



**City of Prineville**  
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**  
**STAFF REPORT**

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**HEARING DATE:** July 17<sup>th</sup>, 2018

**PROJECT NUMBER:** Cu-2018-101 & LP-2018-100

**APPLICANT:** Ochoco Solar LLC  
Attn: Amy Berg Pickett  
2660 NE Highway 20, Suite 610 #30  
Bend, Oregon 97701

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Oregon Planning Solutions  
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Bend, Oregon 97702

**CIVIL ENGINEER:** Cypress Creek Renewables  
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130 Roberts Street  
Asheville, NC 28801

**ATTORNEY:** Brix Law LLP  
Attn: Laura Craska Cooper  
15 SW Colorado Ave., Suite 3  
Bend, Oregon 97702

**PROPERTY OWNERS:** PacifiCorp (tax lot 313)  
825 NE Multnomah Street, Ste. 1900  
Portland, Oregon 97232  
  
Hunter Family Trust (tax lot 2000)  
Lawnae Hunter Trustee  
825 NE Mill View Way #100  
Bend, Oregon 97702  
  
Crook County (tax lot 300)  
300 NE Third St.  
Prineville, Oregon 97754  
  
Millican LLC. (tax lot 1224)  
500 West Monroe Street, Suite 2630  
Chicago, Illinois 60661

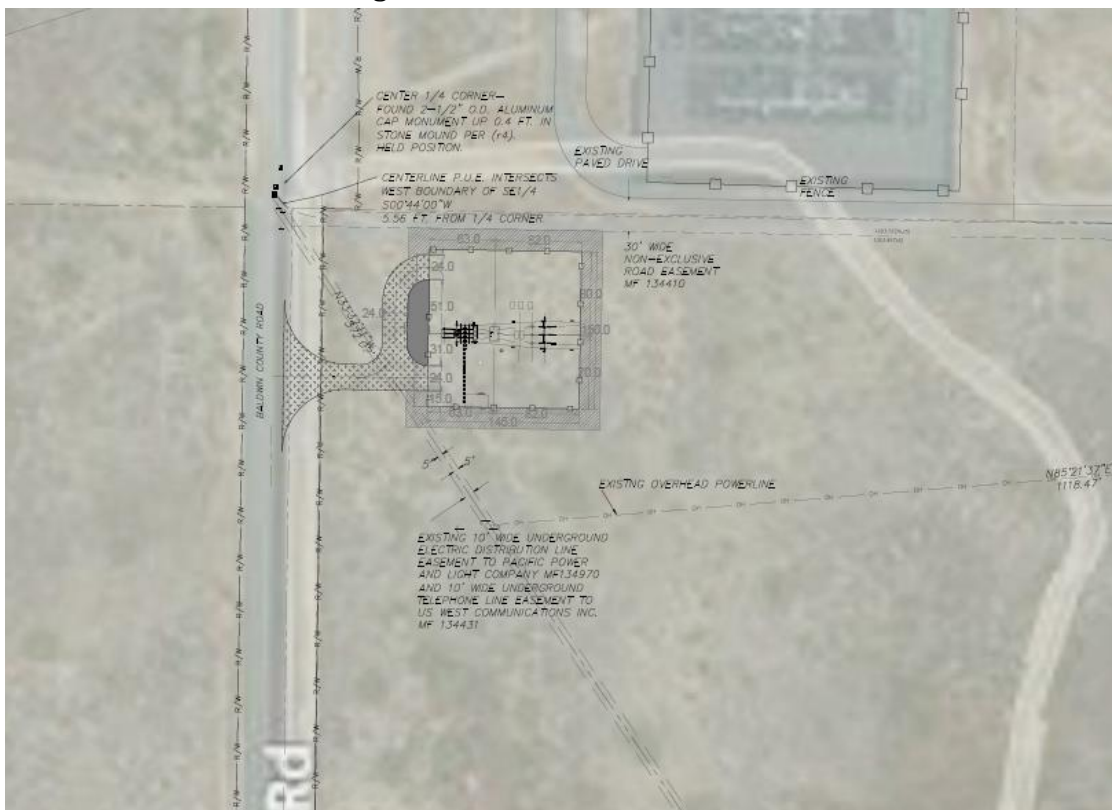
**PROJECT REVIEWER:** Joshua Smith  
Planning Director

**APPLICABLE CRITERIA:** City of Prineville Code of Ordinances, Title XV

- (1) Power line transmission – Chapters 153.009, 153.014, 153.020, 153.037, 153.038, 153.060, 153.062, 153.071, 153.083(I), 153.118, 153.135 - 153.138.
- (2) Step-up Substation – Chapters 153.009, 153.014, 153.020, 153.037, 153.038, 153.060, 153.083(L), 153.118, 153.135 - 153.138, 153.190 – 153.200.
- (3) Land Partition – Chapters 153.014, 153.038, 153.055, 153.056, 153.060

**FINDINGS OF FACT:**

1. **LOCATION:** The proposed substation will be located at 2002 SW Baldwin Rd. in the NW corner of Map & Tax lot 1515000002000. The proposed transmission line starts at the substation and extends west across, and south on Millican Rd. before heading west to the end of the UGB, south of Hwy 26.
2. **ZONING:** The proposed location of the substation is zoned Light Industrial (M-1) The transmission line moves through the Industrial Park (IP) zone and the M-1 zone. Part of the transmission line on County property is also within the Airport Approach (AA) Overlay Zone.
3. **SITE DESCRIPTION:** The subject property for the proposed substation and land partition is a vacant 80-acre site, except for overhead electrical utilities to an abandoned home site. The proposed transmission line will run along property boundaries and existing streets.



4. **PROPOSAL:**

Power line transmission – Construct a 34.5kV transmission line connecting the Ochoco Solar project in Crook County to the proposed Juniper substation, and then connect to the adjacent PacifiCorp Baldwin Substation. Existing power transmission lines in the area consist of Central Electric Cooperative and PacifiCorp.

Step-up Substation – Construct the proposed Juniper substation (step-up to 115kV) with associated vehicles access, minimal grading, drainage, utilities and poles.

Land Partition – Create a 2 acre parcel, out of an 80 acre parcel for the proposed substation.

5. **RELATED DOCUMENTS:** 217-18-000027-PLNG (County Approval), BA-2012-101 (Millican LLC Boundary adjustment), CS-4144 (Pillar road ROW survey), CS-2437 (Hunter property survey).

6. **LOTS OF RECORD:** The properties have been determined to be legal parcels based on Deeds and multiple partition plats on the County owned property.

7. **COMMENTS:** During the City's Design Review Meeting on 6/28/2018,

Public Works commented that the proposed underground sections of the transmission line will need to bore under existing streets rather than cut them because Millican, Pillar and Baldwin have all been recently paved.

The Planning Department commented that a franchise agreement or right-of-way agreement with the City may be required for facilities within City right-of-way. This would also apply for rights-of-way that may transfer jurisdiction such as Pillar Road.

Verbal comments were received from a neighboring property in the Baldwin Industrial Park requesting that lines behind his property be placed underground. Written comments were not available by the time this report was written.

8. **FINDING SUMMARY:** The primary concern with this proposal is the visual impact of the lines and poles, and conflicts with other infrastructure.

The proposed transmission line and substation are allowed as a type II conditional use to be reviewed by the Planning Commission. The proposed partition is an outright application usually reviewed administratively by staff. Due to the nature of the application all three elements have been combined into one application, though the partition will maintain its own application number.

The applicant's proposed transmission poles, substation and partition are meeting or exceeding the minimum dimensional standards of the M1 zone with the

exception of height limits. The maximum height in the M1 zone is 50 feet & in the IP zone is 45 feet, however; transmission poles and substations are exempt from these standards per section 153.118 discussed further in Finding 2. There were 4 routing options discussed further in Finding 11. As a condition of approval the applicant shall meet all FAA standards and provide verification that the facilities are within compliance with FAA rules.

Design review criteria for the transmission lines and poles are difficult to assess, screening is impractical and materials are limited. The IP zone; emphasize a high aesthetic standard that an above ground utility line does not provide. Planning Commission may require the lines along Pillar Road to be completely underground to maintain the aesthetics of the zone for future development. The applicant is proposing non-reflective transmission lines on wooden poles or metal poles with a non-reflective coating. This is consistent with other approved poles in the area. The proposed transmission poles will primarily be between 34ft. and 38ft. with a few taller poles from 43ft. to 60ft. to extend over existing CEC lines along Millican Road. For the substation, the applicant is proposing a large setback to Baldwin Road of 130 feet, a site obscuring chain link fence with slats and maintaining existing vegetation and re-seeding where necessary. Due to the location in an industrial area adjacent to an existing utility facility, it is staff's recommendation that the proposed screening is adequate.

The applicant shall dedicate right-of-way and extend City street, water and sewer improvements "to and through" the proposed substation and 2-acre parcel to City standards. The final plat shall be platted in accordance with ORS Chapter 92 and conform to the tentative plan and include all new and existing easements and right-of-ways.

**Criteria: 153.062 INDUSTRIAL PARK IP ZONE. (Formerly M-3 zone)**

*In an IP Zone, the following regulations shall apply.*

**(A) Purpose.** *The purpose of the Industrial Park IP Zone is to provide for a variety of commercial, wholesale, trade and distribution, bulk retailing and industrial uses in a park or planned unit development type setting where visual appearance is a prime consideration. Uses permitted in this zone should require little or no outdoor storage of products, materials or equipment except as may otherwise be permitted in approved landscaped display areas. In many cases, such will require the limiting or exclusion of those commercial and industrial uses which commonly involve open, outside storage and outside operations that are not aesthetically attractive, that are commonly found in more intensive type industrial settings and/or involve hazardous or nuisance creating conditions, real or potential. Relative thereto, the provisions of this section are intended to do as follows.*

**(1)** *Provide a mix of clean and attractive industries and commercial uses which have no on-site or off-site impacts in terms of noise, odor, glare, lights, smoke, dust or visual types of impacts.*

**(2)** *Provide for combining building materials and appearances, parking, landscaping and other design features which physically enhance the overall attractiveness of the area.*

**(3)** *Establish and maintain high aesthetic standards and preserve and enhance the natural features of the area.*

**(4)** *Encourage originality, flexibility and innovation in site planning and development, including architecture, landscaping and graphic design.*

**153.060 LIGHT INDUSTRIAL M-1 ZONE.**

*In an M-1 Zone, the following regulations shall apply.*

**(A) Purpose.** *The purpose of the Light Industrial M-1 Zone is to provide for a wide range of industrial uses, but limiting or excluding those industrial uses which are generally not considered compatible with adjoining commercial or residential areas and which, in many cases, involve industrial uses which involve hazardous or nuisance creating conditions.*

**153.037 COMMERCIAL & INDUSTRIAL USE TABLE**

*Type II conditional use: Utility Facility (Major) – Substation & Transmission lines*

*Outright use: Land Partition Minor (no new roads)*

**153.038 COMMERCIAL & INDUSTRIAL DIMENSIONAL STANDARDS**

**Street setbacks:** *20 ft. to local streets 0ft. to internal circulation roads.*

**Interior Side** *5ft.*

**Clear Vision:** *30ft.*

**Landscaping:** *Minimum 5 foot buffer along any adjoining public right-of-way of a collector or arterial street.*

**Building Height:** *50ft.*

**Street Frontage:** *50ft.*

**Lot Coverage:** *Determined by the ability to meet parking, landscaping, clear vision, drainage, Public Works standards and other applicable dimensional standards.*

**Finding 1:** The proposed 34.5kV transmission line crosses through the M-1 and IP zones. The proposed substation is within the M1 zone only. The transmission line and substation meet the purposes of the M-1 & IP zones by providing a transmission line and step-up substation for the newly approved solar project in Crook County and by providing additional power to the Grid for a wide range of uses. The IP zone; however, also emphasize a high aesthetic standard that an above ground utility line does not provide. The County owned property along Millican road is in the IP zone and is already encumbered by power lines so the aesthetic value is limited. The County property where Pillar Road is constructed is also within the IP zone and is largely free of above ground power lines. There are existing above ground power lines on the east and west ends of the property where the applicant is proposing to underground a portion of the line. The Planning Commission may require the lines along Pillar Road to be completely underground to maintain the aesthetics of the zone for future development.

The proposed transmission line and substation are allowed as a type II conditional use to be reviewed by the Planning Commission. The proposed partition is an outright application usually reviewed administratively by staff. Due to the nature of the application all three elements have been combined into one application, though the partition will maintain its own application number.

The applicant's proposed transmission poles, substation and partition are meeting or exceeding the minimum dimensional standards of the M1 zone with the exception of height limits. The maximum height in the M1 zone is 50 feet & in the IP zone is 45 feet, however; transmission poles and substations are exempt from these standards per section 153.118 discussed further in Finding 2.

As a condition of approval the applicant shall meet all FAA standards and provide verification that the facilities are within compliance with FAA rules.

**Criteria: 153.118 EXCEPTIONS TO BUILDING HEIGHTS.**

**(A)** *The following types of structures or structural parts are not subject to the building height limitations of this chapter: chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio, cellular and television towers, masts, aerials, cooling towers, water towers, elevator shafts, windmills, conveyors, mill related apparatus and other similar projections.*

**(B)** *The exceptions to building height limitations set forth herein are not applicable to any such structures or structural parts that are located within an Airport Approach (AA) Overlay Zone.*

**Finding 2:** Section 153.118 of the City's land use code exempts transmission poles and substations structures from maximum building heights, though they are still subject to the Airport Approach zone and design review.

The majority of the proposed transmission line poles will be between 34 feet and 38.5 feet, well within the height limits of both zones. Poles 18, 19, 20 and 21 are between 43ft. and 60ft. This change in height is to cross an existing CEC line along Millican Road. The majority of the substation will be 45 ft. tall, which is within the 50 foot height limit of the M1 zone. A 10 foot lightning rod will extend to 55 feet but is considered exempt from the height limit.

A portion of the transmission line, poles 4 through 13 are within the Airport Approach overlay zone. Runway 28 has an approach surface of 34:1. The closest pole to the runway is pole 13 at approximately 2,500 feet away. At 34:1 the approach surface would be 73 feet at this point. This is well over the height limit of the zone and well over the 37.5 foot maximum proposed height of poles 4 through 13. As a condition of approval the applicant shall meet all FAA standards and provide verification that the facilities are within compliance with FAA rules. A letter from the Airport Manager was submitted to the County during their review of the transmission line that stated the proposed route had no conflict with the airport but requested to be kept informed of line placement and height.

**Criteria: 153.009 COMPLIANCE WITH OTHER RULES AND REGULATIONS.**

**(A)** *Approval of any use or development proposal pursuant to the provisions of this chapter shall require compliance with and consideration of all applicable city, county, state and federal rules and regulations.*

**Finding 3:** There may be rules and regulations at a State and Federal level with which the applicant is required to comply with. City approval of this project does not supersede those requirements.

**Criteria: 153.014 GENERAL CRITERIA.**

*In determining whether or not any application shall be approved or denied, it shall be determined that the following criteria are either met or can be met through compliance with specific conditions of approval.*

**(A)** *The proposal is compatible with the City Comprehensive Plan and applicable policies set forth thereby.*

**(B)** *The proposal is in compliance with the requirements set forth by the applicable primary zone, by any applicable combining or overlay zone, and other provisions set forth by this chapter that are determined applicable to the subject use.*

**(C)** *That, for a proposal requiring approvals or permits from other local, state and/or federal agencies, evidence of the approval or permit compliance is established or can be assured prior to final approval.*

**(D)** *The proposal is in compliance with specific standards, conditions and limitations set forth for the subject use in the applicable zone, this section and this chapter.*

**(E)** *That no approval be granted for any use which is or expected to be found to exceed resource or public facility carrying capacities.*

**(F)** *For any use which is found to require compliance with air, water, land, solid waste and/or noise pollution standards, that the compliance be a condition of approval and compliance therewith shall be a continuing condition.*

#### **Finding 4:**

A) The proposal is compatible with the Comprehensive Plan. Chapter 2, Goal 1 directly references clean industries as being preferred and Chapter 5 reinforces that by directly calling out the technology industry as being desired in the Airport area. Additionally, the comprehensive plan prefers that utility lines be located on or adjacent to public or private rights-of-way to avoid dividing farm units (See Chapter 8 page 146). As applied to the power transmission line proposal, the poles and lines will be located on light industrial land, not farm land. Additionally, the poles and lines will be located near the edges of property lines and rights-of-way so as to avoid dividing land units. This transmission line is in support of the Ochoco Solar facility approved in Crook County.

B) Prineville's land use code includes Utility Facilities (Major) as a conditional use in the M1 zone. The natural features overlay district is not affected and the airport overlay zone was discussed in Finding 2. The proposal is meeting or can meet applicable provisions through conditions of approval.

C) Construction shall be reviewed and approved as required by the Crook County Building Department. The City is not aware of any required approvals or permits from State or Federal agencies with regard to the construction of the proposed utility facility other than a "No Hazard Determination" from the FAA.

D) There are specific standards listed in section 153.083(L&I) that are discussed in Finding 10 & 11. Use limitations in the M1 zone are discussed in Finding 7.

E) The transmission line and substation will have no impact on the City's street, water or sewer capacities but will extend street, water and sewer facilities "to and through" the proposed substation and 2-acre property as required by the City's land use code.

F) All uses are required to comply with local, state or federal pollution standards. If it is identified that such standards are being exceeded, measures shall be taken to comply.

#### **Criteria: 153.020 SITE PLAN AND DESIGN REVIEW PROVISIONS.**

**(B)** **Applicability.** *The following uses and developments shall be subject to the provisions of this section:*

**(1)** *All new development and changes of use. A building permit shall not be issued prior to approval by the City. Site clearance activities such as grading, excavation or filling shall not be permitted unless specifically allowed by the City prior to approval.*

**(D)** **Improvements Required.** *Uses requiring a design review application shall be subject to public improvements and or site improvements. Improvement requirements and standards are found in*

*section 153.194 and the City's Standards and Specifications. Public improvements and site improvements include but are not limited to the following:*

- (a) Streets. Right of Way dedication, street extensions, sidewalks, access management. Double frontage lots may require improvements on both frontages.*
- (b) Utilities. Connection to municipal water and sewer and other utilities as necessary.*
- (c) Landscaping. Per standards set forth in section 153.087.*
- (d) Paved parking including access and maneuvering areas as set forth in section 153.085 and 153.086.*
- (e) Storm Water Drainage. Per the City's Standards and Specifications.*

**Finding 5:** With the proposed development of a substation and the creation of a new 2-acre parcel, the City's standard and specifications and partitioning rules require public infrastructure to be extended "to and through" each lot or parcel created by the partition. Partitioning rules do allow an exception for a remainder lot or parcel of at least 5 acres where future development or land division is likely. The applicant will only be required to extend services "to and through" the proposed 2-acre parcel being developed for a substation.

(a & b) The applicant shall dedicate right-of-way and extend City street, water and sewer improvements "to and through" the proposed 2-acre parcel to City standards. The City requires at least 80 feet of right-of-way in our industrial zones, however; in this area Baldwin road has been increased to ~105 feet to accommodate other utilities. The applicant is proposing to continue the larger width through the proposed 2-acre parcel. A portion of this area is County property and/or already dedicated as County right-of-way. The County will have a signature line on the partition plat acknowledging the dedication of the County property to City right-of-way. As a condition of approval a franchise agreement or right-of-way agreement may be required to utilize City right-of-way. The applicant shall coordinate with the City's legal counsel and City Manager to execute such an agreement.

(c) The applicant is proposing to maintain as much existing vegetation as possible with some re-seeding of native grasses to meet the landscaping standard for screening and buffering. It is staff's recommendation that the proposed screening is adequate for the proposed industrial location so long as the applicant re-seeds native grasses as stated. The plants established by this seeding should not need to be maintained; however, noticeable bare spots where the seeds did not germinate or where plants did not survive shall be re-seeded until they are fully established. This is a typical condition that has been applied to other data center applications and the adjacent PacifiCorp switching yard in lieu of improved landscaping that requires irrigation.

(d & e) Parking will be discussed in Finding 12 and all stormwater shall be maintained onsite.

**Criteria: (G) Design review criteria.** *To ensure that the stated purposes of the design review process are met the reviewing authority shall be governed by the following criteria as it evaluates and renders a decision on a proposal.*

- (2) Site design evaluation criteria. A development shall make the most effective use possible of the site topography, existing landscaping and building placement so as to preserve existing*



*trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments and land uses in the immediate area. The following are additional criteria that shall be used in evaluating site development plans.*

*(a) The arrangement of all functions, uses and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.*

*(b) In terms of setback from streets or sidewalks, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.*

*(c) The design incorporates existing features, such as streams, rocks, slopes, vegetation and the like, (for example, making use of a small stream rather than placing it in a culvert).*

*(d) Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscape/open space in order to create a pedestrian/bike pathway and/or open system that connects several properties or uses.*

*(e) The arrangement of the improvements on the site does not unreasonably degrade the scenic values of the community and the surrounding area in particular.*

*(f) Where appropriate, the design includes a parking and circulation system that encourages a pedestrian and bicycle.*

*(g) The design shall screen all storage, mechanical equipment, utilities and/or waste collection facilities from view, both from within and from outside the site.*

#### **Finding 6:**

**Transmission line:** Design review criteria for transmission lines and poles are difficult to assess, screening is impractical and materials are limited. The applicant is proposing non-reflective transmission lines on wooden poles or metal poles with a non-reflective coating. The poles will not be visible from the valley floor and specifically not from the intersection of 3<sup>rd</sup> and Main or Courthouse steps, which have been used as a measure in previous applications. Staff does not recommend any additional design elements.

**Substation:** Design review criteria for a substation is difficult to assess and primarily comes down to screening and location. The applicant is proposing a large setback to Baldwin Road, of 130 feet, a site obscuring chain link fence with slats and maintaining existing vegetation and re-seeding where necessary. Due to the location in an industrial area adjacent to an existing utility facility, it is staff's recommendation that the proposed screening is adequate.

#### **Criteria: 153.060 LIGHT INDUSTRIAL M-1 ZONE.**

**(K) Use limitations.** *In an M-1 Zone, permitted uses shall be subject to the following limitations and standards.*

*(1) No use shall be permitted which has been declared a nuisance by action of the City, County, State, or Federal, or by a court of competent jurisdiction.*

*(2) No use is permitted which is reasonably expected to create a nuisance because of noise, smoke, odor, dust or gas.*

*(3) For uses requiring pollution or contaminant discharge permits by an agency other than the city, final approval for the use shall not be issued by the city prior to review and approval by the applicable permit reviewing authority(ies).*

*(4) Materials shall be stored and grounds maintained in a manner as to prevent the attraction of or aid in the propagation of insects or rodents, or in a manner as to not otherwise create a public health hazard or attractive nuisance hazard.*

(5) *Points of access from a public right-of-way to properties and uses in this zone shall be so located, constructed, maintained and controlled as to minimize traffic congestion, noise and dust pollution, and shall avoid directing traffic onto residential streets or onto streets passing directly through residential, school, hospital or other noise sensitive use areas and safety zones.*

(6) *All uses permitted in this zone may be required to be screened from abutting residential zones.*

(7) *Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect land uses in the affected residential zone.*

(8) *Except as approved otherwise by the city in accordance with applicable access management provisions, there shall not be more than 1 ingress and 1 egress from properties accommodating uses permitted by this section. To minimize the number of the accesses within any given street section, permitted uses may be required to provide for shared ingress and egress or provide frontage roads.*

### **Finding 7:**

1)2) The proposed substation is not considered to be a nuisance or expected to create a nuisance.

3) A contaminant discharge permit is not required for this use.

4) There is not expected to be a need to store materials on site that would attract insects, rodents or otherwise create a hazard

5) The property will be accessed from Baldwin Road. Baldwin Road is currently a local street with minimal traffic. This access point is not expected to cause any significant traffic congestion. The transmission line will be accessed from easements and rights-of-way for maintenance purposes. The transmission line will not cause any traffic congestion.

6)7) There are no adjacent residential zones.

8) The applicant is proposing one ingress and egress to the facility. The access shall be built to the City's Standards and Specifications.

### **Criteria: 153.060 LIGHT INDUSTRIAL M-1 ZONE.**

(L) *Use criteria. In the consideration of an application for a proposed use in an M-1 Zone, the city shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services and on the appearance of the proposal. In the approval of an application, the city shall find that any identified measurable adverse social, economic, physical or environmental impacts are minimized or reasonably mitigated.*

(M) *Additional requirements. As a condition of approval of any use proposed within an M-1 Zone, the city may require the following.*

(1) *An increase in required setbacks.*

(2) *Additional off-street parking and loading facilities.*

(3) *Limitations on signs or lighting, time of operations and points of ingress and egress.*

(4) *Additional landscaping, screening and other improvements.*

(5) *Any other conditions considered necessary to achieve compliance with the intent and purposes of this chapter and policies of the Comprehensive Plan.*

### **153.062 INDUSTRIAL PARK IP ZONE.**

*In an IP Zone, the following regulations shall apply.*

(R) *Additional requirements. As a condition of approval of any use proposed within an IP Zone, the city may require the following.*

(1) *An increase in required setbacks.*

(2) *Additional off-street parking and loading facilities.*

- (3) Limitations on signs or lighting, time of operations and points of ingress and egress.*
- (4) Additional landscaping, screening and other improvements.*
- (5) Any other conditions considered necessary to achieve compliance with the intent and purposes of this section, this chapter and policies of the Comprehensive Plan.*

**Finding 8:** Based on the findings in this staff report, property owner consent and no comments from neighboring properties Staff does not recommend additional requirements.

**Criteria: 153.082 ONSITE LIGHTING.**

*(A) As part of any application for a development or any use within the City, all on-site lighting shall be designed, located, shielded or deflected, so as not to shine directly onto adjoining properties, impair the vision of a driver of any vehicle or be a hazard to aircraft operations within the area.*

**Finding 9:** Lighting shall be shielded and focused downward to prevent light pollution and hazards to vehicles or aircraft.

**Criteria: 153.083 STANDARDS FOR SPECIFIC USES.**

*(I) Radio, telephone or television transmitter tower, utility station or substation. When authorized within the applicable zoning, the following standards and limitations shall apply to radio, telephone or television transmitter towers, or utility stations and substations.*

*(1) In a residential zone, all equipment storage on the site shall be enclosed within a building.*

*(2) The use may be required to be fenced, including sight-obscuring, and provided with landscaping.*

*(3) Coloring of structures, buildings and other permanent installations shall be of neutral colors or colors that otherwise blend with the surrounding natural features unless otherwise required by the Commission.*

*(4) The reviewing authority may set standards or limitations regarding height, shape, location or factors necessary to minimize the impact of the facilities on the area in which they are proposed to be located.*

*(5) The reviewing authority may set any standards or limitations deemed necessary to insure that the proposed facilities are aesthetically pleasing and compatible with the area.*

**Finding 10:**

- 1) The property is not in a residential zone.
- 2) For the substation, the applicant is proposing an 8ft. chain link fence with slats and barbed wire on top. Existing vegetation is proposed to be preserved as much as possible and disturbed areas are proposed to be re-seeded.
- 3) The facility will primarily be a galvanized steel grey color with wood or concrete poles.
- 4) The Planning Commission may require other limitations as stated in the above criteria in order to minimize the impact of the facility. The substation will be set back 130 feet from required road improvements leaving a large area to be kept in native vegetation. This is similar to the PacifiCorp switching yard on the northern adjacent property.
- 5) The proposed substation is not within the industrial park (IP) zone that requires a higher aesthetic standard and is within a large industrial area of the City adjacent to

an existing switching yard. With other utilities in this area and with the datacenter developments in the M1 zone the City has been consistent in the requirement to preserve existing vegetation and re-seed with native grasses in disturbed areas.

**Criteria: 153.083 STANDARDS FOR SPECIFIC USES.**

*A use shall comply with the standards of the zone in which it is located, with the specific standards that may be applicable thereto as set forth by this section, with any additional standards and conditions that may be set forth by the reviewing authority and with any other applicable local, state and/or federal regulations.*

*(L) Public or private facilities, utilities and services.*

*(1) Public facilities including, but not limited to, utility substations, sewage treatment plants, storm water and water lines, water storage tanks, radio and television transmitters, cell towers, electrical generation and transmission devices, fire stations and other public facilities shall be located so as to best serve the community or area with a minimum impact on neighborhoods, and with consideration for natural aesthetic values.*

*(2) Structures shall be designed to be as unobtrusive as possible.*

*(3) Wherever feasible, all utility components shall be placed underground.*

*(4) Public facilities and services proposed within a wetland or riparian area shall provide findings of the following.*

*(a) The location is required and a public need exists.*

*(b) Dredging, fill and other adverse impacts are avoided, minimized or mitigated to the maximum extent reasonable.*

*(5) Co-locating on existing utility poles or cellular towers is required unless demonstrated that it is not feasible.*

**Finding 11:**

1) The applicant looked at 4 routing options for the proposed transmission line as well as co-locating. Their preferred option is route 1. There are no neighborhoods that will be impacted by this line. The City and County primarily looked at the natural aesthetic value of the area and concentrated on placing lines near existing lines, along property lines and avoiding lines along the Hwy as much as possible. The routing options are as follows:

- The 4<sup>th</sup> route follows Houston Lake Road east, around the Facebook Data Center where it crosses the Hwy and then goes around the Apple data center near the rim rock. This route was initially studied and ruled out due to timing and conflict issues with a proposed 230kV PacifiCorp transmission line. This route also has limited space once you cross the Hwy that would require the lines to go around the Apple data center property, bring it close to the Rimrock. Options to connect on the north side of the Hwy or co-locating on existing or proposed lines are preferred by the City and County. However, after many joint meetings with the applicant and discussions with PacifiCorp it was determined that it was not feasible with existing infrastructure at this time.
- The 3<sup>rd</sup> route cuts through private property to the Hwy, SE of the solar project. It then runs along the Hwy to the SW to Wiley Road where it crosses the Hwy and follows property lines, Millican Road and Pillar Road to the proposed substation. This route adds 2 plus miles to the transmission line, encumbers more property and exposes the line along the Hwy for a significant distance. The City and County

rejected this route primarily due to exposure along the Hwy.

- The 2<sup>nd</sup> route follows the 3<sup>rd</sup> across private property then crosses the Hwy and continues along the Hwy avoiding the Airport approach zone to Airport Road and then along Pillar to the substation. The City and County rejected this route due to extensive Hwy exposure and airport activities.
- The 1<sup>st</sup> route follows the 2<sup>nd</sup> and 3<sup>rd</sup> across the private property to the Hwy, then parallels the Hwy to the airport property where it crosses the Hwy and follows property lines, Millican Road and Pillar Road to the proposed substation. The City and County determined this to be the most acceptable route. Poles will be designed to be under the Airport Approach surface for both runways 28 & 33. Crossings at Millican Road, Pillar Road and Baldwin Road will be underground.

2) The applicant is proposing non-reflective transmission lines on wooden brown poles or metal poles with a non-reflective coating. This is consistent with other approved poles in the area.

3) The proposed 34.5kV transmission line is similar to lines that have been approved and constructed in the area. Larger 115kV transmission lines are not generally placed underground due to the associated cost of construction and lengthy down time when repairs are needed. The applicant is proposing to underground portions of the line if needed to avoid Airport Approach issues but also at the road crossings to avoid lines overhead that could cause a conflict with transporting large equipment or materials. The Planning Commission may require all lines to be underground, however; as discussed in Finding 1 the most practical area if required would be the lines along Pillar Road in the IP zone, to maintain the aesthetics of the zone for future development.

4) The proposal is not within a riparian or wetland area.

5) As stated previously in this finding co-location may be possible in the future but is not available on existing infrastructure at this time. Much of the line will co-locate along existing above ground infrastructure, just not on the same poles.

**Criteria: 153.085 OFF-STREET PARKING AND LOADING: PROVISIONS AND REQUIREMENTS.**

**(D) Specific Parking Requirements by Zone.**

**(5) M-1, M-2 and IP Zones. All parking demand created by any use permitted in this zone shall be accommodated entirely on-site or off-street on another area or adjoining site shared by one or more uses permitted in this zone. The location of any off-site parking area that requires pedestrians to cross an arterial or collector street or highway to obtain access to the subject use is prohibited.**

**Finding 12:** No parking is required with this application. Parking for maintenance personnel and equipment deliveries will be inside the enclosure or directly outside on the access road. With the construction of a sidewalk along Baldwin Road a driveway apron shall be constructed for access per the City's standards and specifications.

**Criteria: 153.136 SPECIFIC CONDITIONS.**

*In addition to the standards and conditions set forth in a specific zone, this subchapter, this chapter and other applicable local, county, state and/or federal regulations, additional conditions may be imposed which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the city as a whole, and to otherwise protect the general welfare and interests of the surrounding area, the city as a whole and the general public. No condition may be imposed which violates federal or state law with regard to needed housing. The conditions may include, but are not limited to, the following.*

*(A) Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restrictions to minimize environmental impacts such as noise, vibration, air or water pollution, glare and odor.*

*(B) Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.*

*(C) Limiting the height, size or location of a building or other structure or use.*

*(D) Increasing street width and/or requiring improvements to public streets and other public facilities serving the proposed use, even including those off-site but necessary to serve the subject proposal.*

*(E) Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.*

*(F) Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor or security lighting, and the intensity and/or direction thereof.*

*(G) Requiring diking, screening, fencing or other improvements or facilities deemed necessary to protect adjacent or nearby properties, and establishing requirements or standards for the installation and maintenance thereof.*

*(H) Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or manmade significant resources.*

**Finding 13:** Above is a list of options the Planning Commission may consider when making a final decision. The transmission lines are similar to others approved in the area. Unless there is neighbor opposition, staff does not recommend additional conditions to those already discussed.

**Criteria: 153.160 LAND PARTITIONING.**

*(A) Applicability of regulations. As defined in this section and this chapter, all land partitioning within the city, except as set forth in division (B) of this section, must be approved by the city as provided for in this section; however the Planning Director or designee may refer any partition to the hearings body for a hearing and decision.*

*(F) Requirements for Tentative Partition Approval.*

*(1) The proposal is in compliance with ORS Chapter 92, the City's Comprehensive Plan, Master Plans, Standards and Specifications and applicable zoning regulations.*

*(2) Each parcel is suited for the use intended or to be offered, including but not limited to sewage disposal, water supply, guaranteed public street access and utilities.*

*(3) The proposal is in compliance with section 153.016 (water and sewer required) the design and improvement standards and requirements set forth in 153.190 et seq. and the City's Standards and Specifications or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.*

*(4) Proposal will not have identifiable adverse impacts on adjoining or area land uses, public services and facilities, resource carrying capacities or on any significant resources.*

*(5) Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.*

**Finding 14:**

- 1) This proposal is in compliance with ORS chapter 92 regarding procedures, notice, platting and public infrastructure. The proposal is in compliance with Comprehensive Plan and zoning regulations. The applicant is complying with the City's master plan requirements for street, water and sewer and the City's standards and specifications will be used for any required public infrastructure.
- 2) Each parcel is large enough and suited for the intended use.
- 3) New development shall be connected to City services. The proposed development on the new 2-acre parcel is a substation that does not require services.
- 4) This partition is not have adverse impacts to neighboring properties land uses or resource carrying capacities. The applicant will be extending street, water and sewer improvements "to and through" the newly created 2-acre parcel.
- 5) No measurable adverse impacts to neighboring properties have been identified.

**Criteria: 153.160 LAND PARTITIONING.**

*(G) Improvement requirements. The approval of any land partitioning, the need for a survey, and the need for street and other public facility improvements shall be considered and such may be required as a condition of approval. Any survey and/or improvement requirements that may be required for a subdivision or other land development may be required for a partitioning, including infrastructure, bonding or other assurance of compliance.*

*(1) Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.*

*(2) All required agreements shall be recorded at the Crook County Clerk's office at the same time of recording of the final partition plat.*

*(3) If the existing street right-of-way is not consistent with city standards or new right-of-way is required through a city master plan or "to and through" standard, street right-of-way shall be dedicated, in compliance with the City's Standards and Specifications and frontage requirements.*

*(4) Public infrastructure including right-of-way, water, sewer, streets and sidewalks shall be extended and constructed, per the City's Standards and Specifications, "to and through" each lot created by the partition, unless otherwise approved by the city due to the following:*

*(a) Certain aspects of the "to and through" standard may be deferred for one clearly defined remainder lot of at least five acres where future development or division is likely and the infrastructure will be brought through the remainder lot at that time. Right-of-way shall be extended to and through but street, water and sewer infrastructure may be deferred until new development or division of the remainder lot.*

*(5) All public utilities are available to each lot line within an adjacent street or alley.*

*(6) Paved access is guaranteed to each lot.*

*(7) Future development is to be connected to the city's sewer and water systems.*

**Finding 15:**

- 1) No access to abutting properties is required.
- 2) No special agreements are necessary to complete this partition.
- 3) The City requires at least 80 feet of right-of-way in our industrial zones, however; in this area Baldwin Road has been increased to ~105 feet to accommodate other utilities. The applicant is proposing to continue the larger width through the proposed 2-acre parcel. A portion of this area is County property and/or already dedicated as County right-of-way. The County will have a signature line on the partition plat acknowledging the dedication of the County property to City right-of-way.
- 4) With the creation of a new 2-acre parcel, the City's standard and specifications and partitioning rules require public infrastructure to be extended "to and through" each lot or parcel created by the partition. Partitioning rules do allow an exception for a remainder lot

or parcel of at least 5 acres where future development or land division is likely. The applicant will only be required to extend services “to and through” the proposed 2-acre parcel. The applicant shall extend curb and sidewalk and associated street improvements along with City water and sewer lines to City standards.

5) City services will be extended by the applicant through the proposed 2-acre parcel.

6) The proposed 2-acre parcel will front onto SW Baldwin Road which is currently paved and will be completed with curb and sidewalk by the applicant.

7) All future development shall connect to City services if that development requires water and wastewater services.

**Criteria: 153.164 FINAL PLAT FOR SUBDIVISIONS, PARTITIONS, LOT CONSOLIDATIONS & REPLATS..**

*(A) Time requirement. Except as otherwise approved in accordance with the approval the subdivider or partitioner shall, within 1 year after the date of approval (including the appeal period), prepare and submit with the appropriate filing fee the final plat for a subdivision or partition that is in conformance with the tentative plan as approved and with all conditions applicable thereto.*

*(C) Conditions of Final Plat Approval. The conditions for final plat approval are essentially the same for a subdivision or partition. A partition plat may require fewer signatures based on the type of review and dedications.*

*(1) The City Planning Official and City Engineer shall again determine whether the final plat conforms to the approved plan and other provisions of this chapter and applicable laws. If the City Planning official and City Engineer do not approve the plat, the applicant shall be advised of the changes or additions that must be made and shall afford a reasonable opportunity (not to exceed 30 days) to make the changes or additions. If the plat does conform and supplemental documents and provisions for required improvements are satisfactory, the City Planning official will sign and recommend signatures by the Public Works Director, Planning Commission Chair and Mayor.*

*(2) No final plat for a proposed subdivision shall be approved unless it is found to comply with the following minimum standards. (O.R.S. 92.090 (3))*

*(a) The final plat is found to be in compliance with the tentative plan approval and all conditions set forth thereby.*

*(b) Streets and roads for public use are dedicated without any reservations or restrictions.*

*(c) Streets and roads held for private use are clearly indicated.*

*(d) The plat contains a dedication to the public of all common improvements and public uses proposed or required as a condition of approval of the tentative plan, including but not limited to streets, roads, parks, sewage disposal, and water supply.*

*(e) Explanations of restrictions required as a condition of approval shall be recorded and referenced on the final plat.*

*(f) All proposed or required improvements have either been completed or approved by the city and a maintenance surety bond has been executed under section 153.199 or a bond, contract or other assurance of improvements has been executed per section 153.197.*

**Finding 16:** The final plat shall conform to the tentative plan and include all new and existing easements and right-of-ways. The partition shall be platted in accordance with ORS Chapter 92 and include any of the applicable requirements above.

**Recommended Conditions of Approval:** If approved the following conditions are recommended for application **Cu-2018-101** to allow the construction of a transmission line in the M1 and IP zones and a substation and partition in the M1 zone. Such an approval is subject to the submitted plans, findings stated in the staff report, those conditions contained within and the following conditions of approval set forth below:



### **Recommended Conditions of Approval**

1. The applicant shall adhere to the dimensional standards as set forth in the submitted site plans.
2. The applicant is responsible for the execution of all easements across private and public property and use of public rights-of-way associated with the project.
3. If the City determines that a right-of-way or other similar agreement is typically required for similar right-of-way use and is applicable to this application, the applicant shall execute such an agreement with the City in order to utilize City right-of-way. If so required, the applicant shall coordinate with the City's legal counsel and City Manager to execute such an agreement.
4. The applicant shall extend City street, water and sewer services "to and through" the proposed substation and 2-acre parcel to City standards prior to platting the partition or use of the substation. These improvements include curb and sidewalk and associated street improvements along Baldwin Road and City water and sewer lines.
5. The applicant shall meet all FAA standards and provide verification that the facilities are within compliance with FAA rules.
6. The applicant shall use non-reflective wire and a non-reflective coating on all metal poles as stated in the applicant's burden of proof.
7. The applicant shall not negatively impact any existing easements and shall be responsible for relocating other utilities if made necessary by this application.
8. The applicant shall secure any and all City, County, State or Federal permits or approvals prior to operation.
9. All stormwater drainage for the proposed substation shall be maintained on-site.
10. No storage of materials is allowed in a manner which may cause a nuisance. The applicant shall not store unused vehicles, junk or debris within view of persons on a public street or adjacent properties. All outdoor storage and any equipment on site shall be screened from adjacent public rights-of-way.
11. All exterior lighting shall be shielded and focus light downward onto the site and shall not shine onto adjacent rights-of-way or properties or cause a hazard to vehicles or aircraft.
12. The applicant is required to comply with all applicable requirements of the M1 & IP zones and relevant portions of the City of Prineville Code of Ordinances and secure any permits required by the Crook County Building Department or State and Federal agencies.

### **MOTION IN FAVOR**

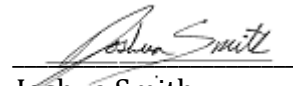
*The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Favor of this Application.* I Move that the application be **APPROVED**, subject to the Conditions of Approval as they have been finalized, and based upon the Findings of Fact in favor of the application.

### **MOTION IN OPPOSITION**

*The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Opposition to this Application.* I Move that the request be **DENIED** based upon Findings of Fact in opposition to the application.

Date this 17<sup>th</sup> day of July 2018

Written By:

  
Joshua Smith  
Planning Director