(A) Except those exempted by MCC 36.7015, the provisions of MCC 36.7000 through 36.7060 shall apply to all conditional and community service uses, and to specified uses, in any district.

(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 36.4205 shall only be subject to the following Design Review approval criteria: MCC 36.7050(A)(1)(a) and (1)(c), (4) and (7), except when located in the PH-RC, OR, or OCI zone districts.

Staff: The proposed application is for a community service conditional use. Design Review is required. The proposed substation only needs three parking spaces for staff coming to the site. Design Review will be limited to MCC 36.7050(A)(1)(a) and (1)(c), (4) and (7). The property is zoned MUA-20.

6.02 § 36.7050 DESIGN REVIEW CRITERIA.

(A) Approval of a final design review plan shall be based on the following criteria:

(l) Relation of Design Review Plan Elements to Environment.

(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.

Staff: The proposed substation will be screened from adjacent properties by significant vegetation. The look and design of the substation is not open to significant modification due to

technical limitations. The proposed vegetation will help the facility relate harmoniously to the surrounding environment. *Criterion met.*

6.03 **(c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.**

Staff: With the exception of utility poles, the proposed substation is under 35-feet in height. The layout of the equipment is designed to serve its function. The proposed landscaping will assist in the screening of the equipment and soften its industrial characteristics. *Criterion met.*

6.04 **(4) Preservation of Natural Landscape - The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.**

Staff: The existing topography is flat. Grading will be limited to the area involved in the construction of the new substation. The yard areas will remain significantly undisturbed based on the applicants grading and landscape plans (Exhibit A.28 and A.41). *Criterion met.*

6.05 **(7) Buffering and Screening - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

Staff: No mail, refuse, or storage is proposed. The substation is unmanned and personnel only visit during repair and maintenance situations. The proposed substation yard has adequate space for three car/truck parking spaces. The substation will be screened from adjacent properties by proposed vegetation. *Criterion met.*

7.00 Off-Street Parking Criteria

7.01 § 36.4130 LOCATION OF PARKING AND LOADING SPACES.

(A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces

§ 36.4170 ACCESS.

(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 36.7700 et seq., the land division chapter, there shall be provided an unobstructed driveway not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

Staff: The design of the substation has a driveway leading from SE Altman Road to the fenced area. PGE states that personnel will park within the fenced area or on the driveway if needed. The proposed driveway is 20 feet wide by 80 feet long. Inside the fenced area, a 35-foot by 90-foot area will also be available for parking.

7.02 § 36.4175 DIMENSIONAL STANDARDS.

(A) Parking spaces shall meet the following requirements:

(l) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.

(3) For parallel parking, the length of the parking space shall be 23 feet.

(B) Aisle width shall be not less than:

(l) 25 feet for 90 degree parking,

(2) 20 feet for less than 90 degree parking, and

(3) 12 feet for parallel parking.

Staff: The applicant has stated that after completion of construction, three parking spaces would be needed for personnel servicing the site. Along the southeastern portion of the substation, three vehicles could parallel park adjacent to the fence. The vehicles would then need to turnaround on-site to exit the site without backing onto SE Altman Road. It appears that there would be adequate space for a three-point turn within the yard. A condition of approval is included requiring the applicant demonstrate the ability of the trucks to turn-around and leave the site without backing into the public right-of-way.

7.03 § 36.4180 IMPROVEMENTS

(A) Surfacing

(l) Except as otherwise provided in this section, all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider.

(2) The Approval Authority may permit and authorize a deviation from the surfacing standard in paragraph (A)(1) of this section and thereby authorize, alternate surfacing systems that provide a durable dustless surface, including gravel. A deviation under this paragraph may be permitted and authorized only upon finding that each parking area supporting the existing and the proposed development meets the following standards in subparagraphs (a) and (b) and, for parking areas of four or more required parking spaces, also meets the following standards in subparagraphs (c) and (d):

(a) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(b) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards. Alternative surfacing can be considered for all areas used for parking, loading and maneuvering, including the driveway; however, approaches to paved public right-of-way shall be paved for a minimum of 21 feet from the fog line, or for a greater distance when required by the County Engineer;

Staff: The applicant is proposing an alternative surface - gravel - for the parking area within the substation. The fire service agency has reviewed the proposed improvements and found that they are in compliance with the fire apparatus access standards of the Oregon Fire Code (Exhibit A.16). The County Engineer was provided the opportunity to comment on the proposed project and has no comments.

7.04 (B) Curbs and Bumper Rails

(l) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence except as provided in (3) below.

(3) Except for development within the PH-RC, OR, OCI and CFU zones, the outer boundary of a parking or loading area with fewer than four required parking spaces may use a five foot wide landscape strip or yard planted with a near-continuous number of shrubs and/or trees. If the outer boundary of the parking area is within 50 feet of a dwelling on an adjacent parcel, the plant materials shall create a continuous screen of at least four feet in height except at vision clearance areas where it shall be maintained at three feet in height.

Staff: The substation area is fenced for security reasons. In addition, landscaping will be installed outside of the fenced areas in the yard areas adjacent to SE Altman Road and SE Dodge Park Boulevard. A fifteen-foot wide landscape barrier will be planted on all four sides of the substation except for the entry gate. *Criteria met.*

7.05 **(C) Marking - All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 36.4120, and such marking shall be continually maintained. Except for development within the PH-RC, OR, or OCI zones, a graveled parking area with fewer than four required parking spaces is exempt from this requirement.**

(D) Drainage - All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.

(E) Covered Walkways - Covered walkway structures for the shelter of pedestrians only, and consisting solely of roof surfaces and necessary supporting columns, posts and beams, may be located in an O-P district. Such structures shall meet the setback, height and other requirements of the district which apply.

Staff: The proposed substation only needs three parking spaces so the proposed project is exempt from marking requirements. The proposed substation will have a gravel area to allow infiltration and a detention pond for chemical spills. An engineer has reviewed the proposal for stormwater (Exhibit A.15). No covered walkways are proposed. *Criteria met*

7.06 § 36.4185 LIGHTING.

Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not create a hazard to the traveling public on any street.

Staff: The applicant provided a lighting plan and lighting details (Exhibit A.38, A.34 and A.35). A condition of approval is included requiring that the emergency lighting not create a hazard to the traveling public. *As conditioned, criterion is met.*

7.07 § 36.4190 SIGNS.

Signs, pursuant to the provisions of MCC 36.7465.

Staff: The applicant has provided information for proposed signage. See Section 8.00 for additional findings. *Criterion met.*

7.08 § 36.4195 DESIGN STANDARDS: SETBACKS.

(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street perpendicularly.

Staff: The proposed site plan has landscaping within the required yard areas. Other than a single 20-foot access drive leading from SE Altman Road, no parking or vehicle movement area is proposed in a required yard area. *Criterion met.*

7.09 § 36.4200 LANDSCAPE AND SCREENING REQUIREMENTS.

(A) The landscaped areas requirements of MCC 36.7055 (C) (3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 36.4165 (A).

§ 36.7055 REQUIRED MINIMUM STANDARDS.

(C) Required Landscape Areas

The following landscape requirements are established for developments subject to design review plan approval:

(3) The following landscape requirements shall apply to parking and loading areas:

(a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

(b) A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.

(c) A landscaped strip separating a parking or loading area from a street shall contain:

1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;

2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and

3. Vegetative ground cover.

(d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

(e) A parking landscape area shall have a width of not less than 5 feet.

(4) Provision shall be made for watering planting areas where such care is required.

(5) Required landscaping shall be continuously maintained.

(6) Maximum height of tree species shall be considered when planting under overhead utility lines.

(7) Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.

Staff: The proposed substation is required to provide only three parking spaces. No landscape planters are required within the parking area. The substation has a 15-foot wide landscape area adjacent to its perimeter, except where the access gate is proposed. The applicant has submitted a landscape plan (Exhibit A.41). A note on the landscape plan indicates that a new fully

automated irrigation system will be provided. A condition of approval is included requiring that the landscaping be continuously maintained. *As conditioned, these criteria are met.*

8.00 Sign Criteria

§ 36.7505 SIGN RELATED DEFINITIONS AND FIGURES.

(J) Directional Sign - A permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

§ 36.7490 DIRECTIONAL SIGNS.

Directional signs shall comply with the following provisions:

Maximum Sign Face Area:	**Six Square Feet**
Types of Signs Allowed:	**Free Standing, Fascia, Projecting, Painted Wall**
Maximum Height:	**Free Standing 42 Inches Fascia and Projecting 8 Feet**
Extensions into R/W:	**Not Allowed**
Lighting:	**Indirectly Illuminated downward onto the sign face**
Flashing Lights:	**Not Allowed**
Electronic Message Centers:	**Not Allowed**
Moving or Rotating Parts:	**Not Allowed**

Staff: The applicant has proposed six directional signs to be installed on the proposed security fencing (Exhibit A.37). Each sign will be installed approximately 5 feet above finished grade. The largest sign is 4.42 square feet. The other signs range in size from 0.66 square feet to 2 square feet. The plan does not show them to be lighted other than from the security lighting of the substation. None of the signs will extend into the public rights-of-way, have flashing lights, an electronic message center or moving/rotating parts. *Criterion met.*

9.00 Lot Consolidation Criteria

9.01 § 36.7794 CONSOLIDATION OF PARCELS AND LOTS

This section states the procedures and requirements for removing property lines between adjacent parcels or lots in the same ownership in order to create one parcel or lot. The act of parcel or lot consolidation does not, in itself, remove prior conditions of land use approvals. A property owner may also choose to consolidate parcels or lots as part of a land division application. The parcel and lot consolidation process described in this

section is different from (and does not replace) the process used by the County Assessment and Taxation Program to consolidate parcels and lots under one tax account.

Consolidation of parcels and lots may be approved under the applicable descriptions and approval criteria given in subsection (A) for parcels created by "metes and bounds" deed descriptions and subsection (B) for parcels and lots that were created by a Partition or Subdivision Plat.

(A) Consolidation of parcels created by "metes and bounds" deed descriptions may be approved under the standards of either subsections (1) or (2) as follows:

(1) If all the subject parcels proposed for consolidation were created by deed instruments prior to October 19, 1978, (the effective date of Ord. 174), or are Lots of Record created by deed instrument under the "minor partitions exempted" section 1.224 of Ord. 174 and MCC section 11.45.110, then the following shall apply:

(a) Under a Type I Permit Review and in accordance with MCC 37.0550, an application and fee shall be submitted to the Land Use Planning office. The contents of the application shall include maps, copies of all current deeds, a title report, an affidavit signed by the owner that verifies that the owner has the authority to consolidate the parcels, and any supplementary material that is determined by the Planning Director to be necessary and relevant to demonstrate compliance with the standards in (b);

(b) The Planning Director shall verify the following in a written report:

1. The subject parcels are in the same ownership and there are no ownership or financing obstacles to completing the consolidation;

2. The parcels to be consolidated are either existing Lots of Record or the act of consolidation will correct a past unlawful land division;

(2) If the subject parcels proposed for consolidation include a parcel created by deed instrument as described in (A)(1) above and include a parcel created by Partition Plat or lot within a Subdivision Plat, then the following shall apply:

(a) The application and Planning Director verification requirements are those given in (A)(1)(a)&(b);

(b) Before submittal to the County Surveyor, the applicant shall submit to the Planning Director a copy of a "one parcel" Partition Plat that accurately reflects the requirements of the Director's report; and

(c) The "one parcel" Partition Plat shall meet the technical requirements of ORS Chapter 92 before it is recorded with the County Recorder.

Staff: Tax lot 1S4E21BC – 02600 is the eastern 300 feet of Lot 2, Block 13, Proctor subdivision. The second tax lot, 1S4E21CB – 00100 is a metes and bounds description unit of land created in 1967. Portland General Electric owns both Lots of Record. The applicant has submitted a request for a Lot Consolidation. There appear to be no obstacles to completing the consolidation. A condition of approval is included requiring that the partition plat be completed prior to commencement of the project. *As conditioned, this application is met.*

10.00 Exhibits

'A' Applicant's Exhibits
'B' Staff Exhibits
'C' Procedural Exhibits
Exhibits with a "✱"after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T3-2017-9259 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	10/11/2017
A.2	2	Email regarding Grading and Erosion Control application	10/11/2017
A.3	1	Cover Letter	10/11/2017
A.4	19	Narrative	10/11/2017
A.5	1	Appendix A – Plan Set Cover Sheet	10/11/2017
A.6	3	Site Plan (Not to Scale) a. Photo of PGE's Orient Substation Existing Layout b. Photo of PGE's Rosemont Substation Before and After Equipment Upgrade	10/11/2017
A.7	8	Appendix A Plan Set A-2 Temporal Site Layout Cover Sheet (1 page) a. Existing Layout (1 page) (Not to Scale) b. General Layout – Phase 1 (Not to Scale) (1 page) c. General Layout – Phase 2 (Not to Scale) (1 page) d. General Layout – Phase 3 (Not to Scale) (1 page) e. General Layout – Phase 4 (Not to Scale) (1 page) f. General Layout – Phase 5 (Not to Scale) (1 page) g. General Layout – Final (Not to Scale) (1 page)	10/11/2017
A.8	2	Appendix A – Plan Set A-3 – Landscape Plan Cover Sheet a. Landscape Plan (Not to Scale) (1 page)	10/11/2017
A.9	4	Appendix A – Plan Set A-4 Grading and Erosion Control Plan Cover Sheet (1 page) a. Erosion and Sediment Control Plan General Information (Not to Scale) (1 page) b. Erosion and Sediment Control Plan and Notes (Not to Scale) (1 page) c. Erosion and Sediment Control Plan Details (Not to Scale) (1 page)	10/11/2017
A.10	7	Appendix B Access Permit Cover Sheet (1 page) a. Right of Way Permit (5 pages) b. Exhibit Multnomah County – Permit for Existing Driveway (1 page)	10/11/2017
A.11	25	Appendix C – Delineation of Wetlands and other Waters Cover Sheet (1 page) a. Orient Substation Delineation Multnomah County, Oregon for PGE (13 pages) b. Appendix A – Site Photographs (4 pages)	10/11/2017

		c. Appendix B – Wets Table For Troutdale Weather Station (2 pages) d. Appendix C – Data Forms (5 pages)	
A.12	6	Appendix D – Underlying Parcels D-1 – Vesting Deeds Cover Sheet (1 page) a. Warranty Deed recorded in Book 570, Page 718 and Book 571, Page 703 & Page 704 (2 pages) b. Warranty Deed recorded in Book 581, Page 1394 & 1395 (3 pages)	10/11/2017
A.13	2	Appendix D – Underlying Parcels D-2 – Lot Consolidation Application Cover Sheet (1 page) a. General Application Form for Lot Consolidation (1 page)	10/11/2017
A.14	10	Appendix E – Significant Environmental Concern for Habitat Worksheet (Type II) Cover Sheet (1 page) a. Significant Environmental Concern for Wildlife Habitat (SEC-h) Worksheet (9 pages)	10/11/2017
A.15	5	Appendix F – Storm Water Disposal Form Cover Sheet (1 page) a. Storm Water Certificate (1 page) b. Drainage Basin Runoffs (1 page) c. Exhibit 1 Existing Conditions (1 page) d. Exhibit 2 Proposed Condition (1 page)	10/11/2017
A.16	7	Appendix G – Fire District Review Cover Sheet (1 page) a. Fire Service Agency Review (2 pages) b. Email from Jennifer Santhouse to Gresham Fire and Emergency Services (1 page) c. Site Plan sent to Fire (1 page) d. Fire Hydrant Location (1 page) e. Pleasant Home Water District Information (1 page)	10/11/2017
A.17	2	Appendix H – Sheriff Services Review Cover Sheet (1 page) a. Sheriff Services Review form (1 page)	10/11/2017
A.18	8	Grading and Erosion Control Work Sheet	10/11/2017
A.19	2	Appendix A – Plan Set a. Orient Substation – General Layout - ORNT-1000	11/21/2017
A.20	1	Appendix A – Plan Set – A2 Temporal Site Layout	11/21/2017
A.21	1	Orient Substation – Existing Layout – ORNT-CS0	11/21/2017
A.22	1	Orient Substation - General Layout – Phase 1 – ORNT-CS1	11/21/2017
A.23	1	Orient Substation - General Layout – Phase 2 – ORNT-CS2	11/21/2017
A.24	1	Orient Substation - General Layout – Phase 3 – ORNT-CS3	11/21/2017
A.25	1	Orient Substation – General Layout – Phase 4	11/21/2017
A.26	1	Orient Substation – General Layout – Phase 5	11/21/2017
A.27	2	Appendix A – Plan Set A-3 Landscape Plan	11/21/2017
A.28	9	Appendix A – Plan Set A-4 Grading and Erosion Control Plan a. Site Plan – ORNT – 0010 b. Erosion and Sediment Control General Information – ORNT-0050 (Sheet 1 of 3) c. Erosion and Sediment Control Plan and Notes – ORNT-0050 (Sheet 2 of 3) d. Erosion and Sediment Control Plan Details – ORNT-0050 (Sheet 3 of 3)	11/21/2017

		e. Grading Plan – ORNT-0100 (Sheet 1 of 4) f. Grading Plan – ORNT-0100 (Sheet 2 of 4) g. Grading Plan – ORNT-0100 (Sheet 3 of 4) h. Grading Plan – ORNT-0100 (Sheet 4 of 4)	
A.29	1	Cover Letter for Revised Landscape Plan	1/29/2018
A.30	1	Revised Landscape Plan	1/29/2018
A.31	1	February 14, 2018 Email Regarding Landscape Plan, Lights and Control Enclosure.	2/14/2018
A.32	1	February 15, 2018 Email	2/15/2018
A.33	1	Enclosure Elevations	2/15/2018
A.34	8	Evolve LED Flood Light	2/15/2018
A.35	8	Evolve LED Area Light	2/15/2018
A.36	1	February 16, 2018 Email Regarding Signage and Lighting Plan	2/15/2018
A.37	1	Signage Plan	2/15/2018
A.38	1	Lighting Plan	2/15/2018
A.39	2	Clarified Landscape Plans	2/15/2018
A.40	1	February 27, 2018 Cover Letter	2/27/2018
A.41	1	Final Revised Landscape Plan	2/27/2018
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 1S4E21CB - 00100	10/10/2017
B.2	2	A&T Property Information for 1S4E21BC - 02600	10/11/2017
B.3	10	CS 21-67A Case File	2/28/2018
B.4	1	Zoning Map representing 1967 Zoning for 1S4E21B	2/28/2018
B.5	1	Zoning Map representing 1967 Zoning for 1S4E21C	2/28/2018
B.6	6	Suburban Residential Zoning Ordinance 6/1964 to 5/1968	2/28/2018
B.7	1	Wildlife Habitat Map	2/28/2018
B.8	1	Tax Lot Map 1S4E21BC	2/28/2018
'C'	#	Administration & Procedures	Date
C.1	1	Incomplete Letter	11/8/2017
C.2	1	Applicant's Acceptance of 180 Day Clock	11/21/2017
		Application Complete	12/21/2018
C.3	5	Notice of Public Hearing	2/15/2018
C.5	25	Staff Report	2/28/2018