TUALATIN CITY PLANNING COMMISSION MEETING

THURSDAY, MAY 20, 2021

Join Zoom Meeting
https://us02web.zoom.us/j/88493484848?pwd=RTZ4cnRINm5VVTdPRmdTOXBZWGQydz09

Meeting ID: 884 9348 4848
Passcode: 542101

Bill Beers, Chair
Mona St. Clair, Vice Chair
Daniel Bachhuber Ursula Kuhn
Alan Aplin Janelle Thompson

CALL TO ORDER & ROLL CALL

1. Elections

ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION

APPROVAL OF MINUTES

1. Review of January 21, 2021 minutes.
2. Review of February 4, 2021 minutes.
3. Review of February 18, 2021 minutes.

COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)
Limited to 3 minutes

ACTION ITEMS

1. Consideration of a Variance (VAR 21-0002) for 12150 SW Tualatin-Sherwood Rd, Tualatin, OR. Tax Map: 2S127C Lot 500

COMMUNICATION FROM CITY STAFF

1. Recognition of Mitch Greene.

FUTURE ACTION ITEMS

ADJOURNMENT

CITY OF TUALATIN Planning Division

UNOFFICAL

Tualatin Planning Commission

MINUTES OF January 21, 2021

TPC MEMBERS PRESENT:	STAFF PRESENT
William Beers, Chair	Steve Koper
Mona St. Clair, Vice Chair	Tabitha Boschetti
Alan Aplin, Commissioner	Erin Engman
Janelle Thompson, Commissioner	Karen Perl Fox
Daniel Bachhuber, Commissioner	Hayden Ausland
Ursula Kuhn, Commissioner	Jonathan Taylor
Mitch Greene, Commissioner	Kim McMillan

CALL TO ORDER AND ROLL CALL:
Chair Beers called the meeting to order 6:30pm. Roll call was taken.

ANNOUNCEMENTS AND PLANNING COMMISSION COMMUNICATION:
None.

REVIEW OF MINUTES:
None.

ACTION ITEMS:
The Tualatin Planning Commission is asked to provide a recommendation to the City Council on adopting an updated Stormwater Master Plan for the City of Tualatin and updating Comprehensive Plan policies and relevant Development Code references to reflect the updated plan (Plan Text Amendment PTA 21-0001)

COMMUNICATION FROM CITY STAFF:
Tabitha Boschetti, Associate Planner, introduced Hayden Ausland, Engineering Associate, who has been working on the Storm Water Master Plan. The city plans on updating the original 1972 Stormwater Master Plan to current code. She let everyone know the presentation will have a short video explaining what storm water involves. She played the City of Tualatin Stormwater Master Plan video which can be found on the City's website.

Ms. Boschetti explained the City's goals to increase public and private storm water system capacity, and to focus on the infrastructure, maintenance, new storm water treatment, and environment. She explained this possibly would include utility rates, and system development charges. The plan does not include specific regulations in the Development Code, the Municipal code, and capital improvement plan projects.

Ms. Boschetti explained the proposed plan text changes to Chapter 9 of the Comprehensive Plan, capital project map, and references in the Tualatin Development Code. She explained the applicable criteria needs to address the following: statewide planning goals, Oregon administrative rules, and urban growth management functional plan and TDC 33.070 plan amendments. She concluded the next steps for the city of Tualatin planning department will be taking the proposed text change to the City Council. She opened the floor for any questions.

Chair Beers had a question on what LIDA means. Mr. Ausland let him know it stands for low impact development approach, including options to treat and or manage storm water with low environment impact. He asked the audience present if they had any questions or comments.

John Lucini and Grace Lucini introduced themselves. Mrs. Lucini wanted to know if the Planning Commission saw their citizen comments. She summarized that they are not getting the answers they are seeking and would like to speak more about it. She identified the need for a major change in the master plan to include the Basalt Creek area. Additional questions related to the nature of the current meeting and the Tualatin Planning Commission's role in the PTA process.

Chair Beers and Mr. Koper let Mr. and Mrs. Lucini know they are meeting requirements including the community involvement. They both stated the public will be informed and invited to comment for text amendment plans and future storm water master plan changes at the upcoming City Council hearing as well.

Mrs. Lucini stated they would like to see changes to the Plan related to the Basalt Creek area. She voiced her concerns on the community involvement and access to this information. She provided detail about stormwater and sewer system issues and the need for the City to address these issues. She also noted that development is already in progress of Basalt Creek area, including annexation of 68 acres in recent years. She stated that the current system has failed for stormwater, impacting their property. She stated the City has not addressed the water flow issue and current system not owned by Tualatin is at capacity already. She would like clear coordination of the two local governments to work on land use and development.

Mr. Koper let Mr. and Mrs. Lucini know there has been and will be coordination with Clean Water Services and Tualatin regulations. He let them know they heard their concerns and confirm they are valid concerns to have.

Mr. Koper also told them this particular meeting is to addresses the text wording of the Plan Text Amendment. Chair Beers reiterated they are not talking about the content of the Master Plan itself but focusing on the Plan Text Amendment. Chair Beers motioned to create a recommendation in favor of Plan Text Amendment 20-0001, forwarding the recommendation to City Council. Commissioner Green seconded the motion. The motion passed 5-0.

Mr. Koper, Assistant Community Development Director introduced the presenter Jonathan Taylor, Economic Development Manager, on his presentation on the City of Tualatin's Urban Renewal efforts.

Mr. Taylor explained what Urban Renewal is as a financial tool that funds projects and activities which have been identified in an urban renewal plan. The purpose of urban renewal is to make public investments in designated geographic areas. He stated the purpose of this plan is to make public investments in designated geographic areas to remove blight, improve property value, and leverage private investment.

He explained how Urban Renewal Areas (URAs) use Tax Increment Financing (TIF) to improve these areas. He also explained how the Tualatin Development Commission is separate from the Municipal Corporation, and is responsible for governing Tualatin's Urban Renewal Areas. He stated they provide direction, approval for projects and investments to improve specific geographic areas of the City.

He explained these projects have been broken into three districts including into the following:
- Leveton Tax Increment District,
- District 1: Basalt Creek/SW Area
- District 2: North Area

He provided additional detail about the next steps in these different projects with 60-day milestones and involvement with the community.

Mr. Koper asked the commissioners for someone to serve on the Urban Renewal Task Force to be a part of what the City has done for existing projects. Commissioner Thompson volunteered to serve on this board.

Kim McMillan, Community Development Director City Engineer, gave some context to the commissioners on the Stormwater Master Plan, and historic context regarding how the Lucinis have experienced stormwater impacts with their property. She noted that development projects go through a number of steps to evaluate stormwater impacts. The regulatory framework applicable to stormwater impacts of development includes the City's Intergovernmental Agreement (IGA) with Clean Water Services, Oregon Clean Water Act, and Oregon DEQ regulations. Stormwater impacts are studied and evaluated before a project even begins.

FUTURE ACTION ITEMS:

Mr. Koper noted the next TPC meeting will be discussing more details of the Housing Production Strategy.

ADJOURNMENT:

MOTION by Commissioner Aplin, SECONDED by Vice Chair St. Clair to adjourn the meeting at 8:40 pm.

CITY OF TUALATIN Planning Division

UNOFFICAL

Tualatin Planning Commission

MINUTES OF February 4, 2021

TPC MEMBERS PRESENT:	**STAFF PRESENT:**
Mona St. Clair, Vice Chair	Steve Koper
Commissioner Alan Aplin	Tabitha Boschetti
Commissioner Janelle Thompson	Erin Engman
Commissioner Daniel Bachhuber	Lindsey Hagerman
Commissioner Ursula Kuhn	
Commissioner Mitch Greene	

TPC MEMBERS ABSENT:	**GUESTS:**
William Beers, Chair	Jon Pheanis, MIG
	Sou Garner, MIG

CALL TO ORDER AND ROLL CALL:

Vice Chair St. Clair called the meeting to order 6:30 PM and reviewed the agenda. Roll call was taken.

ANNOUNCEMENTS AND PLANNING COMMISSION COMMUNICATION

None

REVIEW OF MINUTES:

None.

ACTION ITEMS

None.

Tabitha introduced our guests for the meeting and explained the overall topic. She explained the meeting will discuss the Middle Housing Code Update, a continuation of both housing policy work from the Tualatin 2040 project, and pursuing compliance with House Bill 2001. The anticipated outcome of this work will include changes to the Tualatin Development Code that support housing development.

Mr. Pheanis from MIG started his presentation explaining the timeline for this project through May 2021. He stated MIG's goal with this project is to meet the community's housing needs as well as support housing choices in Tualatin by removing land use regulatory barriers to Middle Housing. They have a number of objectives they would like to achieve in this project including implementing House Bill 2001 in Tualatin. This includes removing barriers to developing Duplexes, Triplexes, Quadplexes, Townhomes, and Cottage Clusters. The project will need to adopt appropriate, clear and objective siting and design standards for Middle Housing.

He explained there are three overall options in achieving Tualatin's objectives. These objectives were listed as the following:

- Only regulate lot size, coverage, setbacks, and height (current code)
- Apply additional development and design standards only when an applicant requests code exceptions or incentives (e.g., increased lot coverage, height, density, etc.)

Mr. Pheanis broke down each type of middle housing into different types which included Duplex, Triplex/Quadplex, townhouses, and cottage clusters. He explained the typical clear and objective standards for housing can include requirements: such as building orientation, parking location, open space and landscaping and building design. In each of these requirements he talked about how layouts for each housing type could possibly look. He also showed visual examples of each housing type. After each type of housing was presented, discussion questions were presented for adding standards, maintaining, or removing standards.

Commission members discussed parking, affordable design concepts, and incentives. This discussion included the balance between different standards and affordability. Housing size and massing can also be influenced by other standards and relate to housing cost.

Mr. Pheanis ended his presentation with explaining the next steps for the middle housing code update which included a webinar discussion that would explain information to the general public and answer questions on February 25th. He noted the first draft for code amendments would take place February through March.

ADJOURNMENT FUTURE ACTION ITEMS

MOTION by Commissioner Thompson to adjourn the meeting at 8:20pm.

CITY OF TUALATIN Planning Division

UNOFFICAL

Tualatin Planning Commission

MINUTES OF February 18, 2021

TPC MEMBERS PRESENT:	**STAFF PRESENT**
Bill Beers, Chair	Steve Koper
Mona St. Clair, Vice Chair	Tabitha Boschetti
Alan Aplin, Commissioner	Erin Engman
Janelle Thompson, Commissioner	Karen Perl Fox
Daniel Bachhuber, Commissioner	Lindsey Hagerman
Ursula Kuhn, Commissioner	

TPC MEMBERS ABSENT:
Commissioner Mitch Greene

GUESTS:
Mimi Doukas- AKS Engineering
Beth Goodman, ECONorthwest
Ethan Stuckmayer- DLCD

CALL TO ORDER AND ROLL CALL:
Chair Beers called the meeting to order at 6:30pm. Roll call was taken.

ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION
None.

APPROVAL OF MINUTES
Commissioner Thomas motioned for approved and Commissioner Kuhn seconded the motion.

COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)
Limited to 3 minutes**.** Citizen communication follow up to January 21, 2021 meeting

Mr. and Mrs. Lucini let the staff and the commissioners know their concerns on informing the public about land use development and the proposed Basalt Creek Plan Map Amendment. They are concerned with the lack of citizen involvement and existing processes. They both would like more transparency of future stormwater and land use projects and have specific concerns related to their property as well. Chair Beers and City staff discussed the scope of the night's discussion

with a possible recommendation related to the Plan Map and Plan Text Amendment.

ACTION ITEMS:

Ms. Boschetti, Associate Planner, introduced the proposed Plan Map Amendment and Plan Text Amendment case (File Nos. PMA 20-0002 and PTA 20-0005) to be presented to City Council, and that staff is seeking a recommendation from the Tualatin Planning Commission regarding the proposal. The proposal would adjust the existing boundary location of Neighborhood Commercial (CN) zoning and Medium Low Density (RML) zoning in the Basalt Creek area, with no net change to acreage. The location of the proposed change is east of Boones Ferry Road and north of Greenhill Lane in the Basalt Creek area.

Commissioner Beers had a question on history of the zoning and provision in the code that limited the location of the zone within 300 feet of a school property. Ms. Boschetti shared that there was no mapped Neighborhood Commercial (CN) zoning at the time of the last Development Code update; the current CN zoning is the only CN mapped property.

Ms. Doukas, with AKS Engineering, representing the applicant. Lennar Northwest, shared more information on the proposal. The proposed amendment to Chapter 51 of the Development Code would eliminate the existing prohibition on siting of the CN zone within 300 feet of a school, which due to site's location adjacent to the Horizon Christian Church and School would otherwise preclude the proposed reconfiguration.

City staff shared their recommendation that the Planning Commission moves forward with recommendation of approval of the proposed Plan Map and Text Amendments (File No. PTA Files Nos. PMA20-0002 and PTA20-0005).

Commissioner Beers made the motion to recommend approval, which passed 5-0.
The City Council hearing is scheduled Monday March 8th

COMMUNICATION FROM CITY STAFF

Discussion of draft housing policies of Tualatin's Housing Production Strategy

Ms. Goodman summarized the Housing Production Strategy, which would be a 6-year plan. She recapped the Housing Needs Analysis and Housing Production Strategy that was discussed in previous meetings. She reminded everyone about evaluating the strategies later in the project. Potential strategies included land acquisition/disposition, allocating funding, waivers on charges for development, removing regulatory barriers, partnering to leverage efforts and resources.

Ms. Goodman broke down each group of strategies previously discussed into 12 different policy scenarios the City could choose. The following are the policies ECONorthwest has developed to address issues and group information collected:

1. Affordable Housing
2. Encourage & Support Affordable Homeownership to Create Opportunities for Wealth Creation
3. Preserve Affordable Housing to Prevent Loss of Existing Affordable Units to Prevent Resident Displacement
4. Preservation of NOAH
5. Racial & Social Equity
6. Workforce Housing
7. Housing Stabilization
8. Plan for Support Housing Programs & Initiates that are Responsible for Safety & Health Needs Households Earning 0%-80% MFI
9. Accessible & Specialized Design
10. Mixed Use Housing and Redevelopment
11. Regulatory & Zoning Changes
12. Transportation & Public Infrastructure

Commissioners had a number of questions regarding some of the policies discussed such as:

- Preservation of current housing;
- Encouraging and Supporting Affordable Homeownership;
- Workforce housing;
- Regulatory and Zoning Changes and;
- Racial & Social Equity.

Tualatin is working on creating safe and affordable housing to all and will not be overlooked.

FUTURE ACTION ITEMS:

March 18, Discussion on Draft Housing Strategy with Policies and Selected Strategic Actions

ADJOURNMENT:

MOTION by Commissioner Thompson SECONDED by Commissioner Kuhn to adjourn the meeting at 8:40 pm.

CITY OF TUALATIN
Staff Report

TO:	Tualatin Planning Commissioners
THROUGH:	Steve Koper, Planning Manager
FROM:	Tabitha Boschetti, Assistant Planner
DATE:	May 20, 2021

SUBJECT:
Consideration of a Variance (VAR 21-0002) for 12150 SW Tualatin-Sherwood Rd, Tualatin, OR. Tax Map: 2S127C Lot 500

RECOMMENDATION:
Based on the application materials and the analysis and findings presented (Attachment A), staff recommends approval of Variance 21-0002.

EXECUTIVE SUMMARY:
- The subject proposal is a Type-III land use application.
- This hearing is quasi-judicial in nature.
- The proposed Variance would allow the modification of a setback standard specific to fences from 50 feet to 10 feet

OUTCOMES OF DECISION:
Approval of the subject Variance (VAR 21-0002) will facilitate further development of a substation at this location.

ALTERNATIVES TO RECOMMENDATION:
The Planning Commission may alternatively:
- Approve VAR 21-0002 with further amendments or conditions;
- Deny VAR 21-0002; or
- Continue the hearing to a later date.

ATTACHMENTS:

1: Analysis and Findings for VAR 21-0002

A: Applicant's Narrative

B: Site Plan and Survey

C: Supporting Documents

2: Final Order

3: Presentation

VAR 21-0002

To development standard:
TDC Table 64-2

PGE Substation
12150 SW Tualatin-Sherwood Road

VAR 21-0002
PGE Substation Fence Variance

TUALATIN PLANNING COMMISSION
May 20, 2021

SITE BACKGROUND

VAR 21-0002
PGE Substation Fence Variance

TUALATIN PLANNING COMMISSION
May 20, 2021

SITE BACKGROUND

SITE BACKGROUND

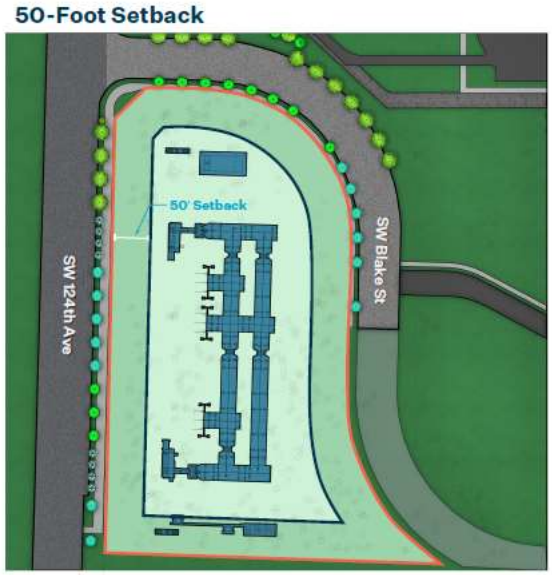
Variance

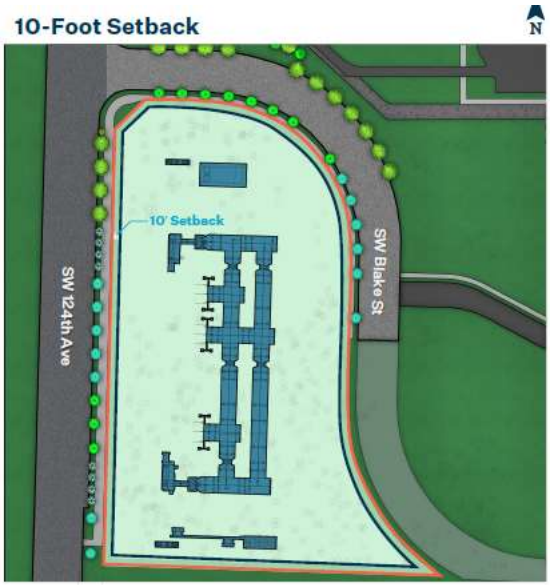
Variances:

- Variances may be granted to the requirements of the TDC…when it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the TDC would cause an undue or unnecessary hardship.

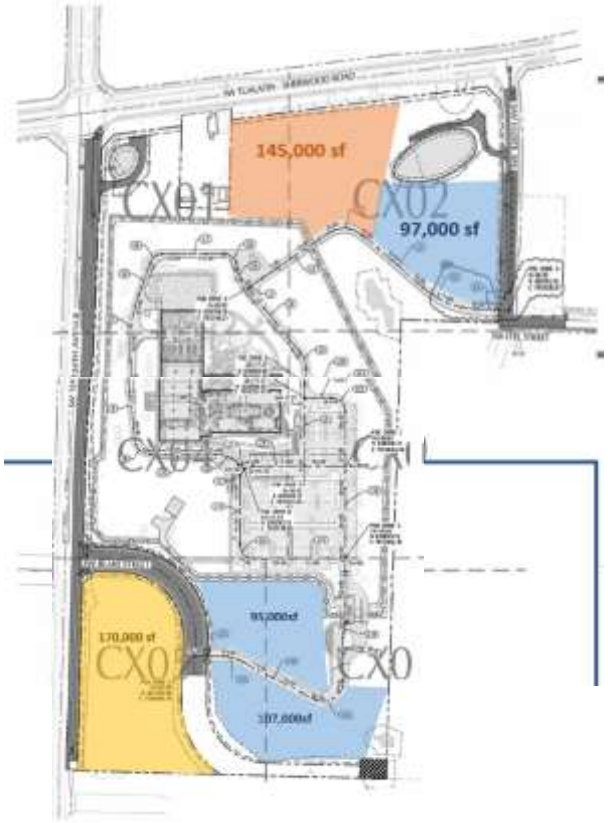
VARIANCE

Table 64-2 Development Standards in the MBP Zone		
Standard	Requirement	Limitations and Code Reference
Fences	50 feet	From public right-of-way.





VARIANCE



RECOMMENDATION

- The findings (Exhibit A) demonstrate that the proposal meets the applicable criteria of the Tualatin Development Code.
- Staff respectfully recommends approval of Variance (VAR 21-0002) application.
- Questions?

CITY OF TUALATIN
Planning Division

Analysis and Findings for
PGE Substation Fence Variance (VAR 21-0002)
May 20, 2021

Case #:	VAR 21-0002
Project:	PGE Substation Fence Variance
Location:	12150 SW Tualatin-Sherwood Rd, Tualatin, OR. Tax Map: 2S127C Lot 500
Applicant:	Angelo Planning
Owner:	Portland General Electric Company (PGE)

I. INTRODUCTION

The issue before the Planning Commission is consideration of a Variance to the required setback for fences in the Manufacturing Business Park zone as they relate to a proposed substation within the PGE Integrated Operations Center property.

The subject site is a 43-acre property located at 12150 SW Tualatin-Sherwood Road (Washington County Tax Map: 2S127C Lot 500), and is zoned Manufacturing Business Park (MBP).

A. Applicable Criteria

The following Chapters of the Tualatin Development Code (TDC) are applicable to VAR 21-0002:

- TDC 33.120(6)

Based on the Analysis and Findings presented, staff recommends approval of VAR 21-0002.

B. Project Description

The applicant, Angelo Planning on behalf of Portland General Electric (PGE) is proposing a substation development on the site of the PGE Integrated Operations Center, currently under construction.

The applicant is requesting a Variance to the listed setback specific to fences in TDC Table 64-2, which requires a 50-foot setback from all rights of way. The applicant requests a modified setback of 10 feet from all applicable rights of way.

C. Previous Land Use Actions

- Conditional Use Permit CUP 19-0002 for a Wireless Communications Facility
- Variance VAR 19-0001 for wireless facility height and security fence setbacks for the main Integrated Operations Facility
- Architectural Review AR 19-0005 for the main Integrated Operations Facility
- Annexation ANN 18-0002

D. Site Description and Surrounding Uses

The subject site is composed of 42 acres at the western edge of Tualatin in a growing industrial area. The northerly portion of the site is currently being constructed as the Integrated Operations Center for Portland General Electric (PGE). The proposed substation area is in the southwest corner of the parcel, south of the newly designated SW Blake Street right-of-way. The area of the site is predominantly wooded though the location has also been under agrarian use.

Surrounding uses indicate a transitional area including commercial services and light industrial uses. Adjacent land uses include:

North: General Manufacturing (MG)

- Fleet Pride
- Shields Manufacturing
- IPT (new industrial construction)
- Packaging Resources
- Columbia Corrugated Box

South: FD-20 (Unincorporated Washington County)
Tualatin Urban Planning Area, designated future Manufacturing Business Park (MBP) zone

- Tigard Sand and Gravel

West: FD-20 (Unincorporated Washington County)

- Tualatin Valley Water District

East : FD-20 (Unincorporated Washington County)
Tualatin Urban Planning Area, designated future Manufacturing Business Park (MBP) zone

- Tigard Sand and Gravel
- CR Contracting

General Manufacturing (MG)

- La-Z Boy Furniture Warehouse
- Lucky Foods
- Innovative Bakery Resources
- Western Precision Products
- Tualatin Indoor Soccer
- Ardent Mills
- Engine and Performance Warehouse
- Majestic Building

Figure 1 Site and Development Area

E. Exhibit List

A: Applicant's Narrative

B: Site Plan and Survey

C. Supplemental Materials

II. PLANNING FINDINGS

These findings reference the Tualatin Development Code (TDC), unless otherwise noted.

Chapter 32: Procedures

Section 32.010 – Purpose and Applicability.

[…]

(2) Applicability of Review Procedures. All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).

[…]

(c) Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.

[…]

(3) Determination of Review Type. Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Table 32-1 – Applications Types and Review Procedures

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
[…]						
Variance						
• Variance (including Sign Variance) except as specified below	III	PC	CC	Yes	Yes	TDC 33.120
[…]						

* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).

Finding:
The requested applications are classified as Type III Procedure Types according to Table 32-1. They are being processed according to the applicable code for Type III procedures. This standard is met.

Section 32.020 – Procedures for Review of Multiple Applications.
Multiple applications processed individually require the filing of separate applications for each land use action. Each application will be separately reviewed according to the applicable procedure type and processed sequentially as follows:

(1) Applications with the highest numbered procedure type must be processed first;
(2) Applications specifically referenced elsewhere in the TDC as to the particular order must be processed in that order; and
(3) Where one land use application is dependent on the approval of another land use application, the land use application upon which the other is dependent must be processed first (e.g., a conditional use permit is subject to prior approval before architectural review).

Finding:
Further substation development will also require an Architectural Review (Type II). In this case, the approval of the Architectural Review is dependent upon the approval of the variance. VAR 21-0002 is therefore being processed before the Architectural Review, in accordance with 32.020(3). This standard is met.

Section 32.030 – Time to Process Applications.
(1) Time Limit - 120-day Rule. The City must take final action on all Type II, Type III, and Type IV-A land use applications, as provided by ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete under TDC 32.160, unless the applicant provides written request or consent to an extension in compliance with ORS 227.178. (Note: The 120-day rule does not apply to Type IV-B (Legislative Land Use) decisions.)
[…]

Finding:
The application was deemed complete on April 2, 2021. The 120th day will be July 31, 2021. The hearing is scheduled May 20, 2021. The final action will take place within the 120 days unless the applicant requests an extension in compliance with ORS 227.178.This standard is met.

Section 32.110 – Pre-Application Conference.
(1) Purpose of Pre-Application Conferences. Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any

applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
(2) When Mandatory. **Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.**
(3) Timing of Pre-Application Conference. **A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.**
(4) Application Requirements for Pre-Application Conference.
(a) Application Form. **Pre-application conference requests must be made on forms provided by the City Manager.**
(b) Submittal Requirements. **Pre-application conference requests must include:**
(i) A completed application form;
(ii) Payment of the application fee;
(iii) The information required, if any, for the specific pre-application conference sought; and
(iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
(5) Scheduling of Pre-Application Conference. Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
(6) Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences. A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
(a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six (6) months of the pre-application conference;
(b) The proposed use, layout, and/or design of the proposal have significantly changed; or
(c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Finding:
A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on November 4, 2020, 127 days prior to submittal. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.
(1) Purpose. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
(2) When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily

conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
(3) Timing. A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.
(4) Time and Location. Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
(a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
(b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.
(5) Notice Requirements.
(a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.
(b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:
(i) All property owners within 1,000 feet measured from the boundaries of the subject property;
(ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and
(iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.
(c) The City will provide the applicant with labels for mailing for a fee.
(d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.
(6) Neighborhood/Developer Sign Posting Requirements. The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.
(7) Neighborhood/Developer Meeting Requirements. The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Finding:
The applicant has provided evidence that they held a Neighborhood/Developer meeting on January 18, 2021, 52 days prior to application submittal. The applicant has provided documentation of sign posting and notification in compliance with this section, as well as a sign-in sheet and notes from the meeting. These standards are met.

Section 32.130 – Initiation of Applications.

(1) Type I, Type II, Type III, and Type IV-A Applications. Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:

(a) The owner of the subject property;

(b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;

(c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or

(d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

[…]

Finding:

The applicant has provided a title report (Exhibit C) showing Portland General Electric Company (PGE) to be the current owner of the subject site. The application has been signed by Jennifer Santhouse, PGE Manager of Property Services. This standard is met.

Section 32.140 – Application Submittal.

(1) Submittal Requirements. Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:

(a) A completed application form. The application form must contain, at a minimum, the following information:

(i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;

(ii) The address or location of the subject property and its assessor's map and tax lot number;

(iii) The size of the subject property;

(iv) The comprehensive plan designation and zoning of the subject property;

(v) The type of application(s);

(vi) A brief description of the proposal; and

(vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

(b) A written statement addressing each applicable approval criterion and standard;

(c) Any additional information required under the TDC for the specific land use action sought;

(d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;

(e) Recorded deed/land sales contract with legal description.

(f) A preliminary title report or other proof of ownership.

(g) For those applications requiring a neighborhood/developer meeting:

(i) The mailing list for the notice;

(ii) A copy of the notice;

(iii) An affidavit of the mailing and posting;
(iv) The original sign-in sheet of participants; and
(v) The meeting notes described in TDC 32.120(7).

(h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

(i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

(2) Application Intake. Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.

(3) Administrative Standards for Applications. The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Finding:

The applicant submitted this application on March 11, 2021. The application was deemed complete on April 2, 2021. The general land use submittal requirements were included with this application. These standards are met.

Section 32.150 - Sign Posting.

(1) When Signs Posted. Signs in conformance with these standards must be posted as follows:

(a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and

(b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.

(2) Sign Design Requirements. The applicant must provide and post a sign(s) that conforms to the following standards:

(a) Waterproof sign materials;

(b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and

(c) Sign text must be at least two (2) inch font.

(3) On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.

(4) Removal. If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within forty-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its

disappearance, whichever occurs first. The applicant must remove the sign no later than fourteen (14) days after:

(a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or

(b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Finding:

The applicant provided certification (Exhibit C) that signs in conformance with this section were placed on site in accordance with this section. This standard is met.

Section 32.160 – Completeness Review.

(1) Duration. Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.

(2) Considerations. Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

(3) Complete Applications. If an application is determined to be complete, review of the application will commence.

(4) Incomplete Applications. If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(5) Vesting. If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.

(6) Void Applications. An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.

[…]

Finding:

The applicant submitted this application on March 11, 2021. The application was deemed complete on April 2, 2021. The general land use submittal requirements were included with this application. These standards are met.

Section 32.230 – Type III Procedure (Quasi-Judicial Review – Public Hearing).

Type III decisions involve the use of discretion and judgment and are made by the Planning Commission or Architectural Review Board after a public hearing with an opportunity for appeal to the City Council. The decision body for each application type is specified in Table 32-1. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons.

(1) Submittal Requirements. Type III applications must include the submittal information required by TDC 32.140(1).

(2) Determination of Completeness. After receiving an application for filing, the City Manager will review the application will for completeness in accordance with TDC 32.160.

(3) Written Notice of Public Hearing – Type III. Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.

(a) Recipients:

(i) The applicant and, the owners of the subject property;

(ii) All property owners within 1,000 feet measured from the boundaries of the subject property;

(iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;

(iv) All recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;

(v) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;

(vi) Any person who submits a written request to receive a notice;

(vii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code;

(viii) Utility companies (as applicable); and,

(ix) Members of the decision body identified in Table 32-1.

(b) The Notice of a Public Hearing, at a minimum, must contain all of the following information:

(i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;

(ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;

(iii) The type of application and a concise description of the nature of the land use action;
(iv) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;
(v) Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
(vi) The date, time and location of the hearing;
(vii) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
(viii) The name of a City representative to contact and the telephone number where additional information may be obtained; and
(ix) Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and
(x) Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

(c) Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.

Finding:
After submittal and completeness review as required by this section, notice for the Type III hearing concerning VAR 21-0002 was mailed by city staff and contained the information required by this section. These standards are met.

(4) Conduct of the Hearing - Type III.
The person chairing the hearing must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the chair must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the chair in the conduct of the hearing are as follows:

(a) At the commencement of the hearing, the person chairing the hearing must state to those in attendance all of the following information and instructions:
(i) The applicable substantive criteria;
(ii) That testimony, arguments and evidence must be directed toward the criteria described in paragraph (i) of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision;

(iii) That failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue;
(iv) At the conclusion of the initial evidentiary hearing, the decision body must deliberate and make a decision based on the facts and arguments in the public record; and
(v) Any participant may ask the decision body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the decision body grants the request, it will schedule a date to continue the hearing as provided in TDC 32.230(4)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.230(4)(f).

(b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the decision body must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the decision body must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the decision body must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.

(c) Presenting and receiving evidence.

(i) The decision body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;
(ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
(iii) Members of the decision body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

(d) The decision body, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

(e) If the decision body decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.

(f) If the decision body leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:

(i) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

(ii) An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030, unless the applicant waives his or her right to a final decision being made within the required timeframe; and

(iii) If requested by the applicant, the decision body must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

Finding:

The Tualatin Planning Commission will follow the hearing requirements set forth by this section in hearing VAR 21-0002. These standards will be met.

(5) Notice of Adoption of a Type III Decision.

Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type III Notice of Adoption must contain all of the following information:

(a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

(b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;

(c) A statement that a copy of the decision and complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;

(d) The date the decision becomes final, unless a request for appeal is submitted; and

(e) The notice must include an explanation of rights to appeal the decision to the City Council in accordance with TDC 32.310.

(6) Appeal of a Type III Decision. Appeal of an Architectural Review Board or Planning Commission Type III Decision to the City Council may be made in accordance with TDC 32.310.

(7) Effective Date of a Type III Decision.

(a) The written order is the final decision on the application.

(b) The mailing date is the date of the order certifying its approval by the decision body.

(c) A decision of the Architectural Review Board or Planning Commission is final unless:

(i) a written appeal is received at the City offices within 14 calendar days of the date notice of the final decision is mailed; or

(ii) The City Manager or a member of the City Council requests a review of the decision within 14 calendar days of the date notice of the final decision is mailed.

Finding:
A final decision and any appeal will follow the requirements of this section. These standards will be met.

Chapter 33: Applications and Approval Criteria

Section 33.120 Variances and Minor Variances
[…]
(2) Applicability. Variances may be granted to the requirements of the TDC as provided in this Section when it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the TDC would cause an undue or unnecessary hardship.
(a) Variances may be requested for the following:
(i) Standards in TDC Chapters 40-69 and 71-73A through 73F.

Finding:
A Variance is proposed to the fence setback standard described in TDC Table 64-2, Development Standards in the MBP Zone. The proposed fence configuration is shown in the applicant's site plans (Exhibit B). The Variance process is applicable per TDC 33.120(2)(a)(i).

[…]

(6) Approval Criteria for Granting a Variance that is not a Minor Variance or for a Wireless Communication Facility. A variance must not be granted unless it can be shown that criterion (a) is met and three of the four approval criteria (b)-(e) are met for non-sign requests:

(a) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.

Finding:
The proposed fence setback variance is to allow the perimeter security fence to be located up to 10 feet from the right of way on SW Blake Street and SW 124th Avenue. The subject standard is a setback requirement specific to fences in the MBP zone, which must be 50 feet "from public right of way" (Table 64-2, TDC 64.300).

The applicant notes that there are several pressures pointing toward the particular location for a substation, which in turn is confounded by site limitations. The pressures prompting the need for locating a substation in this vicinity include proximity to the new Integrated Operations Center, and proximity to the Willamette Water Supply water treatment plant, such that construction of the substation at this location has advantages for regional utility service stability. The applicant describes that no other options within the 43-acre site controlled by PGE provide the necessary area, topography, and access appropriate for substation development.

While it is not inherently unique to have at least one road traversing a 43-acre area, the applicant notes that the particular location and angle of the necessary SW Blake alignment limits other possible development locations for a substation with a footprint over 150,000 square feet within the site area that is needed in order to provide this regional service (Exhibit A).

The fence itself is an inherent safety component of the substation unlike many other fences associated with development types that would be permitted in this zone. The need to distance high voltage equipment within the substation drives the need for space between individual pieces of equipment, as well as the distance required between high-voltage equipment and other objects including the fence itself and trees.

Criterion A is met.

(b) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.

Finding:
The circumstances described in the above section related to regional service needs, the configuration of SW Blake, and safety needs associated with substation development are not inherently the result of owner actions, circumstances, or finances, and do not result directly from regional economic conditions. Criterion B is met.

(d) The variance must not be detrimental to the applicable goals and policies of the Tualatin Comprehensive Plan and must not be injurious to property in the zone or vicinity in which the property is located.

Finding:
Applicable Comprehensive Plan goals and policies include:

***GOAL 5.1** Locate public services and utilities in a manner that minimizes negative impacts and enhances public benefits.*
***POLICY 5.1.2 PUBLIC SAFETY.** Locate facilities such as utilities and other critical infrastructure to minimize the risk of hazards the facility may pose to surrounding uses, or risks that natural or other hazards may pose to the facility and surrounding uses alike.*
***POLICY 5.1.3 COMPATIBILITY.** Encourage attractive design, screening, and use of landscaping to moderate visual impacts of utilities and public facilities with their urban design context.*

The applicant describes that the intended location of the proposed substation will enhance public benefit, co-locating the substation with an existing PGE site and near other critical infrastructure to maximize stability in the electrical grid and nearby water utilities. Since the fence is also a critical piece of safety equipment for such development, the proposed Variance is additionally consistent with promoting public safety and minimizing hazards. Locating the substation on existing PGE property meanwhile reduces any associated noise or visual impacts to other locations beyond a limited corner of the industrial area.

CHAPTER 10 PLANNING DISTRICT OBJECTIVES

Manufacturing Business Park Planning District (MBP)

The purpose of the MBP Planning District is to provide an environment for industrial development consistent with the Southwest Tualatin Concept Plan (accepted by the City in October 2010) and as a Metro-designated Regionally Significant Industrial Area (RSIA) consistent with Metro's Urban Growth Boundary expansion decisions of 2002 and 2004. The MBP Planning District will be a mix of light industrial and high-tech uses in a corporate campus setting, consistent with MBP Planning District development standards. The RSIA-designated area requires at least one 100-acre parcel and one 50-acre parcel for large industrial users. The district is intended to provide for an esthetically attractive working environment with campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity. It also is intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design and limiting uses to those that are of a nature that will not conflict with other industrial uses or nearby residential areas of the City.

Since the substation is part of the larger PGE IOC campus, which is consistent with the objective of campus-like development. The development of a substation would be served by its proximity to a central PGE office, resulting in a cohesive working location that also serves the broader area with critical electric service.

To the extent that the proposed Variance is shown to be consistent with these goals and policies, Criterion D is met.

(e) The variance is the minimum remedy necessary to alleviate the hardship.

Finding:

The applicant describes that no other options within the 43-acre site controlled by PGE provide the necessary area, topography, and access appropriate for substation development. In order to provide a design consistent with National Electrical Safety Code and PGE's own standards, the fencing must be located at a distance from proposed equipment. The applicant has provided design diagrams (Exhibit B) showing the most compact equipment design they assert is practicable, illustrating that the proposed setback variance is the minimum necessary to achieve a viable design and alleviate the associated hardships. Criterion E is met.

Chapter 64: Manufacturing Business Park Zone (MBP)

Section 64.300 – Development Standards.

Development standards in the MBP zone are listed in Table 64-2. Additional standards may apply to some uses and situations, see TDC 64.310.

Table 64-2
Development Standards in the MBP Zone

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
[…]		
MINIMUM SETBACKS		
[…]		
Fences	50 feet	From public right-of-way.
[…]		

Finding:

Per Table 64-2, the standard setback for fences is 50 feet from the public right-of-way. The criteria for a variance from these standards have been addressed above. The remainder of the development standards are to be addressed through Architectural Review. These standards are or will be met.

III. RECOMMENDATION

Based on the application materials and analysis and findings presented above, staff finds that the applicable criteria have been met relative to VAR 21-0002, and therefore recommends approval of these applications.

CITY OF TUALATIN
Planning Division

NOTICE OF PLANNING COMMISSION DECISION

** APPROVAL WITH CONDITIONS **

May 20, 2021

Case #:	VAR 21-0002
Project:	PGE Substation Fence Variance
Location:	12150 SW Tualatin-Sherwood Rd, Tualatin, OR. Tax Map: 2S127C Lot 500
Applicant:	Angelo Planning
Owner:	Portland General Electric Company (PGE)

I. FINDINGS

A. An application for a Variance (VAR) was filed by Angelo Planning on behalf of Portland General Electric (PGE), to modify a fence setback in the Manufacturing Business Park (MBP) zone.

B. The Tualatin Planning Commission (TPC) conducted a noticed quasi-judicial public hearing on May 20, 2021 in conformance with the laws of the State of Oregon and the City of Tualatin.

C. The Planning Commission found in the Analysis and Findings for Variance 21-0002 (Attachment 1), the proposal will comply with the standards of the Tualatin Development Code (TDC). The TPC finds that the findings and analysis, the staff presentation, testimony at the public hearing, materials in the record, and discussion on the record, support the approval of VAR 21-0002.

II. ACTION

The Tualatin Planning Commission approved VAR 21-0002 and adopted the analysis and findings, dated May 20, 2021.

III. APPEAL

The applicant or any person who submitted written comments or testified orally or in writing at the Tualatin Planning Commission hearing and who may be adversely affected by the Commission's decision may file a request for review of the final decision of the Conditional Use Permit to the City Council.

The Tualatin Planning Commission's decision will be final after 14 calendar days from the mailing of this order, unless a written appeal is received by the **Community Development Department Planning Division at 18880 SW Martinazzi Avenue, Tualatin, Oregon, before 5:00 p.m., December 3, 2020. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.** The record and appeal forms are available at the Planning Division offices. The appeal forms must include reasons and the applicable appeal fee and meet the requirements of Section 32.310 of the Tualatin Development Code. The City Council will review and make a decision. The parties will be notified of the Council meeting date.

ADOPTED THIS 20th DAY OF MAY 2021.

CITY OF TUALATIN
PLANNNG COMMISSION

BY: _____
Bill Beers, Chair
Tualatin Planning Commission

Exhibit A

Portland General Electric
121 SW Salmon Street · Portland, Ore. 97204

TYPE III VARIANCE

Tonquin Substation

VAR 21-0002

Submitted to:
City of Tualatin
Planning Division

Submitted on Behalf of:
Portland General Electric Company

Prepared by:

Angelo planning group

Submitted for Completeness: March 10, 2021
Resubmitted: March 30, 2021

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EXHIBITS

Exhibit A. Site Plan and Survey
1. Dimensioned Site Plan – 50' Setback
2. Dimensioned Site Plan – 10' Setback
3. Survey

Exhibit B. Land Use Application Form

Exhibit C. Title Report

Exhibit D. Neighborhood Developer Meeting Materials

Exhibit E. Variance Application Notice Posting Affidavit

I. Proposal Summary Information

Applicant:	Portland General Electric Attn: Tina Tippin, Property Services Specialist 121 SW Salmon Street, 1WTC1302 Portland, Oregon 97204 Phone: 503-708-4386 Email: tina.tippin@pgn.com
Applicants Representative:	Angelo Planning Group Attn: Frank Angelo, Principal 921 SW Washington St., Suite 468 Portland, OR 97205 Phone: 502-227-3664 Email: fangelo@angeloplanning.com
Owner:	Portland General Electric Company Attn: Tina Tippin, Property Services Specialist Signatory: Jennifer Santhouse, Property Services Manager 121 SW Salmon Street, 1WTC1302 Portland, Oregon 97204 Phone: 503-708-4386 Email: tina.tippin@pgn.com
Request:	Major Variance, Type III
Location:	12150 Tualatin-Sherwood Road
Tax Lot ID:	2S127C000500
Zoning Designation:	Manufacturing Business Park (MBP) zone
Tax Lot Size:	43.85 acres

II. Project Team

Owner
Portland General Electric Company
121 SW Salmon Street
Portland, Oregon 97204

Tina Tippin
Specialist, Property Services
503-464-7672
tina.tippin@pgn.com

Jordan Messinger, PE, SE
Senior Project Manager
503-464-8554
jordan.messinger@pgn.com

Land Use Planner
Angelo Planning Group
921 SW Washington Street, Suite 468
Portland, Oregon 97205

Frank Angelo
Principal,
503.227-3664
fangelo@angeloplanning.com

Emma Porricolo
Assistant Planner
503.542.3405
eporricolo@angeloplanning.com

III. Project Description and Existing Conditions

A. Background

Portland General Electric Company (PGE) is requesting approval of a Variance from the setback standards for development of a substation at 12150 Tualatin-Sherwood Road (tax lot 2S127C000500). The proposed Tonquin Substation is located on the same site as the PGE Integrated Operations Center (IOC), previously approved by the City of Tualatin in 2019 (AR 19-0005). The IOC is an office building for PGE operations and a control center hub for PGE control and communication systems. However, this application is separate from and was not included in the IOC approval. Figure 1 shows the location of the IOC and the location of the proposed Tonquin Substation. The site is in the Manufacturing Business Park (MBP) zone, shown in Figure 2 Zoning Map. The substation is a crucial element of substation improvements across PGE's network and is needed to provide PGE's service to the growing region. The population and employment base in the region and its surrounding communities have grown significantly in recent years. The development of the substation is necessary in order to add capacity to the power delivery system, increase system reliability, meet the demands of growth, and continue to provide reliable and safe power to serve Portland and surrounding areas into the future. Additionally, the new substation is needed to support the Willamette Water Supply Project treatment plant located directly west of the site and will improve service reliability in the immediate area.[1]

Electrical substations are a unique, but critical, infrastructure use. Locating a new substation usually brings challenges from a land use permitting perspective. In the instance of the proposed Tonquin Substation, PGE has taken steps to include the future substation as a part of a larger PGE facility – the IOC. This location makes sense from a number of perspectives, including minimizing potential negative impacts of a new substation on existing and future residential areas, securing a location in an area designated for future industrial and manufacturing uses, and supporting PGE's long-term plans for the provision of electrical services in this area of the region.

As noted in the following narrative, the site does have some physical challenges related to site size and shape. These challenges, however, resulted from the extension of SW Blake Street into and ultimately through the site as determined by the City of Tualatin Transportation System Plan (TSP). As a part of the approval of the IOC, PGE was required to bring SW Blake Street into the site in its current location. Construction of this portion of SW Blake Street and the ultimate extension of the street to PGE's southern property line has created the size and shape of the property the Tonquin Substation needs to work with to construct the substation. Additionally, approximately 155,000 square feet of developable land is needed to site the substation. There are no other areas on the 43-acre site that have adequate space or shape to host the proposed substation.

In order to meet operational and safety standards and design considerations, the substation fence line needs to be located based on a 10' setback as opposed to the 50' setback prescribed in the City's Zoning Ordinance. Therefore, the location of the fence requires a variance to the City's setback standards. Figure 3 and Figure 4, respectively, show the impact on substation design and

[1] The Willamette Water Treatment Plant is under construction. It is expected to be completed and operational by 2026.

construction with a 50' setback (City standard) and a 10' setback (PGE's requested Variance). This application provides the findings needed to approve the setback Variance.

B. Site Context

As noted, the location of the proposed Tonquin Substation is a part of the 43 acre IOC site. Currently, the site where the substation will be located is vacant, wooded land. The new substation will be bounded by SW 124th Avenue on the west, SW Blake Street on the north and east, and a rock quarry (not owned by PGE) to the south. Access will be taken from SW Blake Street, which is a new road the City required to be constructed as a part of the IOC approval. The buildable area dimensions for the substation site were established when SW Blake Street was extended into the property creating a 173,000 SF parcel where the proposed Tonquin Substation will locate. The dimensions of the substation within the fence line are approximately 280 feet x 560 feet, or just under 155,000 SF. Given the technical and safety specifications for the new substation, the proposed Tonquin Substation will fit on the site, but will require a Variance from the City's setback standards to enable construction to meet PGE's and industry construction and safety specifications. Site improvements will include substation equipment, fencing, and lighting. The City's setback standards in the MBP zone and the proposed setbacks for the Tonquin Substation are:

TDC. 64.300 – Development Standards

Table 64-2

MINIMUM SETBACKS		
Fences	*50 feet*	*From public right-of-way.*

The proposed setbacks from the public right-of-way (ROW) for the fences are:

Table 1. Proposed Setbacks

Setback From	**MBP Zone Fence Setback from the ROW (per TDC 64.300)**	**Proposed Fence Setback**	**Proposed Fence Length**
SW 124th	50 ft.	10 ft.	515 ft.
SW Blake Street (North)	50 ft.	10 ft.	184 ft.
SW Blake Street (East)	50 ft.	10 ft.	515 ft.

The south property line does not abut public ROW, and therefore is not subject to the 50-foot fence setback requirement.

C. Requested Approvals

PGE is requesting the approval of a Variance to the fence setback standards for the Manufacturing Business Park (MBP) zone found in Tualatin Development Code (TDC) 64.300. The requested Variance is to reduce the 50-foot fencing setback required for the north, west, and east property lines to allow a perimeter fence around the substation in a location that is a safe distance from the

substation electrical equipment in a manner that will permit safe internal access to the substation equipment and meet industry safety standards.

This application is only for the Variance application. An Architectural Review application for construction of the Tonquin Substation will follow approval of the Variance.

Figure 1. Site Aerial Image

Figure 2. Zoning Map

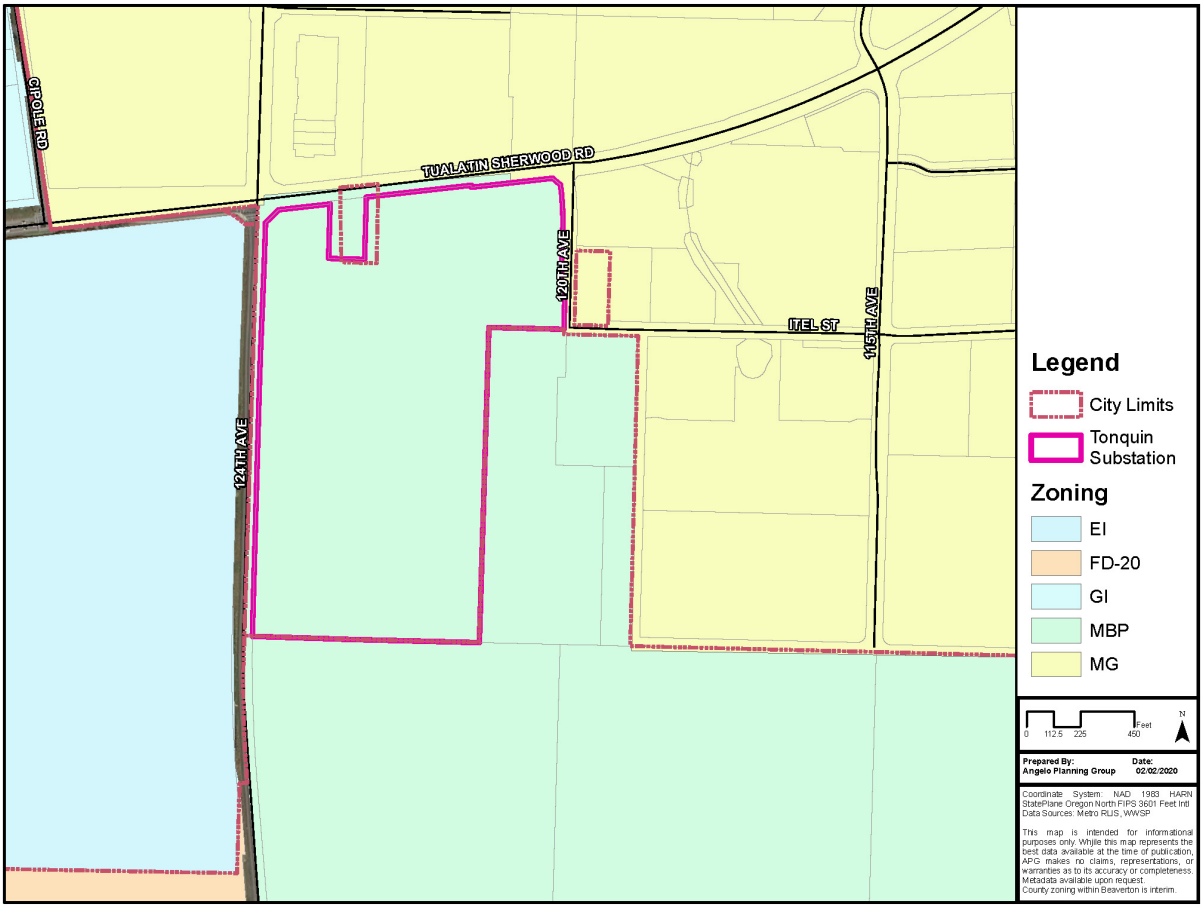


Figure 3. Site Plan Showing 50' Setback

Tonquin Substation

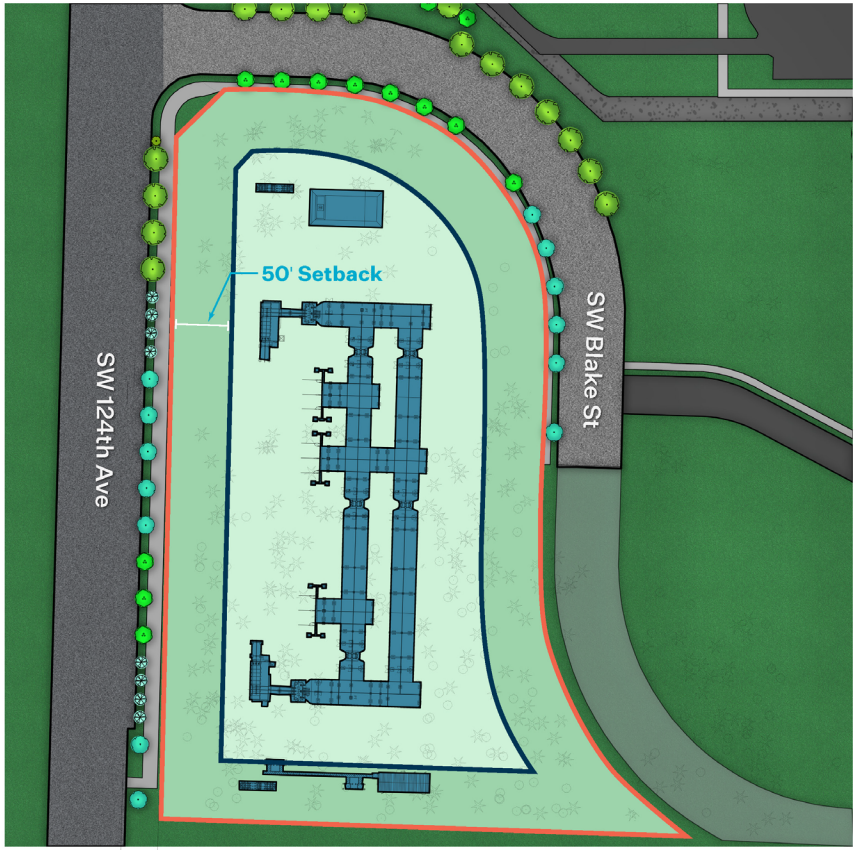
Legend
Project Boundary
Setback Boundary

Scale (feet)
0 50 100

PGE

N

50-Foot Setback



Comments:

- Developable Area: 95,000 s.f.
- Inadequate circulation within the substation for repairs and emergencies
- All substation equipment does not fit within the fence line
- Substation equipment is too close to fence
- Substation equipment layout would not meet requirements of the National Electric Safety Code (NESC)

Figure 4. Site Plan Showing 10' Setback

Tonquin Substation

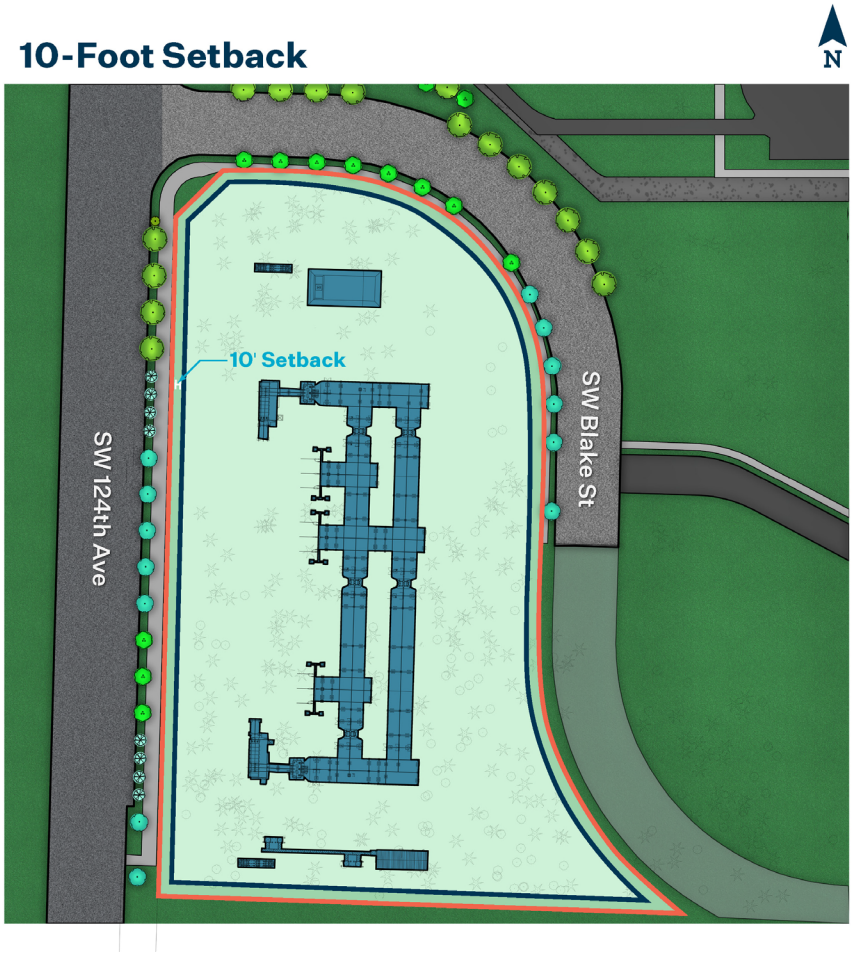
Legend
Project Boundary
Setback Boundary

Scale (feet)
0 50 100

PGE

Comments:

- Developable Area: 155,000 s.f.
- Adequate circulation within the substation for repairs and emergencies
- All substation equipment fits within the fence line
- Substation equipment is setback safe distance from fence
- Substation equipment layout and clearances meet minimum requirements of the National Electric Safety Code (NESC)



V. Conformance with Tualatin Development Code

Compliance with applicable Variance standards are described below.

TDC 33.120. - Variances and Minor Variances.

(1) Purpose. To establish a procedure for the granting of Variance and Minor Variances to the standards of the Tualatin Development Code. Exceptions:

(a) Variances to the requirements of TDC Chapter 70 (Floodplain District) must be in accordance with TDC Chapter 70.

(b) Sign variances must be in accordance with Section 33.080.

Response: The requested Variances is from the fence setback standards, not development in the Floodplain District or a Sign Variance. The criteria are applicable.

(2) Applicability. Variances may be granted to the requirements of the TDC as provided in this Section when it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the TDC would cause an undue or unnecessary hardship.

(a) Variances may be requested for the following:

(i) Standards in TDC Chapters 40-69 and 71-73A through 73F.

Response: The requested Variance is to the fence setback standard in TDC 62.300, Development Standards for the MBP zone. The criterion is met.

(b) Minor variances may be requested for the following:

(i) In Residential Low Density Zone (RL) except for Small Lot Subdivisions:

(A) Up to a ten percent variation from the required lot area, and/or

(B) Up to a 20 percent variation from the required lot width, building coverage, setbacks, projections into required yards and structure height development standards for permitted uses.

(ii) For single family dwellings in Small Lot Subdivisions in Residential Low Density (RL) and Residential Medium to Low Density Zone (RML):

A. Up to a ten percent variation from the required lot area; and/or

B. Up to a 20 percent variation from the required lot width, building coverage, setbacks, projections into required yards and structure height development standards.

(c) Prohibited. Variances and minor variances are not allowed:

(i) To permit a use of land that is not permitted or conditionally permitted in a zone.

(ii) For Level I (Clear and Objective) Single-family Architectural Review standards referenced in TDC 40.140 and 41.130 and set forth in TDC 73A.110.

Response: The requested Variance does not meet the criteria for minor or prohibited Variances. The standards are not applicable.

(3) Procedure Type.

(a) Applications for a Minor Variance are subject to Type II review in accordance with TDC Chapter 32.

(b) Applications for a Variance are subject to Type III review in accordance with TDC Chapter 32.

Response: The requested application is a Variance, subject to a Type III review.

(4) Specific Submittal Requirements. In addition to the general submittal requirements in TDC 32.140 (Application Submittal), an applicant must submit the following additional information:

(a) The name, addresses and telephone numbers of the architect, landscape architect and engineer; and

(b) If requesting a variance to lot width, building coverage, setbacks, projections into required yards and structure height then a property survey stamped by a qualified professional is required.

Response: The project team contacts are found on Page v of this application. Additionally, for the requested setback Variance, the property survey is attached in Exhibit A.

(5) Approval Criteria for Granting a Minor Variance. A minor variance must not be granted unless the application shows the following approval criteria are met:

(a) A hardship is created by an unusual situation that is the result of lot size, lot shape, topography, development circumstances or being able to use the land or public infrastructure more efficiently;

(b) The hardship does not result from regional economic conditions;

(c) The minor variance will not be injurious to property abutting the subject property; and

(d) The minor variance is the minimum remedy necessary to alleviate the hardship.

Response: The requested Variance does not meet the criteria for a Minor Variance. The criteria are not applicable.

(6) Approval Criteria for Granting a Variance that is not a Minor Variance or for a Wireless Communication Facility. A variance must not be granted unless it can be shown that criterion (a) is met and three of the four approval criteria (b)-(e) are met for non-sign requests:

The requested Variance is not a Minor Variance or for a Wireless Communication Facility. The requested Variance is from the fence setback requirements, specifically the setback standards in TDC 64.300, requiring a 50-foot setback for fences in the MBP zone.

TDC. 64.300 – Development Standards

Table 64-2

MINIMUM SETBACKS		
Fences	*50 feet*	*From public right-of-way.*

PGE provides electrical service, a basic utility in Tualatin[2], to the City of Tualatin and areas across the Portland Metro region. The Tonquin substation is a crucial element of substation improvements across PGE's network to improve PGE's service to the growing region.

The proposed fence setback Variance is to allow the perimeter security fence to be located up to 10 feet from the right-of-way on SW Blake Street and SW 124th Avenue. SW 124th Avenue is along the west property line and SW Blake Street follows the north and east property lines. This is a setback requirement specific to fences in the MBP zone, which must be 50 feet "from public right of way" per Table 64-2 in TDC 64.300.

In the MBP zone there are setbacks for each property line that generally apply to all structures. No buildings are a part of the proposed development, only electrical equipment and security fencing is proposed. Since a perimeter fence is proposed, the 50-foot fence setback applies to the east, west, and north property lines. The south property line is not subject to fence setback standards since it does not border public right-of-way. However, it is subject to a minimum setback for structures, which will be determined through the Architectural Review application.

The City's setback standards in the MBP zone and the proposed setbacks for the Tonquin Substation are shown in Table I, along with the proposed setbacks.

Table 2. Proposed Setbacks

Setback From	**MBP Zone Fence Setback from ROW**	**Proposed Fence Setback**	**Proposed Fence Length**
SW 124th	50 ft.	10 ft.	577 ft.
SW Blake Street (North)	50 ft.	10 ft.	754 ft.
SW Blake Street (East)	50 ft.	10 ft.	

Because the substation is critical infrastructure that requires protection, increased security measures, such as a secure perimeter fence, are needed. The proposed substation includes a perimeter fence located 10 feet from public right-of-way. The perimeter fence will be eight feet tall with an additional 1 foot (3 strands) of barbed wire. A 10-foot setback allows the substation to fit within the oddly shaped southwest corner of the site between SW Blake Street and SW 124th Avenue

The placement of Tonquin Substation at the proposed site is essential to supporting the Willamette Water Supply water treatment plant located directly west of the site and to improve reliability of PGE service to the area. In addition, locating the substation will provide essential service to the IOC, which is critical to PGE's overall system resiliency and reliability improvements. The adjacent siting of the substation to the operations center will offer more reliable service due to the short length of service lines into the IOC building, which will allow undergrounding of these specific service lines. This will minimize the potential for interference resulting from downed power lines.

The applicable criteria for the fence setback variance are listed below. Since only three of four criteria are needed for approval, the applicant chooses not to respond to criterion (c).

[2] Consistent with the definition of basic utilities in TDC 39.620.

(a) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.

Response*:* The physical conditions of the site and unique design requirements of substation development are hardships for the site. The site consists of the small, oddly shaped section, separated from the IOC, and established by construction of the extension of SW Blake Street required of PGE to implement the City's Transportation System Plan (TSP - Figure 4). The new street connects from SW 124th and goes through the southwest corner of the tax lot, then straightens out along the property line on the southeast corner of the site. This creates a defined space for the substation to be developed. Additionally, in developing a substation PGE has standards to meet safety best practices that are used throughout the industry. Those standard safety requirements include maintaining minimum clearances around all electrical equipment based on the voltage and function as set forth by the National Electrical Safety Code (NESC), in addition to providing sufficient clearance for vehicles to enter the site.

There are other pockets of developable area around the 43-acre IOC site; however, they are not adequate to host the substation due to shape and/or size. For the substation equipment and their required clearances, per the National Electrical Safety Code, approximately 150,000 square feet of unobstructed developable space is needed. (Note: The developable area needed does not account for space needed for required setbacks.) Generally, for substations, square or slightly rectangular shaped sites are the most efficient use of land. Based on these criteria for substation siting, no other space on the IOC meets this size or shape requirement. The area of available spaces on the site are shown in Figure 5a. and 5b. One section of available area abutting SW Tualatin-Sherwood Road is slightly too small to accommodate the substation. Regardless, given the nature the development forms surrounding the site, the substation is more compatible with the area along SW 124th Avenue compared to SW Tualatin-Sherwood Road. Ultimately, these design realities are beyond PGE's control.

Considering existing site conditions (shape) and the unique requirements of an electrical substation that are out of the applicant's control, a hardship would be incurred if the 50-foot standard setback along SW Blake Street and SW 124th Avenue was strictly applied.

The IOC received a variance to reduce the required setback on SW 124th Avenue to 20 feet, 10 feet more than the requested setback for the substation. The differential in setbacks for the IOC and substation frontage on SW 124th Avenue are primarily due to the different purposes they serve and operating voltages. The IOC is primarily an office building and control center that will be the hub of our control and communications systems, but it still operates at "normal" voltages, similar to any other office building. Meanwhile, the Tonquin Substation is a facility that converts high voltage (115,000 volts) transmission level electricity travelling on high voltage lines down to a lower voltage (13,000 volts) so that it can be distributed out to neighborhoods for power supply to homes and businesses via local distribution lines.

At the Tonquin Substation, the high voltage of the equipment in the substation drives the need for more space between each individual piece of equipment, in addition to the clearance required for safe travel by workers and vehicles within the station while it is energized. It also dictates the

distances needed between the equipment and other metal objects (fences) and trees, which can conduct electricity and cause arcing. This prevents accidental electrical arcing between equipment and either other equipment or people, which would cause safety concerns for workers and nearby residents/pedestrians and electrical service reliability issues. Therefore, due to higher voltages, the fence setback from the Tonquin Substation equipment is more than that of IOC, which results in different fence setbacks along the tax lot's frontage on SW 124th Avenue.

Also note that the resulting reduced setback proposed for SW Blake and part of SW 124th is equal to the setback requirement of the city's General Manufacturing Zone (MG), which abuts the site (tax lot) to the north and east. In that zone, fences are only required to be set back 10 feet from the right-of-way.

Figure 4. Blake Street Extension Proposed Alignment (Source: IOC (AR 19-0005) – Civil Site Plan)

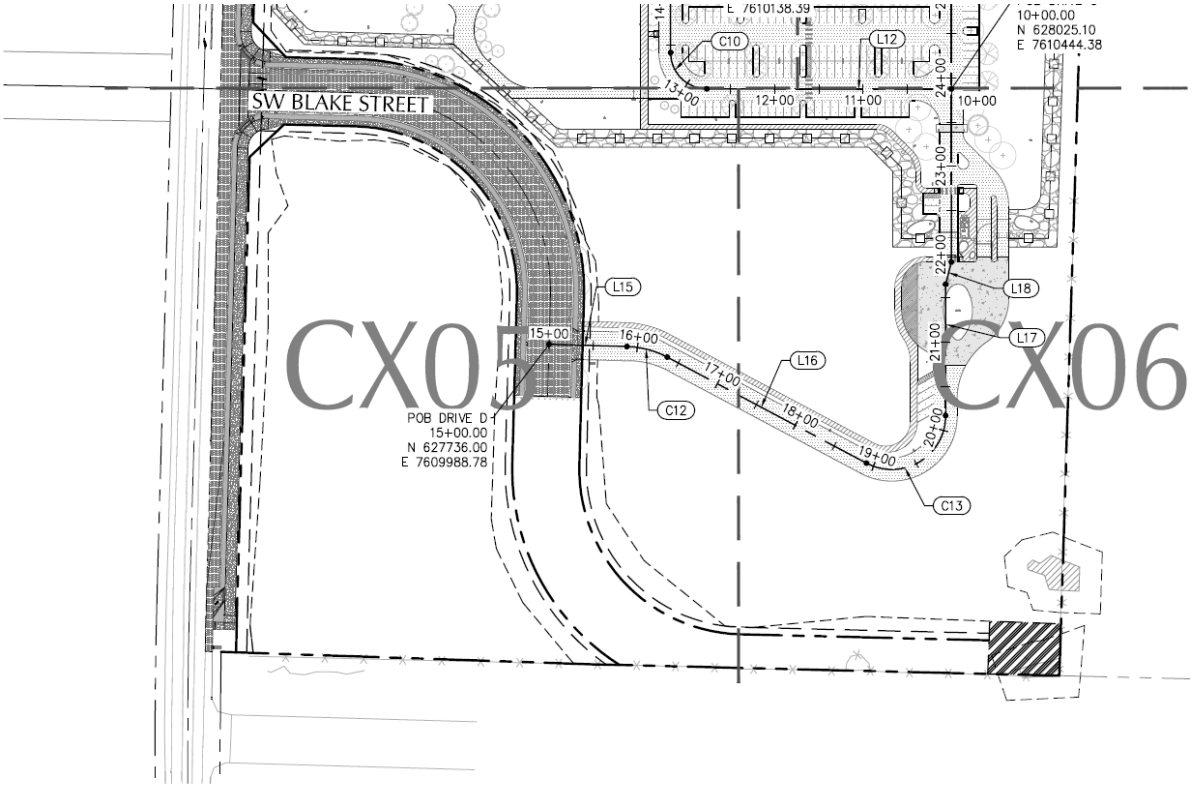


Figure 5a. Substation Siting Options (Source: IOC (AR 19-0005) – Civil Site Plan)

Note: Square footages shown are approximate values and do not account for required setbacks along right-of-ways.

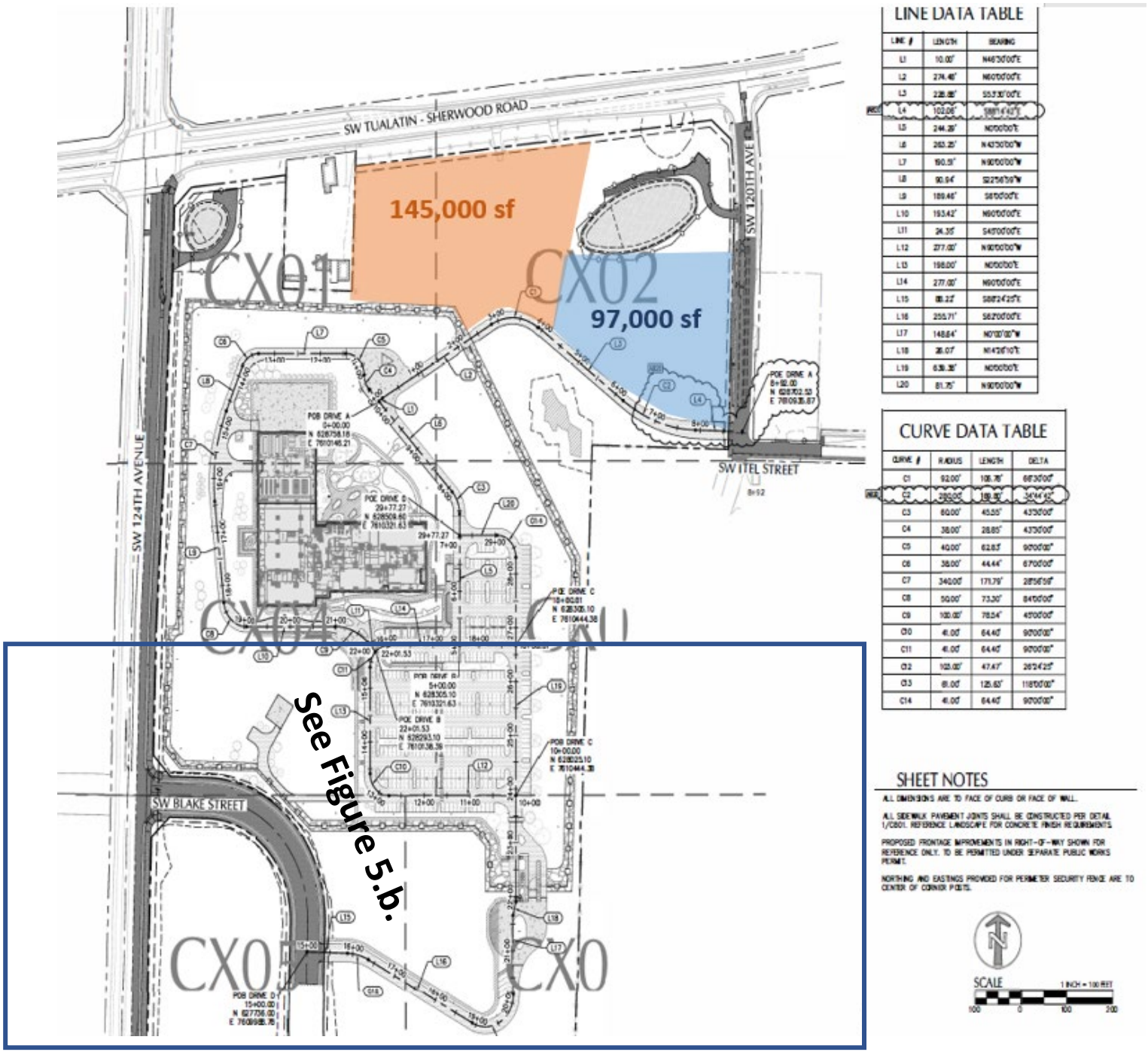
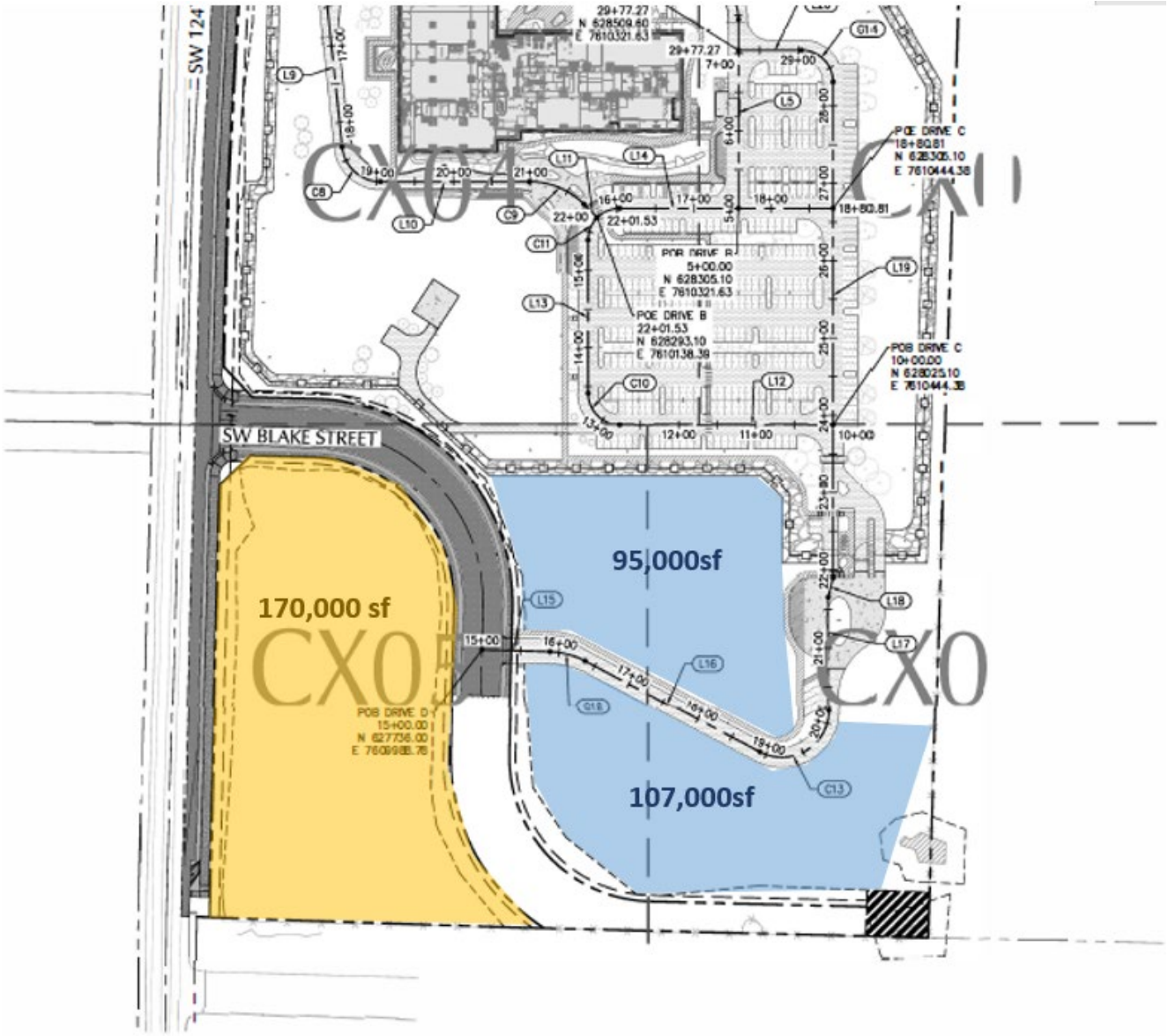


Figure 5.b. Substation Siting Options Continued (Source: IOC (AR 19-0005) – Civil Site Plan)
Note: Square footages shown are approximate values and do not account for required setbacks along right-of-ways.



(b) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.

Response*:* The applicant has no control over the existing site conditions, including the location of the SW Blake Street extension. The location of the SW Blake Street extension was set by the Tualatin TSP. The hardship does not result from the actions of the applicant or their personal circumstances, rather it is a result of street location determined by the Tualatin TSP.

(c) The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same zone or vicinity.

Response*:* The resulting reduced setback proposed from SW Blake Street and SW 124th Avenue is equal to the setback requirement of the city's General Manufacturing Zone (MG), which abuts the site to the north and east of PGE's property. In that zone, fences are only required to be set back 10 feet from the right-of-way. Therefore, the variance is necessary to preserve a property right for PGE that is substantially the same as is possessed by owners of other property in the vicinity of the site – namely on the property zoned MG.

(d) The variance must not be detrimental to the applicable objectives of the Tualatin Community Plan and must not be injurious to property in the zone or vicinity in which the property is located.

Response*:* The request for relief from the setback requirement along SW Blake Street and SW 124th Avenue is not detrimental to the applicable objectives of the Tualatin Comprehensive Plan (TCP). [Note: The Tualatin Community Plan was recently updated and is now known as the Tualatin Comprehensive Plan.] It supports the following TCP goals and policies.

TCP Goal 5.1 Location of public services and utilities. Locate public services and utilities in a manner that minimizes negative impacts and enhances public benefits.

- *Policy 5.1.1 Government Services. Locate government offices in a central location that serves the public, except operations functions, which may be appropriately located in the industrial districts.*
- *Policy 5.1.2 Public safety. Locate facilities such as utilities and other critical infrastructure to minimize the risk of hazards the facility may pose to surrounding uses, or risks that natural or other hazards may pose to the facility and surrounding uses alike.*

The proposed use is a utility, which is located in an appropriate location considering surrounding uses. Its location in an industrial district (MBP zone) avoids any potential impacts to existing or future residential areas. While no future building will be provided, the substation equipment will be consistent with the industrial and manufacturing characteristics of the area. The requested variance would minimize impacts of the utility through its location in an industrial area and will enhance broad public benefits by improving the reliability and safety of the electrical service associated with PGE in Tualatin and its service area.

Chapter 10- Land Use

Manufacturing Business Park Planning District (MBP).

The MBP Planning District will be a mix of light industrial and high-tech uses in a corporate campus setting, consistent with MBP Planning District development standards… The district is intended to provide for an esthetically attractive working environment with campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity. It also is intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design and limiting uses to those that are of a nature that will not conflict with other industrial uses or nearby residential areas of the City.

The substation use is consistent with the objectives of the MBP district. The use is part of the larger IOC planned development owned and operated by PGE on the same site. Figure 1 shows the location of the IOC and the location of the proposed Tonquin Substation within the overall site. The substation has obvious industrial characteristics and is a crucial element of PGE's electrical service network. The proposed improvements are needed to provide PGE's service to the growing region and to the Willamette Water Supply project. The development of the substation is necessary in order to add capacity to the power delivery system, increase system reliability, meet the demands of growth, and continue to provide reliable and safe power to serve Portland and surrounding areas into the future.

(e) The variance is the minimum remedy necessary to alleviate the hardship.

Response: Electrical substation design and construction is unique because of the operational and safety elements that need to be included with the development. The site needs to be flat, free of obstructions that would interfere with operations or create a safety hazard, be secure from an access perspective (i.e., not general public access) and, in addition to the electrical equipment, be designed to allow on-site circulation internal to the fence line to allow for emergency access for repairs. As described above, there are no other areas of the 43-acre tax lot that provide adequate space or shape for siting the Tonquin substation.

The central portion of the substation is typically where the electrical equipment is located. Clearance around the equipment is needed for the reasons noted. Consistent with the National Electrical Safety Code (NESC) and PGE standards, fencing must be located a sufficient distance from the electrical equipment based on voltage and operational parameters. Given the design and safety constraints noted and the size and configuration of the site, the fencing needs to be located 10 feet from the property line as shown on the site plan to satisfy the minimum spacing and clearance requirements for substation design as set forth by the NESC. The Site Plan (shown in Figures 3 and 4) show the most compact design layout based on the NESC standards. Therefore, the Variance is the minimum remedy necessary to alleviate the hardship.

(7) Approval Criteria for Granting a Variance for a Wireless Communication Facility. A variance to the separation or height requirements for wireless communication facilities must not be granted unless it can be shown that the following criteria are met. The criteria for granting a variance to the separation or height requirements for wireless communication facilities is limited to this section, and does not include the standard variance criteria of Section TDC 33.120(6), Approval Criteria for Granting a Variance that is not for a Wireless Communication Facility…

Response: The proposed development does not include a Wireless Communication Facility. The criteria are not applicable.

VI. Conclusion

As noted at the beginning of this application, electrical substations are a unique, but critical, infrastructure use. Locating a new substation usually brings challenges from a land use permitting perspective. In the instance of the proposed Tonquin Substation, PGE has taken steps to include the future substation as a part of a larger PGE facility – the Integrated Operations Center. This location makes sense from a number of perspectives, including minimizing potential negative impacts of a new substation on existing and future residential areas, securing a location in an area

designated for future industrial and manufacturing uses, and supporting PGE's long-term plans for the provision of electrical services in this area of the region.
As noted, the site does have some physical challenges related to site size and shape. These challenges, however, resulted from the extension of SW Blake Street into and ultimately through the site as determined by the City of Tualatin TSP. As a part of the approval of the IOC, PGE was required to bring SW Blake Street into the site in its current location. Construction of this portion of SW Blake Street and the ultimate extension of the street to PGE's southern property line has created the size and shape of the property the Tonquin Substation needs to work with to construct the substation. In order to meet operational and safety standards and design considerations, the substation fence line needs to be located as shown in the proposed site plan (10' setback). The location of the fence requires a Variance to the City's setback standards. This application provides the findings needed to approve the setback Variance.

Tonquin Substation

Exhibit B

Legend

- Project Boundary
- Setback Boundary

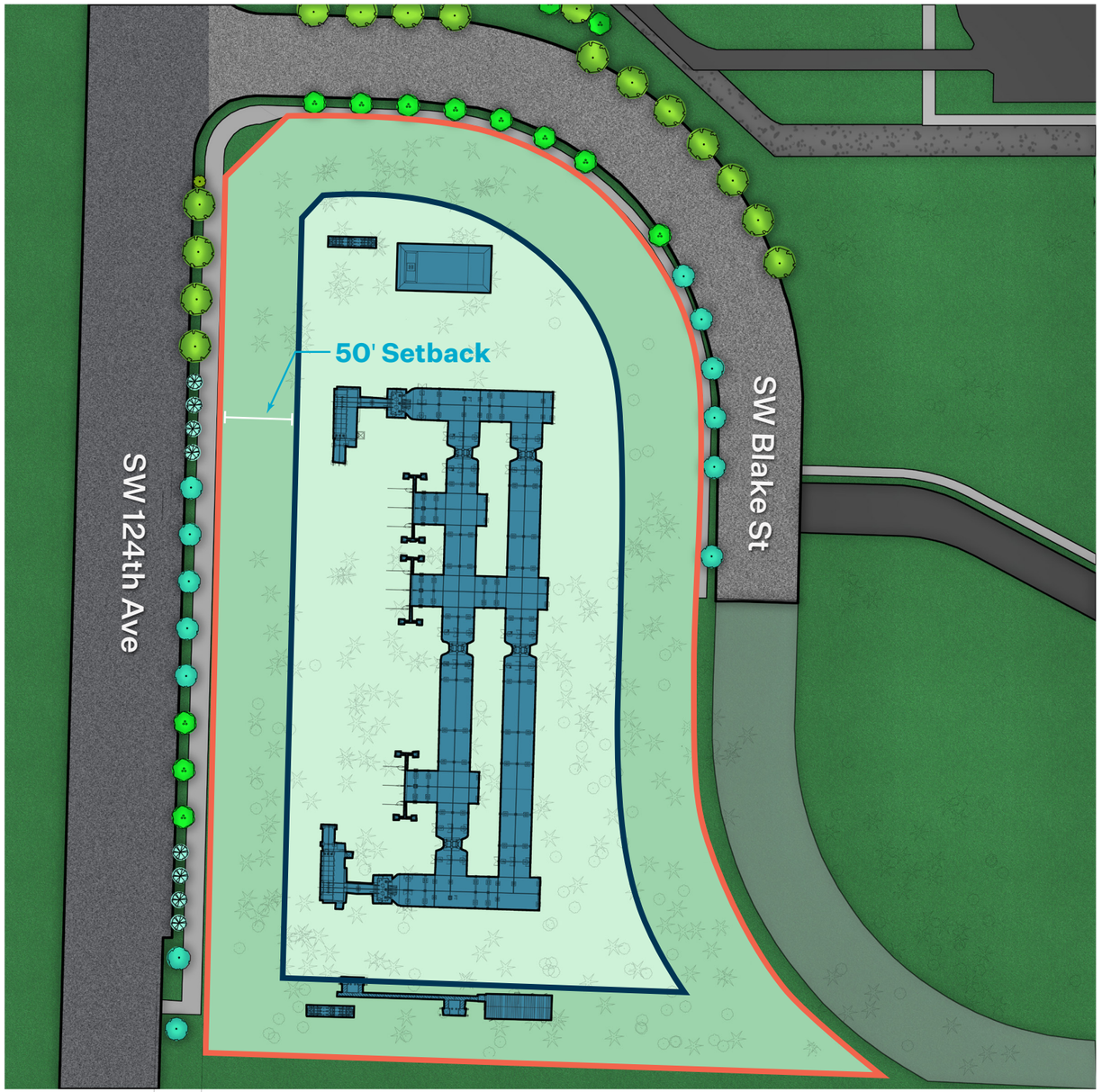
Scale (feet)

0 50 100

PGE

N

50-Foot Setback



Comments:

- Developable Area: 95,000 s.f.
- Inadequate circulation within the substation for repairs and emergencies
- All substation equipment does not fit within the fence line
- Substation equipment is too close to fence
- Substation equipment layout would not meet requirements of the National Electric Safety Code (NESC)

Tonquin Substation

Comments:

- Developable Area: 155,000 s.f.
- Adequate circulation within the substation for repairs and emergencies
- All substation equipment fits within the fence line
- Substation equipment is setback safe distance from fence
- Substation equipment layout and clearances meet minimum requirements of the National Electric Safety Code (NESC)

Legend

- Project Boundary
- Setback Boundary

Scale (feet)

0 50 100

PGE

N

10-Foot Setback

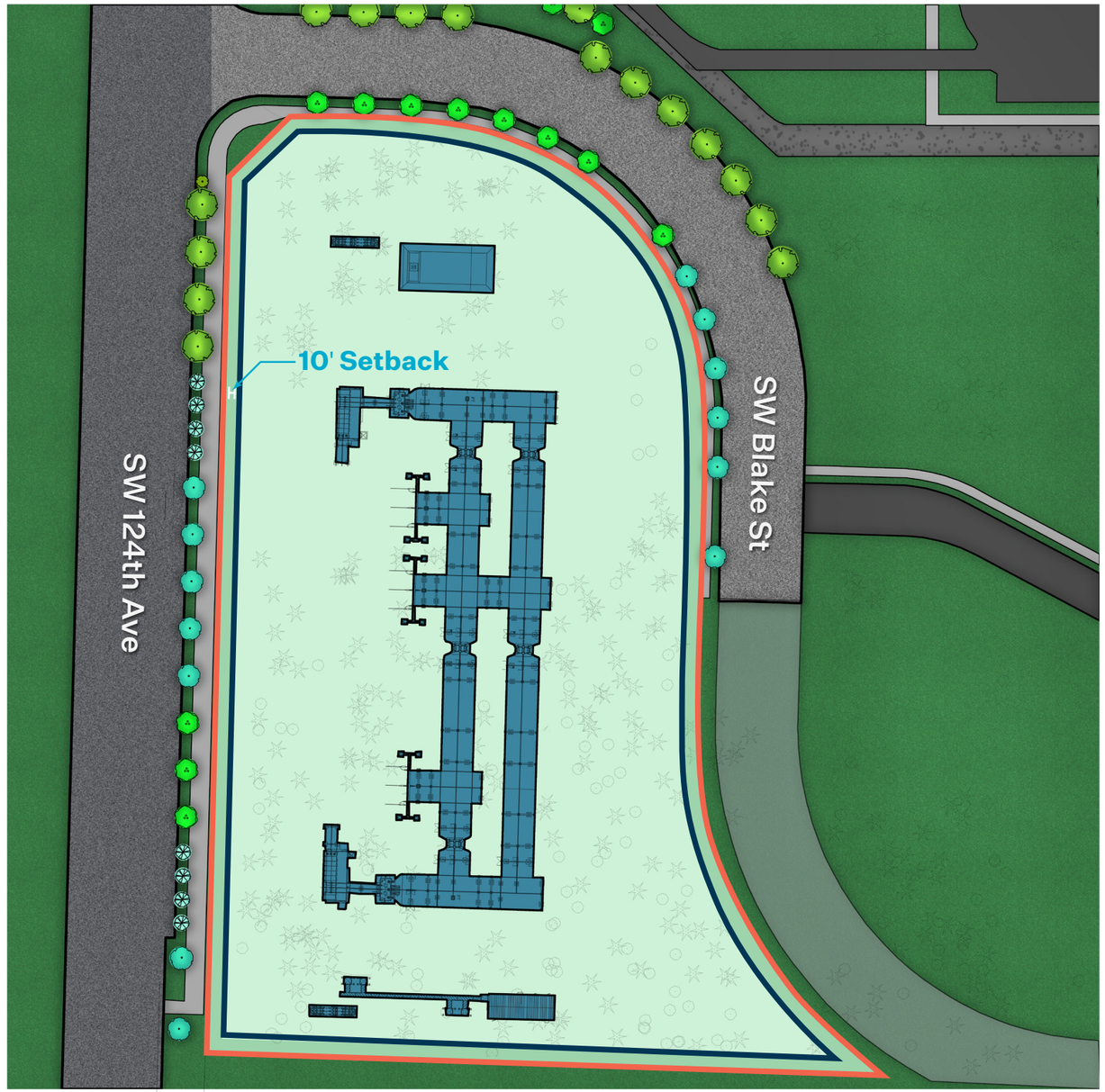


Exhibit C

CITY OF TUALATIN
Planning Division

Land Use Application

Project Information

Project Title: Tonquin Substation

Brief Description:
Development of a electrical substation at the southwest corner of the site between SW Blake Rd. and SW 124th Ave. Improvements include substation equipment, fencing, and lighting. A variance is requested for the perimeter fence setbacks.

Property Information

Address: 12150 Tualatin-Sherwood Rd.

Assessor's Map Number and Tax Lots: 2S127C000500

Applicant/Primary Contact

Name: Frank Angelo	Company Name: Angelo Planning Group	
Address: 921 SW Washington St. STE 468,		
City: Portland	State: OR	ZIP: 97205
Phone: 503.227.3664 (leave message)	Email: fangelo@angeloplanning.com	

Property Owner

Name: Jennifer Santhouse, Portland General Electric, Attn: Tina Tippin		
Address: 121 SW Salmon Street		
City: Portland	State: OR	ZIP: 97204
Phone: 503.464.7672	Email: tina.tippin@pgn.com	
Property Owner's Signature: Jennifer Santhouse Manager, Property Services		Date: 3/5/2021

(Note: Letter of authorization is required if not signed by owner)

AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.

Applicant's Signature:	Date: 3/10/21

Land Use Application Type:

- ☐ Annexation (ANN)
- ☐ Architectural Review (AR)
- ☐ Architectural Review—Single Family (ARSF)
- ☐ Architectural Review—ADU (ARADU)
- ☐ Conditional Use (CUP)
- ☐ Historic Landmark (HIST)
- ☐ Industrial Master Plan (IMP)
- ☐ Plan Map Amendment (PMA)
- ☐ Plan Text Amendment (PTA)
- ☐ Tree Removal/Review (TCP)
- ☐ Minor Architectural Review (MAR)
- ☐ Minor Variance (MVAR)
- ☐ Sign Variance (SVAR)
- ■ Variance (VAR)

Office Use

Case No:	Date Received:	Received by:
Fee:	Receipt No:	

Fidelity National Title Company of Oregon

1433 SW Sixth Avenue
(503)646-4444

OWNERSHIP AND ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary and Non-Monetary Encumbrances

To ("Customer"): Portland General Electric Company
121 SW Salmon St.
Portland, OR 97204

Customer Ref.: 12150 SW Tualatin Sherwood Road
Order No.: 45141904212
Effective Date: March 20, 2019 at 08:00 AM
Charge: $350.00

The information contained in this report is furnished by Fidelity National Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES MONETARY AND NON-MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of property ("the Property") as of the Effective Date is:

Portland General Electric Company, an Oregon corporation

Premises. The Property is:

(a) Street Address:

12150 SW Tualatin Sherwood Road, Tualatin, OR 97062

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Part Two - Encumbrances

Encumbrances. As of the Effective Date, the Property appears subject to the following monetary and non-monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

1. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.

   Tax Identification : R546822
   Affects: Parcel I and III

   Tax Identification: R546840
   Affects: Parcel II

   THE FOLLOWING EXCEPTIONS AFFECT PARCEL I:

2. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Entitled:	Dedication Deed
In favor of:	Washington County
Purpose:	Permanent Drainage
Recording Date:	January 8, 1993
Recording No:	93001500
Affects:	North line

3. Access Agreement including the terms and provisions thereof

Executed by:	Washington County and Earl J. and Loris D. Itel
Recording Date:	January 8, 1993
Recording No.:	93001502

   Affects: As described therein

   THE FOLLOWING EXCEPTIONS AFFECT PARCEL II:

4. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

   Reserved by: Raymond A. Stevens and Celia A. Stevens
   Purpose: Maintain and service 8 inch tile line for drainage
   Recording Date: November 23, 1959
   Recording No: Book 424 Page 648
   Affects: Northeast portion exact location not stated however

5. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

   Entitled: Dedication Deed
   In favor of: Washington County
   Purpose: Permanent Drainage
   Recording Date: January 8, 1993

Recording No: 93001500
Affects: North line

6. Access Agreement including the terms and provisions thereof

Executed by: Washington County and Earl J. and Loris D. Itel
Recording Date: January 8, 1993
Recording No.: 93001502
Affects: As described therein

7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Washington County
Purpose: Permanent slope and drainage
Recording Date: August 14, 2015
Recording No: 2015-069441
Affects: West and Northwesterly portions as described therein

THE FOLLOWING EXCEPTIONS AFFECT ALL PARCELS:

8. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.

9. Waiver of Rights and Remedies, including the terms and provisions thereof :

Purpose: Measure 37 & 49 Waiver of rights and Remedies
Recording Date: December 19, 2018
Recording No.: 2018-084997

10. Mortgage Notice, including the terms and provisions thereof

Recording Date: February 11, 2019
Recording No: 2019-008401

Note: Property Taxes are paid for the fiscal year as follows:

Fiscal Year: 2018-2019
Amount: $3,352.26
Levy Code: 088.13
Account No.: R546822
Map No.: 2S127C-00500
Affects: Parcel I and III

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

Note: Property Taxes are paid for the fiscal year as follows:

Fiscal Year: 2018-2019
Amount: $126.06
Levy Code: 088.13
Account No.: R546840

Map No.: 2S127C-00701
Affects: Parcel II

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Kim Alf
503-469-4156
Kim.Alf@TitleGroup.FNTG.com

Fidelity National Title Company of Oregon
1433 SW Sixth Avenue
Portland, OR 97201

EXHIBIT "A"

Legal Description

PARCEL I:

A tract of land Situated in the West one half of Section 27, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being described as follows:

Beginning at a point 975.46 feet East of the West quarter section corner between Sections 27 and 28, Township 2 South, Range 1 West, Willamette Meridian, thence North 89° 47' East along the East-West center line of said Section 27, a distance of 326.99 feet to a point; thence North 0° 03' West 689.7 feet to a point, thence South 85° 20' West to a point directly North of the beginning point hereof; thence South 662.62 feet to the place of beginning;

ALSO: Beginning at a point 462 .3 feet East of the quarter section corner between Sections 2 and 28, Township 2 South, Range 1 West, Willamette Meridian, and running thence South 1315.38 feet; thence North 89° 47' East 513.16 feet; thence North 1978.0 feet to the center of the county road; thence South 85° 20' West 179.0 feet, thence South 82° 04' West, 341.6 feet; thence South 601.11 feet to the place of beginning.

PARCEL II:

A tract of land Situated in the West one half of Section 27, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being described as follows:

Commencing at the quarter section corner between Sections 27 and 28, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon; running thence South 1315.38 feet; thence North 89°47' East, 462.3 feet; thence North 1590.39 feet to an iron which bears South 89°59' East, 462.2 feet and North 275.0 feet from the West quarter corner of said Section 27; thence West, 150.75 feet to an iron; thence North parallel with the East line of the tract conveyed to R.A. Stevens and Celia A. Stevens, husband and wife, by deed recorded September 3, 1948 in Book 288, Page 561, 276.6 feet to an iron; thence continuing North 28.5 feet, more or less, to the North line of said Stevens tract; thence South 82°04' West, 313.3 feet to the Northwest corner of said Stevens tract; thence South, 537.25 feet to the place of beginning;
EXCEPTING THEREFROM that portion conveyed to Washington County for right of way purposes in Dedication Deed recorded August 14, 2015 as Recorder's No. 2015-069441, Washington County Deed Records.

PARCEL III:

A tract of land Situated in the West one half of Section 27, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being described as follows:

Beginning at a point 975.46 feet East of the quarter section corner between Sections 27 and 28, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon; thence South 1315.38 feet; thence North 89°47' East 1 rod; thence North to the County Road; thence Northwesterly along the County Road to a point due North of the beginning point; thence South 662.62 feet to the place of beginning;
EXCEPTING THEREFROM that portion described as follows:

Beginning at a point 975.46 feet East of the West quarter section corner between Sections 27 and 28, Township 2 South, Range 1 West, Willamette Meridian, thence North 89° 47' East along the East-West center line of said Section 27, a distance of 326.99 feet to a point; thence North 0° 03' West 689.7 feet to a point, thence South 85° 20' West to a point directly North of the beginning point hereof; thence South 662.62 feet to the place of beginning.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED**, SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

MEMORANDUM

Neighborhood / Developer Meeting Summary

Portland General Electric (PGE) Tonquin Substation

DATE	January 18, 2021
TO	Tabitha Boschetti, City of Tualatin
FROM	Frank Angelo and Emma Porricolo, APG
CC	Tina Tippin and Jordan Messinger, PGE

The Neighborhood Meeting for the proposed Variance and Architectural review applications was held through a virtual meeting:

Neighborhood Review Meeting
Thursday, December 10, 2020: 6:00 pm
GoToMeeting (Virtual)

Project Staff Present

1. Frank Angelo, APG
2. Emma Porricolo, APG
3. Tina Tippin, PGE
4. Jordan Messinger, PGE

Summary of Meeting – No community members attended the meeting. Pursuant to the City of Tualatin's Temporary Guidance for Neighborhood / Developer Meetings, the project team left the meeting 30 minutes after the start.

Attachments:

- Meeting Agenda
- Meeting Notice
- Mailing Notification List
- Presentation
- Mailing and Posting Affidavits

ANGELO PLANNING GROUP
921 SW Washington Street, Suite 468
Portland, OR 97205
angeloplanning.com
p: 503.224.6974
f: 503.227.3679

Portland General Electric
121 SW Salmon Street · Portland, Ore. 97204

Tonquin Substation
Neighborhood / Developer Meeting
Thursday, December 10, 2020
6:00pm – 7:00pm

Agenda

Welcome / Online Sign-in	Frank Angelo, Principal Angelo Planning Group	6:00 - 6:10 pm
Project Background	Jordan Messinger, Portland General Electric	6:10 – 6:20 pm
Land Use Review Process	Frank Angelo, Principal Angelo Planning Group	6:20 – 6:30 pm
Questions and Discussion	Frank Angelo, APG	6:30 – 7:00 pm

For more information:

Emma Porricolo, Assistant Planner
Angelo Planning Group
P: 503-542-3405
eporricolo@angeloplanning.com

November 16, 2020

Dear Property Owner:

RE: Portland General Electric Tonquin Substation

Dear Property Owner:

You are cordially invited to attend a meeting on **Thursday, December 10, 2020 at 6:00pm**. This meeting is being held to discuss a proposed project located at 12150 Tualatin-Sherwood Road (tax lot 2S127C000500). Portland General Electric (PGE) is proposing to develop a new substation at this location (see location map). The proposed Tonquin Substation is located on the same site as the PGE Integrated Operations Center, previously approved by the City of Tualatin in 2019. However, this application is separate from the Operations Center approval. The substation is a crucial element of substation improvements across PGE's network to improve PGE's service to the growing region.

Because of the current Covid-19 situation, the City of Tualatin has prepared Temporary Guidance for Neighborhood/Developer Meetings. This Guidance allows the Neighborhood/Developer Meeting to be conducted as a Virtual Meeting. The Tonquin Substation Project Virtual Neighborhood Meeting will be held on **Thursday, December 10th at 6:00pm**.

The City of Tualatin has laid out the following requirements for a Virtual Neighborhood Meeting:

- Be publicly accessible
- Does not require user login
- Allows a call-in option for non-internet users

Accordingly, we are providing the attached instructions for you to use if you choose to participate in this Neighborhood Meeting for the proposed Tonquin Substation.

Mailed notice of this Virtual Meeting has been provided in the same manner as specified in TDC 32.120.

a. This notice includes the following information:

i. Instructions for how to join the virtual meeting and how to submit written comments both prior to and during the meeting. See attachment.

ii. Instructions for how to obtain or view materials to be presented during the virtual meeting. Such materials shall be made available, upon request or on a publicly accessible digital platform, a minimum of two days prior to the meeting and a minimum of 10 days after the meeting concludes. See attachment.

ANGELO PLANNING GROUP
921 SW Washington Street, Suite 468
Portland, OR 97205
angeloplanning.com
p: 503.224.6974
f: 503.227.3679

iii. Preliminary details of the major elements of the proposed development. See description above.

iv. Whether the development proposal includes a single or multiple applications. The application will include an Architectural Review application and Variance from the setback standard and possibly the landscape standards.

The purpose of this meeting is to provide a forum for surrounding property owners / residents to review the proposal and to identify issues so they can be considered before the formal application is submitted. This meeting gives you the opportunity to share with us any special information you know about the property involved. Please note that this will be an informational meeting on preliminary development plans prior to official submission to the City. These plans may change slightly before the application is submitted to the City.

Please contact me at 503-227-3664 (leave a message) or at fangelo@angeloplanning.com if you have questions about this meeting or the proposed project. We look forward to discussing this proposal with you.

Sincerely,

Frank Angelo, Principal
Angelo Planning Group
503-577-4087
fangelo@angeloplanning.com

Attachment: PGE Tonquin Substation Project Neighborhood/Developer Meeting Instructions
Project Location Map

Tonquin Substation Development Virtual Neighborhood Meeting Instructions

The following are the instructions to participate in the Tonquin Substation Virtual Neighborhood Developer Meeting to be held on **Thursday, December 10th at 6:00pm**.

1. Log or call in via GoToMeeting using the information below:

   Website for video: https://www.gotomeet.me/AngeloPlanning/tonquin

   You can also dial in using your phone.
   United States: +1 (312) 757-3121 and use **Access Code:** 641-824-341

   If you are new to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/641824341

2. Submit written questions or comments before or during the meeting by emailing Frank Angelo at: fangelo@angeloplanning.com

3. Materials presented at the meeting will be available to view online 2 days prior to, and 10 days after, the meeting at the following link: https://tinyurl.com/tonquindocuments
   (The link will take you to a Dropbox folder.)

Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601 Feet Intl
Data Sources: Metro RLIS, WWSP

This map is intended for informational purposes only. Whjile this map represents the best data available at the time of publication, APG makes no claims, representations, or warranties as to its accuracy or completeness. Metadata available upon request.
County zoning within Beaverton is interim.

TUALATIN 124 LLC
9760 SW FREEMAN DR
WILSONVILLE, OR 97070-9221

SHIELDS MANUFACTURING INC
12310 SW CIMINO ST
TUALATIN, OR 97062-7628

NICOL GORHAM DOUGLAS REV TRUST
NICOL ROBIN HIATT REV TRUST
3891 CALAROGA DR
WEST LINN, OR 97068-1071

INDOOR ARENA INVESTORS LLC
11883 SW ITEL ST
TUALATIN, OR 97062-6855

MAJESTIC TUALATIN LLC
13191 CROSSROADS PKWY N FL 6
CITY OF INDUSTRY, CA 91746-3421

DTI PROPERTIES LLC BY DAYNE BARRETT INGRAM
15836 SW MADRONA LN
SHERWOOD, OR 97140-9578

WESTERN PRECISION PROPERTIES LLC
BY WESTERN PRECISION PRODUCTS INC
21101 SW 115TH AVE
TUALATIN, OR 97062-6959

COLUMBIA CORRUGATED BOX CO INC
12777 SW TUALATIN-SHERWOOD RD
TUALATIN, OR 97062-8051

IPT TUALATIN DC LLC BY MARVIN POER
ATTN: SCOTT DONALD
18818 TELLER AVE #277
IRVINE, CA 92612-1612

MILGARD MANUFACTURING INC BY RYAN LLC ATTN: DEPT 720
PO BOX 4900
SCOTTSDALE, AZ 85261-4900

ITEL MICHAEL
20900 SW 120TH AVE
TUALATIN, OR 97062-6817

KSTUDE LLC & KYLE CHRIS MEMORIAL TRUST
4137 WESTBAY RD
LAKE OSWEGO, OR 97035-5521

ASHWOOD CONSTRUCTION INC
29772 SW HEATER RD
SHERWOOD, OR 97140-5005

TIGARD SAND & GRAVEL LLC
PO BOX 4810
TUALATIN, OR 97062-4810

CPUS 115TH COMMERCE PARK LP BY NTRG
14785 PRESTON RD #660
DALLAS, TX 75254-9172

CIPOLE LLC
450 NEWPORT CENTER DR STE 405
NEWPORT BEACH, CA 92660-7610

ICC 2 LLC
1101 SE TECH CENTER DR STE 160
VANCOUVER, WA 98683-5521

TUALATIN CITY OF
18880 SW MARTINAZZI AVE
TUALATIN, OR 97062-7092

G & S FAMILY LP
20752 SW 120TH AVE
TUALATIN, OR 97062-6961

LU PACIFIC BUILDING #2 LLC BY PETER LU
PO BOX 483
TUALATIN, OR 97062-0483

PORTLAND GENERAL ELECTRIC CO
ATTN: 1WTC0510-CORP TAX DEPT
121 SW SALMON ST
PORTLAND, OR 97204-2908

OREGON REAL ESTATE 8 LLC
4930 CASH RD
DALLAS, TX 75247-6308

FORE-SIGHT BALBOA LLC
20400 SW CIPOLE RD
TUALATIN, OR 97062-7269

OREGON ASPHALTIC PAVING LLC
PO BOX 4810
TUALATIN, OR 97062-4810

Tonquin Substation
Portland General Electric

Neighborhood / Developer Meeting

Tuesday, December 10, 2020

Portland General Electric
121 SW Salmon Street · Portland, Ore. 97204

Agenda

- Welcome/ Online Sign-in
- Project Background
- Land Use Review Process
- Questions and Discussion

Sign-In

- Please complete the quick online sign-in sheet
- Options
  - Use the link in the messages tab to access the form
  - Take a picture of the QR code on the slide
  - Email the following information to fangelo@angeloplanning.com or type it into the messages tab
    - Name (first and last), address, email address, and phone number

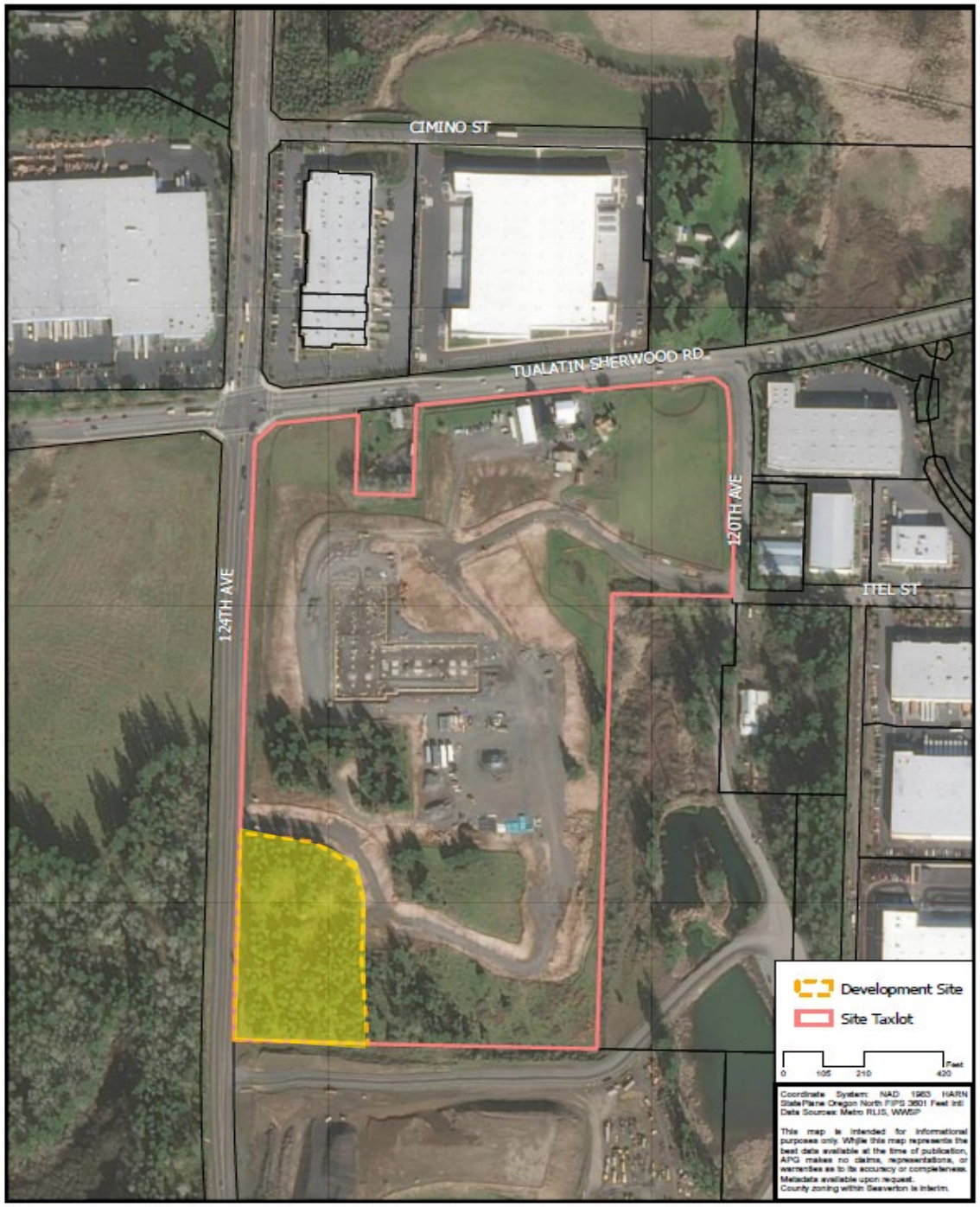
Project Description

- Development of a new substation
- Located on the same site as the PGE Integrated Operations Center approved by Tualatin in 2019.
- Incorporate the latest smart grid technologies, improve reliability, safety, and accommodate growth.

Project Description

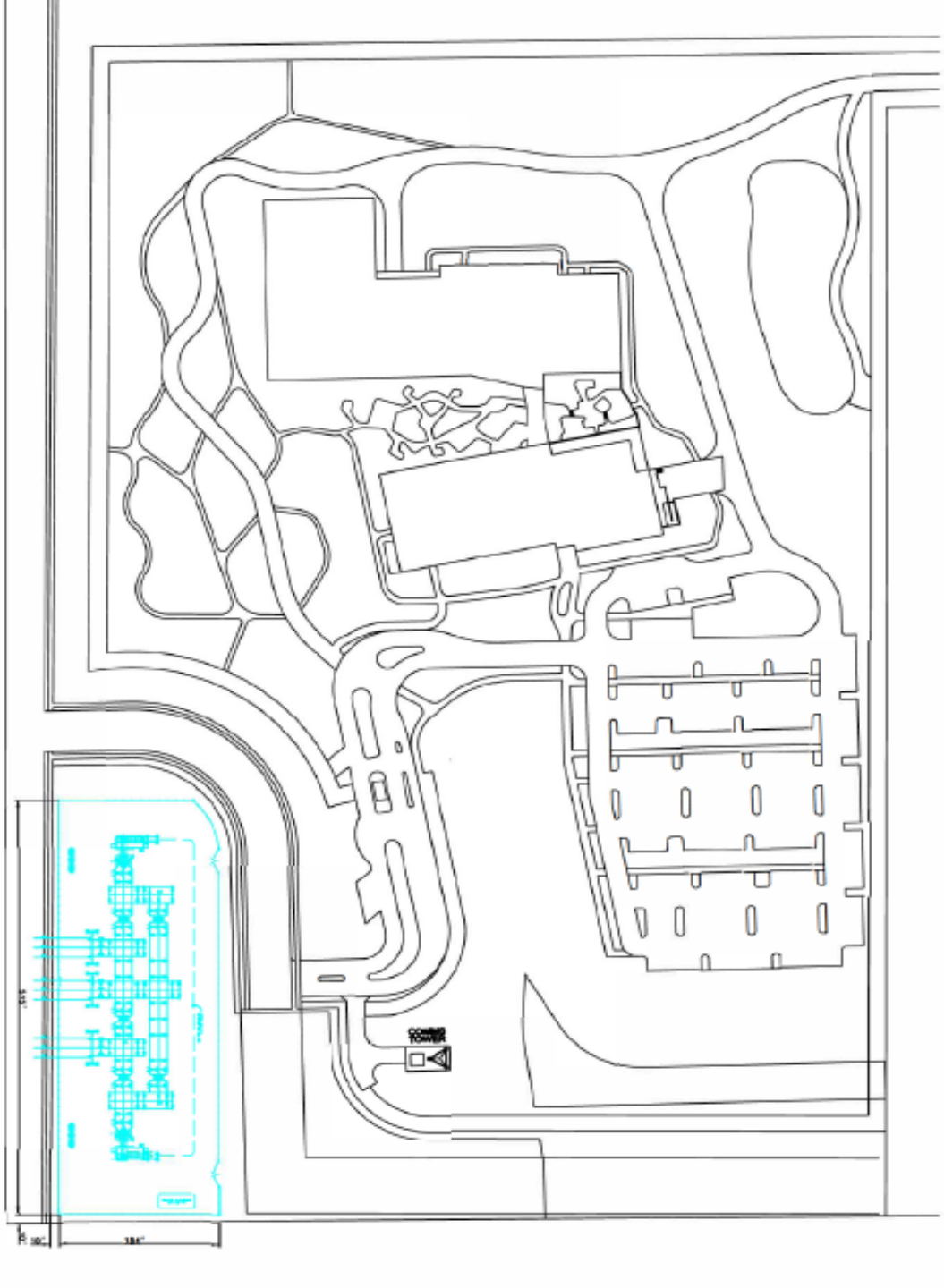
- Increase service reliability and help improve overall system operations for all of PGE's customers.
- One of a number of projects PGE is working on to:
  - Enhance and modernize the energy grid
  - Make it smarter and more resilient
  - Create a platform for a clean energy future.

Tonquin Substation Site

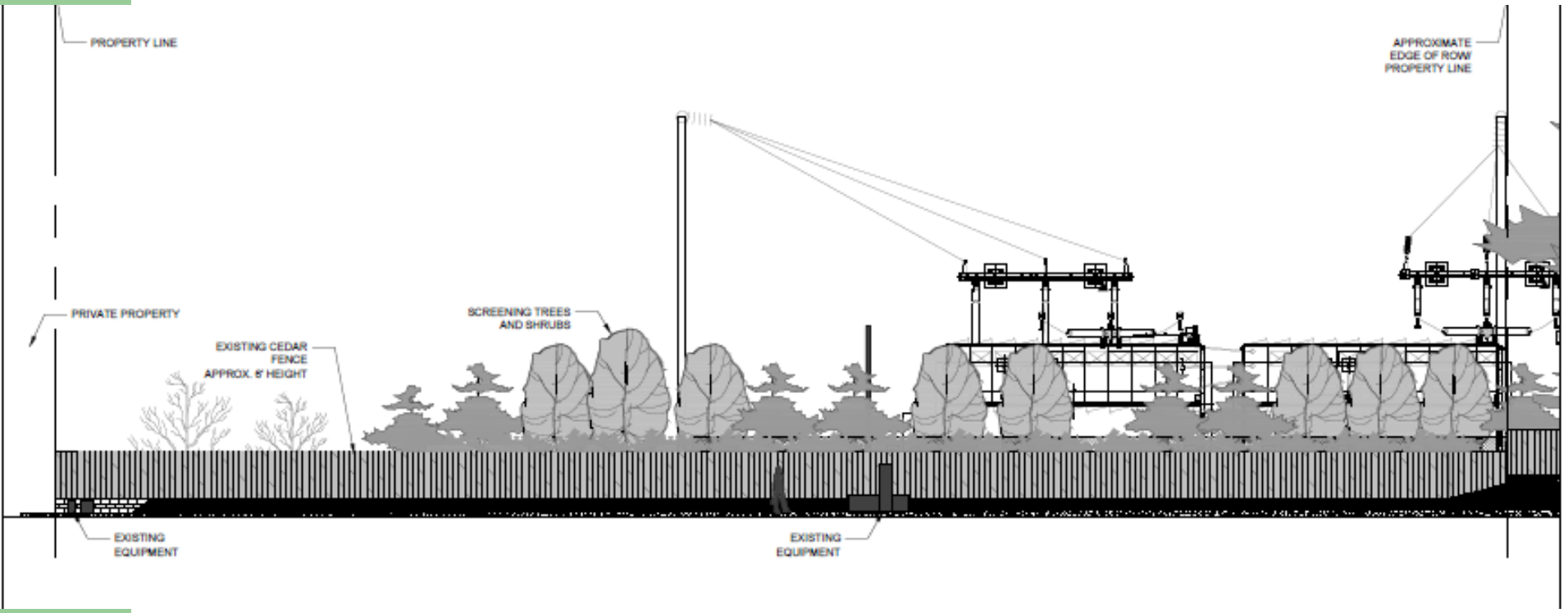


Site Plan

*Conceptual



Examples from PGE Substations



Examples from PGE Substations

Site Description

- **Zoning Designation**: Manufacturing Busines Park (MBP)
- **Site Size**: 43.85 acres
- **Project Area**: approx. 4.25 acres

Land Use Review Process

- Type II Staff Review - Administrative
- Variances
  - Setback
  - Landscaping
- Variances reviewed by Planning Commission

Estimated Schedule

- Local Reviews – through Summer 2021
- Construction – 2022 - 2024
- Operational – January 2024

Questions?

Trouble with GoToMeeting?

Contact Frank Angelo at

fangelo@angeloplanning.com

AFFIDAVIT OF MAILING NOTICE

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Emma Porricolo being first duly sworn, depose and say:

That on the 20 day of November, 2020, I served upon the persons shown on Exhibit "A" (Mailing Area List), attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer Meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

Emma Porricolo
Signature

SUBSCRIBED AND SWORN to before me this 20th day of November, 2020.

OFFICIAL STAMP
SUSAN M MILLER
NOTARY PUBLIC-OREGON
COMMISSION NO. 977569
MY COMMISSION EXPIRES AUGUST 06, 2022

Susan M Miller
Notary Public for Oregon
My commission expires:

RE: _____

CERTIFICATION OF SIGN POSTING

NOTICE

NEIGHBORHOOD / DEVELOPER MEETING

12/10/2010 6:00 p.m.

SW Virtual

503-221-3664

In addition to the requirements of TDC 32.150, the 18" x 24" sign must display the meeting date, time, and address as well as a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. A PowerPoint template of this sign is available at: https://www.tualatinoregon.gov/planning/land-use-application-sign-templates.

As the applicant for the Toquin Substation project, I hereby certify that on this day, ONE (1) sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Division.

Applicant's Name: Frank Angelo
(Please Print)

Applicant's Signature:

Date: November 20, 2020

CITY OF TUALATIN Planning Division

UNOFFICAL

Tualatin Planning Commission

MINUTES OF February 4, 2021

TPC MEMBERS PRESENT:	**STAFF PRESENT:**
Mona St. Clair, Vice Chair	Steve Koper
Commissioner Alan Aplin	Tabitha Boschetti
Commissioner Janelle Thompson	Erin Engman
Commissioner Daniel Bachhuber	Lindsey Hagerman
Commissioner Ursula Kuhn	
Commissioner Mitch Greene	

TPC MEMBERS ABSENT:	**GUESTS:**
William Beers, Chair	Jon Pheanis, MIG
	Sou Garner, MIG

CALL TO ORDER AND ROLL CALL:

Vice Chair St. Clair called the meeting to order 6:30 PM and reviewed the agenda. Roll call was taken.

ANNOUNCEMENTS AND PLANNING COMMISSION COMMUNICATION

None

REVIEW OF MINUTES:

None.

ACTION ITEMS

None.

Tabitha introduced our guests for the meeting and explained the overall topic. She explained the meeting will discuss the Middle Housing Code Update, a continuation of both housing policy work from the Tualatin 2040 project, and pursuing compliance with House Bill 2001. The anticipated outcome of this work will include changes to the Tualatin Development Code that support housing development.

Mr. Pheanis from MIG started his presentation explaining the timeline for this project through May 2021. He stated MIG's goal with this project is to meet the community's housing needs as well as support housing choices in Tualatin by removing land use regulatory barriers to Middle Housing. They have a number of objectives they would like to achieve in this project including implementing House Bill 2001 in Tualatin. This includes removing barriers to developing Duplexes, Triplexes, Quadplexes, Townhomes, and Cottage Clusters. The project will need to adopt appropriate, clear and objective siting and design standards for Middle Housing.

He explained there are three overall options in achieving Tualatin's objectives. These objectives were listed as the following:

- Only regulate lot size, coverage, setbacks, and height (current code)
- Apply additional development and design standards only when an applicant requests code exceptions or incentives (e.g., increased lot coverage, height, density, etc.)

Mr. Pheanis broke down each type of middle housing into different types which included Duplex, Triplex/Quadplex, townhouses, and cottage clusters. He explained the typical clear and objective standards for housing can include requirements: such as building orientation, parking location, open space and landscaping and building design. In each of these requirements he talked about how layouts for each housing type could possibly look. He also showed visual examples of each housing type. After each type of housing was presented, discussion questions were presented for adding standards, maintaining, or removing standards.

Commission members discussed parking, affordable design concepts, and incentives. This discussion included the balance between different standards and affordability. Housing size and massing can also be influenced by other standards and relate to housing cost.

Mr. Pheanis ended his presentation with explaining the next steps for the middle housing code update which included a webinar discussion that would explain information to the general public and answer questions on February 25th. He noted the first draft for code amendments would take place February through March.

ADJOURNMENT FUTURE ACTION ITEMS

MOTION by Commissioner Thompson to adjourn the meeting at 8:20pm.

CITY OF TUALATIN Planning Division

UNOFFICAL

Tualatin Planning Commission

MINUTES OF February 18, 2021

TPC MEMBERS PRESENT:	**STAFF PRESENT**
Bill Beers, Chair	Steve Koper
Mona St. Clair, Vice Chair	Tabitha Boschetti
Alan Aplin, Commissioner	Erin Engman
Janelle Thompson, Commissioner	Karen Perl Fox
Daniel Bachhuber, Commissioner	Lindsey Hagerman
Ursula Kuhn, Commissioner	

TPC MEMBERS ABSENT:
Commissioner Mitch Greene

GUESTS:
Mimi Doukas- AKS Engineering
Beth Goodman, ECONorthwest
Ethan Stuckmayer- DLCD

CALL TO ORDER AND ROLL CALL:
Chair Beers called the meeting to order at 6:30pm. Roll call was taken.

ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION
None.

APPROVAL OF MINUTES
Commissioner Thomas motioned for approved and Commissioner Kuhn seconded the motion.

COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)
Limited to 3 minutes**.** Citizen communication follow up to January 21, 2021 meeting

Mr. and Mrs. Lucini let the staff and the commissioners know their concerns on informing the public about land use development and the proposed Basalt Creek Plan Map Amendment. They are concerned with the lack of citizen involvement and existing processes. They both would like more transparency of future stormwater and land use projects and have specific concerns related to their property as well. Chair Beers and City staff discussed the scope of the night's discussion

with a possible recommendation related to the Plan Map and Plan Text Amendment.

ACTION ITEMS:

Ms. Boschetti, Associate Planner, introduced the proposed Plan Map Amendment and Plan Text Amendment case (File Nos. PMA 20-0002 and PTA 20-0005) to be presented to City Council, and that staff is seeking a recommendation from the Tualatin Planning Commission regarding the proposal. The proposal would adjust the existing boundary location of Neighborhood Commercial (CN) zoning and Medium Low Density (RML) zoning in the Basalt Creek area, with no net change to acreage. The location of the proposed change is east of Boones Ferry Road and north of Greenhill Lane in the Basalt Creek area.

Commissioner Beers had a question on history of the zoning and provision in the code that limited the location of the zone within 300 feet of a school property. Ms. Boschetti shared that there was no mapped Neighborhood Commercial (CN) zoning at the time of the last Development Code update; the current CN zoning is the only CN mapped property.

Ms. Doukas, with AKS Engineering, representing the applicant. Lennar Northwest, shared more information on the proposal. The proposed amendment to Chapter 51 of the Development Code would eliminate the existing prohibition on siting of the CN zone within 300 feet of a school, which due to site's location adjacent to the Horizon Christian Church and School would otherwise preclude the proposed reconfiguration.

City staff shared their recommendation that the Planning Commission moves forward with recommendation of approval of the proposed Plan Map and Text Amendments (File No. PTA Files Nos. PMA20-0002 and PTA20-0005).

Commissioner Beers made the motion to recommend approval, which passed 5-0.
The City Council hearing is scheduled Monday March 8th

COMMUNICATION FROM CITY STAFF

Discussion of draft housing policies of Tualatin's Housing Production Strategy

Ms. Goodman summarized the Housing Production Strategy, which would be a 6-year plan. She recapped the Housing Needs Analysis and Housing Production Strategy that was discussed in previous meetings. She reminded everyone about evaluating the strategies later in the project. Potential strategies included land acquisition/disposition, allocating funding, waivers on charges for development, removing regulatory barriers, partnering to leverage efforts and resources.

Ms. Goodman broke down each group of strategies previously discussed into 12 different policy scenarios the City could choose. The following are the policies ECONorthwest has developed to address issues and group information collected:

1. Affordable Housing
2. Encourage & Support Affordable Homeownership to Create Opportunities for Wealth Creation
3. Preserve Affordable Housing to Prevent Loss of Existing Affordable Units to Prevent Resident Displacement
4. Preservation of NOAH
5. Racial & Social Equity
6. Workforce Housing
7. Housing Stabilization
8. Plan for Support Housing Programs & Initiates that are Responsible for Safety & Health Needs Households Earning 0%-80% MFI
9. Accessible & Specialized Design
10. Mixed Use Housing and Redevelopment
11. Regulatory & Zoning Changes
12. Transportation & Public Infrastructure

Commissioners had a number of questions regarding some of the policies discussed such as:

- Preservation of current housing;
- Encouraging and Supporting Affordable Homeownership;
- Workforce housing;
- Regulatory and Zoning Changes and;
- Racial & Social Equity.

Tualatin is working on creating safe and affordable housing to all and will not be overlooked.

FUTURE ACTION ITEMS:

March 18, Discussion on Draft Housing Strategy with Policies and Selected Strategic Actions

ADJOURNMENT:

MOTION by Commissioner Thompson SECONDED by Commissioner Kuhn to adjourn the meeting at 8:40 pm.