



1510 - B Third Street
Tillamook, Oregon 97141
<https://www.tillamookcounty.gov>
503-842-3408

Land of Cheese, Trees and Ocean Breeze

**VARIANCE REQUEST #851-24-000318-PLNG
TILLAMOOK PEOPLE’S UTILITY DISTRICT**

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

October 9, 2024

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Variance Request on October 9, 2024.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <https://www.tillamookcounty.gov/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on October 21, 2024.**

Request: Variance request to reduce the required 30-foot property line setback to 10-feet for the relocation of a down guy and anchor to support the approved construction of a 115-kilovolt Transmission Line.

Location: Subject property is located east of the Unincorporated Community of Oceanside, is accessed via a private easement and is designated as Tax Lot 500 of Section 30, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Forest (F) Zone

Applicant: KC Fagen, Tillamook PUD, 1115 Tillamook Avenue, Tillamook, OR 97141

Property Owner: Scott Marshall, SDC Tillamook, 1867 Williams Highway, STE 109C, Grants Pass, OR 97527

CONDITIONS OF APPROVAL

Section 8.060: COMPLIANCE WITH CONDITIONS and Section 8.070: TIME LIMIT requires compliance with approved plans and conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Variance approval is to reduce the required 30-foot property line setback to 10-feet for the relocation of a down guy and anchor at “Pole Location 67” to support the approved construction of the Tillamook-Oceanside 115-kilovolt Transmission Line Project.
3. Development shall adhere to the applicable Conditions of Approval adopted by the Tillamook County Board of Commissioners outlined in Tillamook County Commissioner Board Order #851-18-000321-PLNG, #851-18-000323-PLNG & #851-18-000233-PLNG, in the matter of consolidated appeal requests to appeal the Planning Commission’s decision to approve with conditions consolidated Administrative Review, Conditional Use Permit and Floodplain Development Permit approvals #851-17-000488-PLNG, #851-17-000448-PLNG-01 and #851-17-000488-PLNG-02 for the Tillamook-Oceanside 115-kilovolt Transmission Line Project.
4. This approval shall be void on October 9, 2026, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

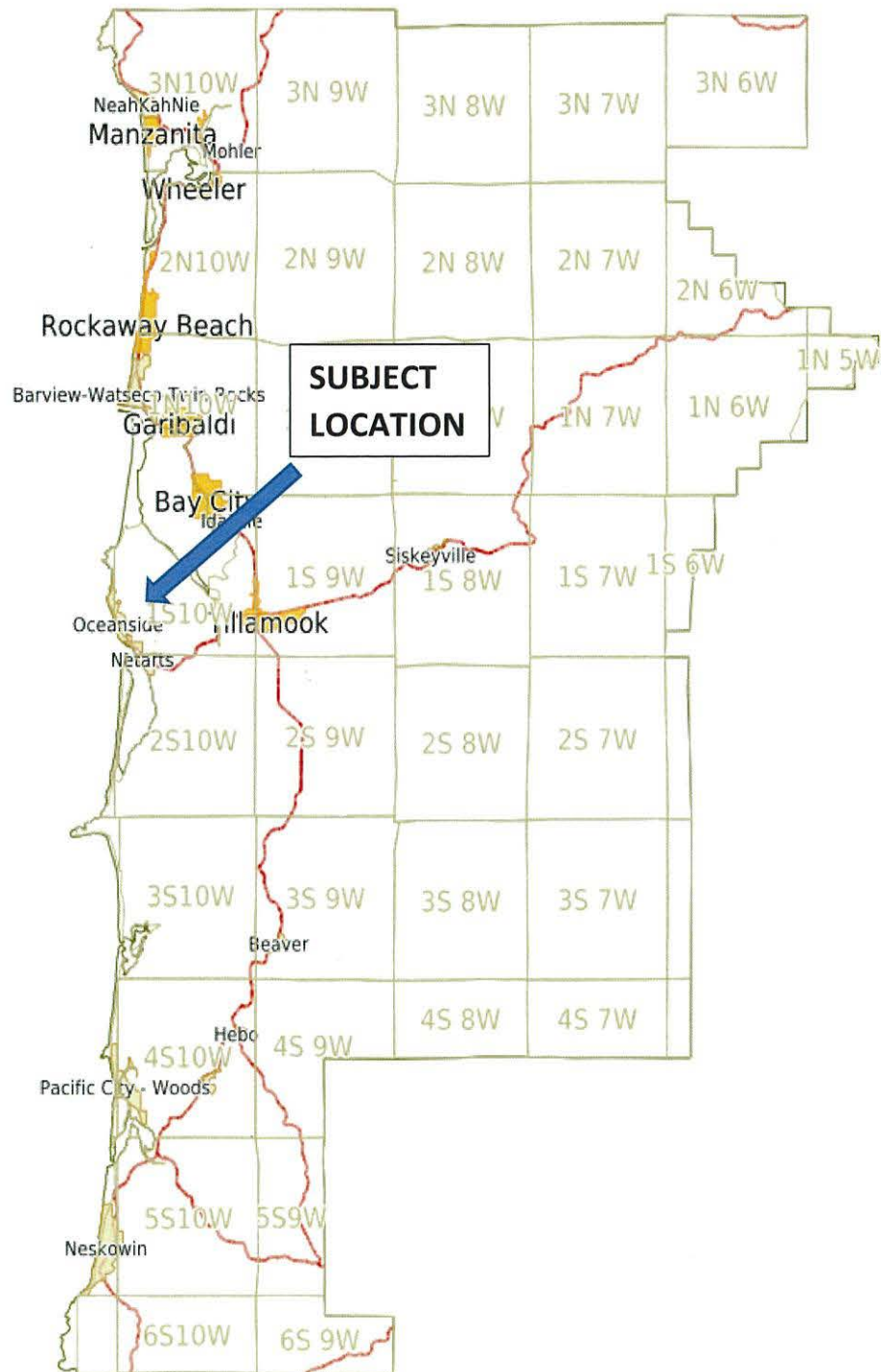
Sincerely,



Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor & Zoning maps

VICINITY MAP



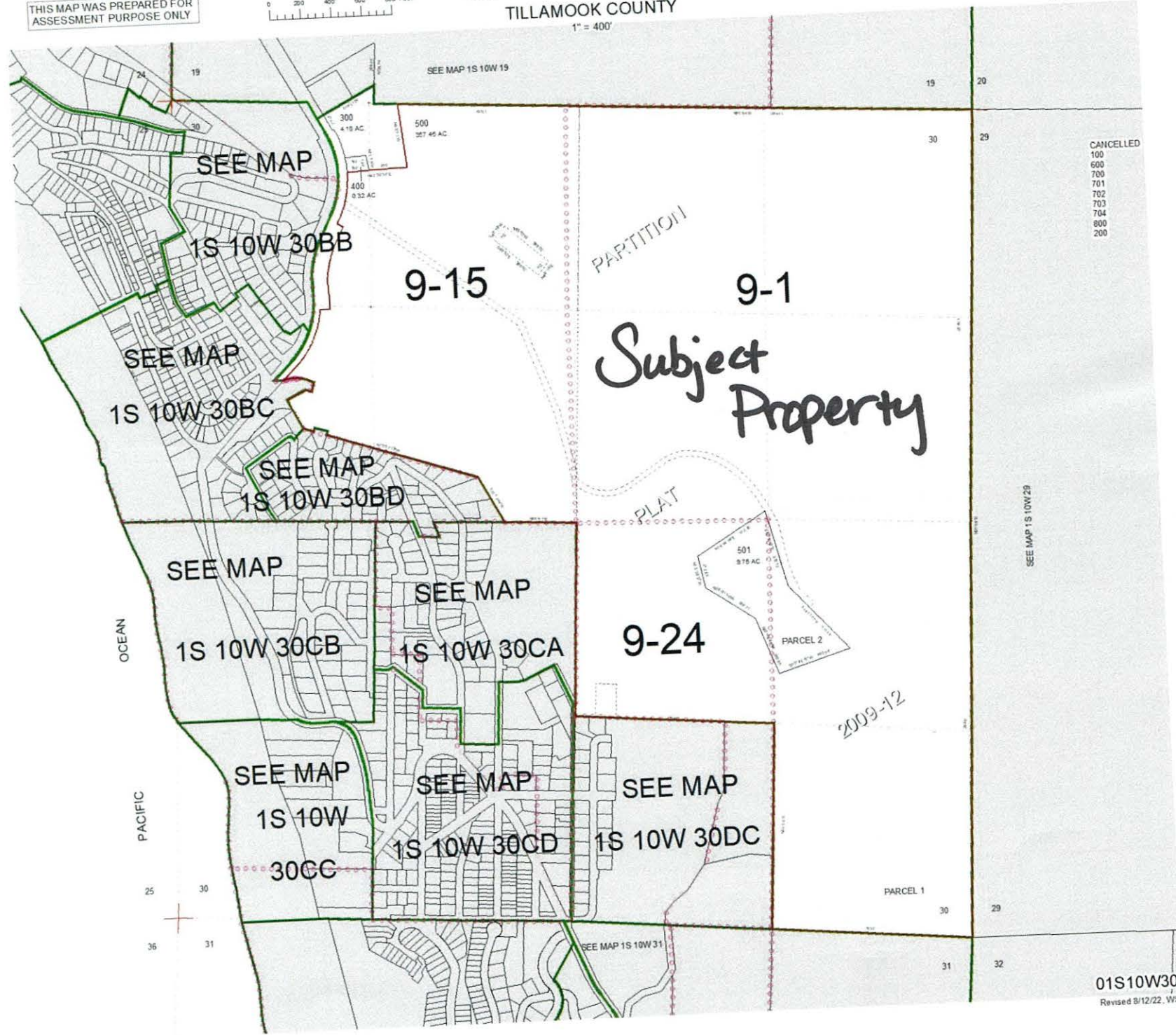
#851-24-000318-PLNG: TILLAMOOK PEOPLE'S
UTILITY DISTRICT

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SECTION 30 T.1S. R.10W. W.M.
TILLAMOOK COUNTY
1" = 400'

01S10W30



- CANCELLED
- 100
- 600
- 700
- 701
- 702
- 703
- 704
- 800
- 200



1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us

Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1 (800) 488-8280

Land of Cheese, Trees and Ocean Breeze

**VARIANCE REQUEST #851-24-000318-PLNG
TILLAMOOK PEOPLE’S UTILITY DISTRICT**

Decision: APPROVED
Staff Report Date: October 9, 2024
Report Prepared By: Sarah Absher, CFM, Director

I. GENERAL INFORMATION:

- Request:** A Variance request to reduce the required 30-foot property line setback to 10-feet for the relocation of a down guy and anchor to support the approved construction of a 115-kilovolt Transmission Line (Exhibit B).
- Location:** Subject property is located east of the Unincorporated Community of Oceanside, is accessed via a private easement and is designated as Tax Lot 500 of Section 30, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).
- Zone:** Forest (F)
- Applicant:** KC Fagen, Tillamook PUD, 1115 Tillamook Avenue, Tillamook, OR 97141
- Property Owner:** Scott Marshall, SDC Tillamook, 1867 Williams Highway, STE 109C, Grants Pass, OR 97527

Property & Vicinity Description: The subject property is 357.46 acres in size, is heavily forested and is in active natural resource (forest) use (Exhibits A & B). The subject property is improved with several logging roads and topography of the site varies. The subject property borders the unincorporated community of Oceanside, which is located west of the subject property. The subject property surrounds the Netarts-Oceanside Sanitary District (NOSD) property as well as the Tillamook PUD Oceanside substation location recently approved under Partition review #851-24-000378-PLNG.

The subject property contains mapped wetlands and natural features as indicated on the Statewide Wetlands Inventory map and is located within Zone X an Area of Minimal Flood Hazard, as depicted on the FEMA Flood Insurance Rate Map (FIRM 41057C0555F) (Exhibit A).

The subject property is within an area of known geologic hazard and development is subject to the applicable provisions of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.

Public facilities and services in the area include the Netarts-Oceanside Sanitary District, Oceanside Water District, Tillamook County Sheriff's Office, Tillamook People's Utility District, Oregon Department of Forestry (Fire Patrol Northwest) and the Netarts-Oceanside Fire District.

This Variance request follows consolidated Administrative Review, Conditional Use Permit and Floodplain Development Permit approvals #851-17-000488-PLNG, #851-17-000448-PLNG-01 and #851-17-000488-PLNG-02 for the Tillamook-Oceanside 115-kilovolt Transmission Line Project. As reflected in the Conditions of Approval adopted in Tillamook County Commissioners Board Order #851-18-000321-PLNG..., a Condition of Approval was made stating the following:

The location of pole structures within the Forest (F) Zone shall be relocated to meet the required 30-foot yard setback. As an alternative, prior to applying for a Zoning Permit approval, the Applicant may separately apply for a Variance, subject to the criteria outlined in Section 8.030 and processed as a Type II review in accordance with the procedures outlined in Article 10 of the TCLUO.

Applicant has applied for a Variance to establish a 10-foot setback for the relocation of a down guy and anchor at "Pole Location 67" to support the approved construction of a 115-kilovolt Transmission Line (Exhibit B). The Variance has been processed as a Type II review in compliance with the Condition of Approval outlined above.

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The desired use is governed through the following Sections of the Tillamook County Land Use Ordinance (TCLUO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. Section 3.004: Forest (F) Zone
- B. Article VIII: Variance Procedure and Criteria

III. ANALYSIS:

A. Section 3.004: Forest (F) Zone

PURPOSE: The purpose of the Forest (F) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

...

1. Section 3.004(9) Siting Standards For Dwellings And Structures In Forest Zones

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest zones. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The County shall consider the criteria in this section together with the requirements of Section (10) to identify the building site:

...

b) The minimum front, rear, and side yards shall all be 30 feet

...

Findings: Applicant is requesting to reduce the required 30-foot property line setback to 10-feet for the relocation of a down guy and anchor at "Pole Location 67" to support the approved construction of a 115-kilovolt Transmission Line as shown on the site plan in "Exhibit B" of this report. As stated previously, a condition of approval was included in the consolidated review for the transmission line project allowing the Applicant to separately apply for a Variance should the location of a pole structure not meet the required 30-foot setbacks for structures in the Forest (F) zone.

(d) Dwellings and structures shall be sited on the parcel so that:

- 1. They have the least impact on nearby or adjoining forest or agricultural lands;*
- 2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
- 3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
- 4. The risks associated with wildfire are minimized.*

(e) Siting criteria satisfying Subsection (d) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

Findings: Staff finds that these requirements have been met as stated above with findings on record as part of the consolidated Administrative Review, Conditional Use Permit and Floodplain Development Permit approvals #851-17-000488-PLNG, #851-17-000448-PLNG-01 and #851-17-000488-PLNG-02 for the Tillamook-Oceanside 115-kilovolt Transmission Line Project.

(f) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629).

Findings: Domestic water is not required for the proposed development (Exhibit B).

(g) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Findings: The proposal is not for the siting of a dwelling and the property is privately owned (Exhibits A & B). Applicant has secured access agreements for access to the pole structure during construction and for long-term road access to the Tillamook-Oceanside 115-kilovolt Transmission Line Project. (Exhibit B).

2. Section 3.004(10): Fire Siting Standards for Dwelling and Structures:

(c) The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire

Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry and shall demonstrate compliance with Table (10)(c)1...

Findings: The subject property is located is within the fire protection service area of the Oregon Department of Forestry.

TCLUO Article 11 defines a Structure as *"Anything constructed or installed or portable, the use of which requires a location on a parcel of land"*. As a Condition of Approval, the Applicant shall maintain the required fuel-free fire break areas around structures located on the subject property in accordance with TCLUO Section 3.004(10)(c). Staff finds that this requirement has been addressed and will be met through compliance with the Conditions of Approval of consolidated Administrative Review, Conditional Use Permit and Floodplain Development Permit approvals #851-17-000488-PLNG, #851-17-000448-PLNG-01 and #851-17-000488-PLNG-02 for the Tillamook-Oceanside 115-kilovolt Transmission Line Project.

A. Article VIII: Variance Procedure and Criteria; including Section 4.005 Residential and Commercial Zone Standards

The purpose of a VARIANCE is to provide relief when a strict application of the dimensional requirements for lots or structures would cause an undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. No VARIANCE shall be granted to allow a use of property not authorized by this Ordinance.

Article VIII of the Tillamook County Land Use Ordinance governs the applications of Variances within the County. Section 4.005 lists the purposes of the land use standards in each of the residential and commercial zones.

1. **Section 8.020** requires public notice in accordance with TCLUO Section 10.070 which requires notification of the request to be published in a newspaper of local distribution and mailed to landowners within 250 feet of the subject property.

Findings: Notice of this Variance request was mailed to property owners within 750-feet and affected agencies on August 1, 2024. No comments were received.

2. **Section 8.030** states that a Variance may be authorized if the applicants/property owners adequately demonstrate that the proposed use satisfies all relevant requirements, including all four review criteria in Section 8.030. These criteria, including Section 4.005 Residential and Commercial Zone Standards, along with Staff's findings and conclusions are indicated below:

(1) Circumstances attributable either to the dimensional, topographical, or hazardous characteristics of legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.

Findings: In review of the Applicant's submittal, staff finds the guy wires and anchor at Pole Location 67 fall within the required 30-foot setback (Exhibit B). Applicant states that this pole is an angle structure that requires guy wires for support and to meet strength requirements (Exhibit B). Due to the angle at this structure location, the guy lead length cannot be shortened sufficiently to site the pole structure improvements in a manner that adheres to the required 30-foot setback and that moving the pole location would require relocating three adjacent poles as well as relocating the existing transmission line easement (Exhibit B).

Applicant discusses two additional reasons to support relief to the required 30-foot setback requirement for the location of structures in the Forest (F) zone. Reducing the setback to 10-feet for the guy wires and anchor pole at "Pole Location 67" ensures avoidance to a natural drainage system part of the watershed system in the area. Applicant also states that adherence to the required 30-foot setback will require a shift in the location of the existing transmission line easement, resulting in the formation of an isolated forested island between the transmission line easement and the neighboring property, precluding efficient use of forested land in this area (Exhibit B).

Staff finds that the circumstances and constraints identified by the Applicant are not a self-created issue, and that relief to the required 30-foot setback ensures the ability to site the structures on the subject property in a manner that does not require relocation of the existing easement or, due to topographical constraints, avoids potential impacts to the watershed area.

Staff concludes this criterion is met.

(2) A variance is necessary to accommodate a use or accessory use on the lot which can be reasonably expected to occur within the zone or vicinity.

Findings: Applicant states the requested variance is necessary to avoid construction of additional roads within the forested area to access the pole structure and avoid creation of an isolated strip of land (Exhibit B).

TCLUO Section 3.004 lists new electric transmission lines as a use permitted conditionally in the Forest (F) Zone. The Tillamook-Oceanside 115-kilovolt Transmission Line Project was approved by the Tillamook County Planning Commission and upheld on appeal by the Board of County Commissioners as consolidated Administrative Review, Conditional Use Permit and Floodplain Development Permit approvals #851-17-000488-PLNG, #851-17-000448-PLNG-01 and #851-17-000488-PLNG-02. Specifically for that portion of the transmission line project that traverses through the Forest (F) zone and subject property, the proposed use was approved through the Conditional Use Permit identified above following determination with findings of fact and evidence in the record that the project met the conditional use criteria outlined in TCLUO Section 3.004: Forest (F) Zone and Article 6: Conditional Uses.

For the reasons stated by the Applicant and findings on record for the Tillamook-Oceanside 115-kilovolt Transmission Line Project, staff finds the Variance is necessary to accommodate a use on the property which can be reasonably expected to occur within the zone given approval of the project through the aforementioned consolidated review process. Staff concludes that this criterion has been met.

(3) The proposed variance will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.

Section 4.005: Residential and Commercial Zone Standards of the Tillamook County Land Use Ordinance lists the purposes of the land use standards in each of the residential and commercial zones as follows:

- (1) To ensure the availability of private open spaces;
- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
- (4) To enhance privacy for occupants or residences;
- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings,

shops, garages, driveway, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;

Findings: The Variance request pertains to development on a property zoned Forest (F), not a commercial or residential zone; however, the Applicant has addressed the standards outlined in Section 4.005 to demonstrate the proposed development at “Pole Location 67” on the subject property preserves the right of adjoining owners to use and enjoy their land for legal purposes (Exhibit B).

Applicant is requesting to reduce the required 30-foot property line setback to 10-feet for the relocation of a down guy and anchor at Pole Location 67 to support the approved construction of a 115-kilovolt Transmission Line (Exhibit B). Applicant states there is little to no impact to the availability of open space and that there are no residential or commercial structures in the area. Applicant adds that the nearest residence is approximately 3,100 feet from the location of development and the proposed development is not visible to these residences given the active forested areas between the two uses (Exhibit B).

The vicinity consists primarily of heavily forested areas and varying ranges of topography. The unincorporated Community of Oceanside borders the 357.46-acre subject property to the west. The Netarts-Oceanside Sanitary District is located within the southern region of the subject property on a separate property, surrounded by the larger 357.46-acre subject property (Exhibits A & B). Applicant states that all private land uses can be expected to occur on private land and that the only land used in the area is for harvesting of timber (Exhibit B).

The proposal is for placement of a down guy and anchor at “Pole Location 67” that is accessed by a forest operation spur road. Applicant states emergency vehicles are unable to access Pole Location 67 (Exhibit B). Staff finds that Pole Location 67 is one structure location part of a series of several pole structure locations, all several feet in distance apart. The location of pole structures is not a limiting factor in ensuring adequate separation of structures for emergency access.

- (6) *To ensure that driver visibility on adjacent roads will not be obstructed;*
- (7) *To ensure safe access to and from common roads;*
- (8) *To ensure that pleasing view are neither unreasonably obstructed nor obtained;*

Findings: Applicant states there are no public or common roads within 1,500 feet of the proposed location of development. Applicant states there will be no impact on views in the area given the guy wire will be less than 12-feet high (Exhibit B).

The County regulates views through compliance with building height requirements. Staff finds the height of the guy wire complies with the maximum height requirement for structures in the Forest (F) zone outlined in TCLUO Section 3.004 (Exhibit B).

- (9) *To separate potentially incompatible land uses;*

Findings: Applicant states the requested variance has no additional impact on existing land uses and the area where the variance is requested. Identified as Pole Location 67, this area for development is located within the existing transmission line easement area (Exhibit B).

- (10) *To ensure access to solar radiation for the purpose of alternative energy production.*

Findings: County records do not indicate any such facilities are in the vicinity of the subject property. Applicant states the proposed development under consideration for variance relief to the 30-foot setback requirement will not block any solar radiation for the purpose of alternative energy production given the size and height of the guy wire structure (Exhibit B).

For the reasons outlined above and stated in the Applicant’s submittal included as “Exhibit B” of this report, staff concludes the proposed variance complies with the purposes of relevant development standards as enumerated in Section 4.005 and preserves the right of adjoining property owners to use and enjoy their land for legal purposes. This criterion is met.

(4) There are no reasonable alternatives requiring either a lesser or no variance.

Findings: Applicant states the guy wires and anchor at Pole Location 67 fall within the required 30-foot setback (Exhibit B). Applicant states that this pole is an angle structure that requires guy wires for support and to meet strength requirements (Exhibit B). Due to the angle at this structure, the guy lead length cannot be shortened sufficiently to be placed to adhere to the required 30-foot setback and that moving the pole location would require relocating three adjacent poles as well as relocating the existing transmission line easement location (Exhibit B). For the reasons outlined in Applicant’s submittal in “Exhibit B”, Applicant states there are no reasonable alternatives requiring either a less or no variance.

Staff finds that the test for identification of reasonable alternatives has been met with justification to support why the alternatives are not reasonable- specifically relocating multiple poles and altering the location of the existing transmission line easement.

Staff concurs with the Applicant’s justification and concludes this criterion has been met.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, that the Applicant has satisfied/or is able to satisfy the applicable ordinance requirements through the Conditions of Approval, and therefore, approves the request subject to the provisions in Section V below.

By accepting this approval the applicants/property owners agree to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this approval. The applicants/property owners shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed building site.

This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on October 21, 2024.**

V. CONDITIONS OF APPROVAL:

Section 8.060: COMPLIANCE WITH CONDITIONS and Section 8.070: TIME LIMIT requires compliance with approved plans and conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Variance approval is to reduce the required 30-foot property line setback to 10-feet for the relocation of a down guy and anchor at “Pole Location 67” to support the approved construction of the Tillamook-Oceanside 115-kilovolt Transmission Line Project.
3. Development shall adhere to the applicable Conditions of Approval adopted by the Tillamook County Board of Commissioners outlined in Tillamook County Commissioner Board Order #851-18-000321-

PLNG, #851-18-000323-PLNG & #851-18-000233-PLNG, in the matter of consolidated appeal requests to appeal the Planning Commission's decision to approve with conditions consolidated Administrative Review, Conditional Use Permit and Floodplain Development Permit approvals #851-17-000488-PLNG, #851-17-000448-PLNG-01 and #851-17-000488-PLNG-02 for the Tillamook-Oceanside 115-kilovolt Transmission Line Project.

4. This approval shall be void on October 9, 2026, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

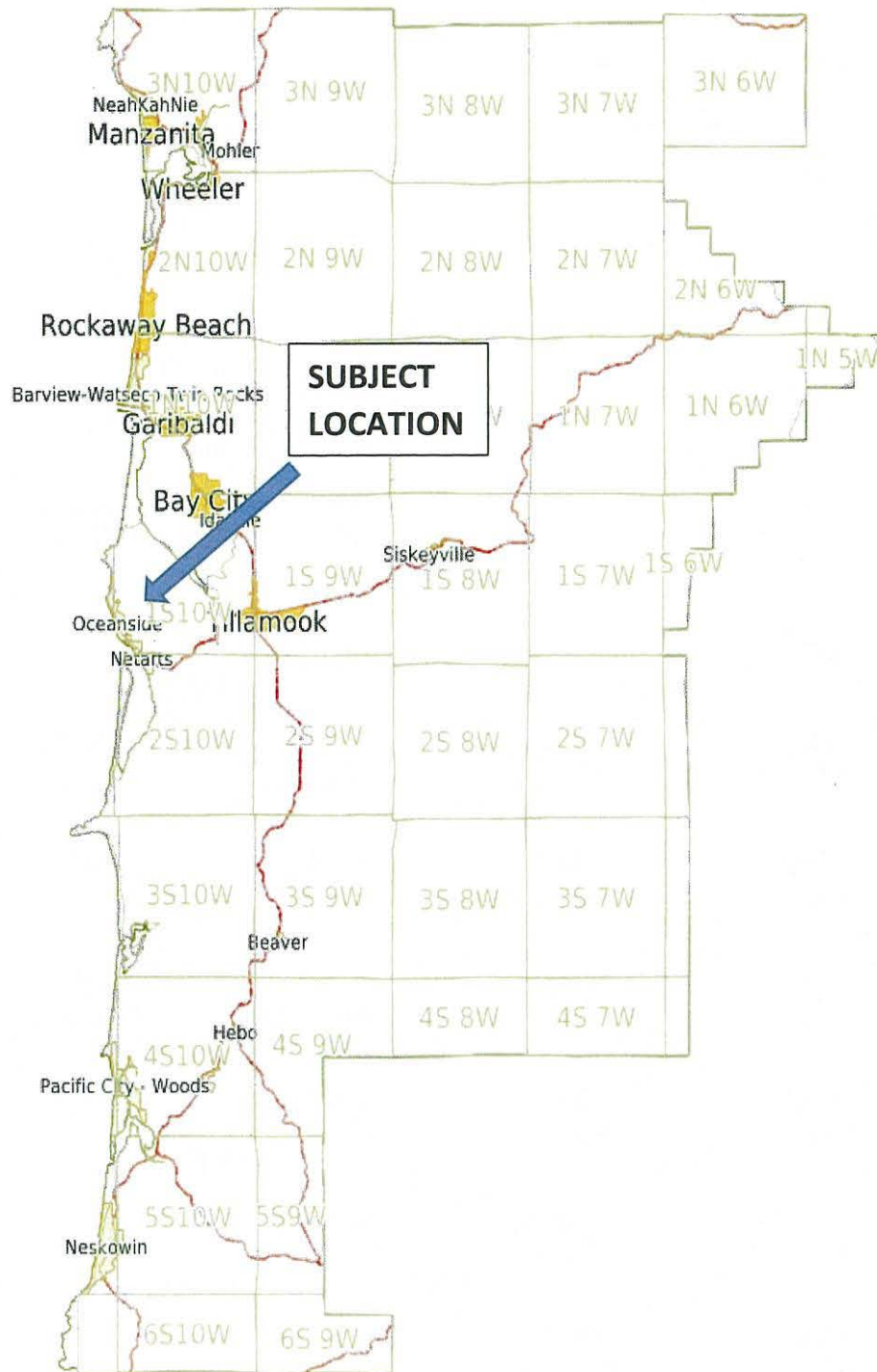
VI. **EXHIBITS**

All Exhibits referred to herein are, by this reference, made a part hereof:

- A. Location Map, Assessor map, Zoning map, DOGAMI Hazard Map, FEMA FIRM, Wetland Inventory Map, Assessment Summary
- B. Applicant's submittal
- C. Tillamook County Commissioner Board Order #851-18-000321-PLNG, #851-18-000323-PLNG & #851-18-000233-PLNG in the matter of consolidated appeal requests to appeal the Planning Commission's decision to approve with conditions consolidated Administrative Review, Conditional Use Permit and Floodplain Development Permit approvals #851-17-000488-PLNG, #851-17-000448-PLNG-01 and #851-17-000488-PLNG-02.

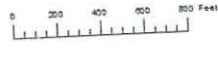
EXHIBIT A

VICINITY MAP



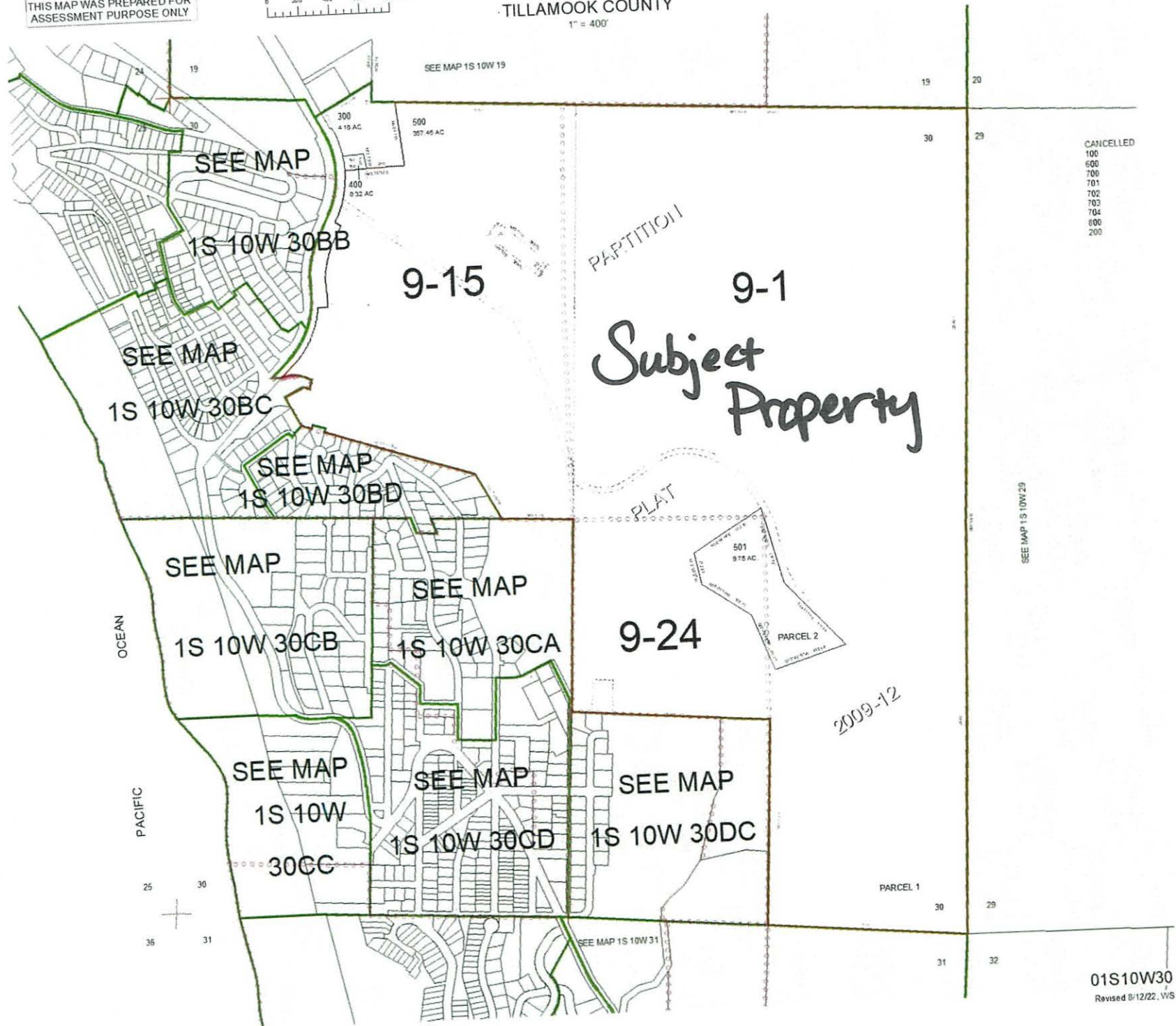
#851-24-000318-PLNG: TILLAMOOK PEOPLE'S
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SECTION 30 T.1S. R.10W. W.M.
TILLAMOOK COUNTY
1" = 400'

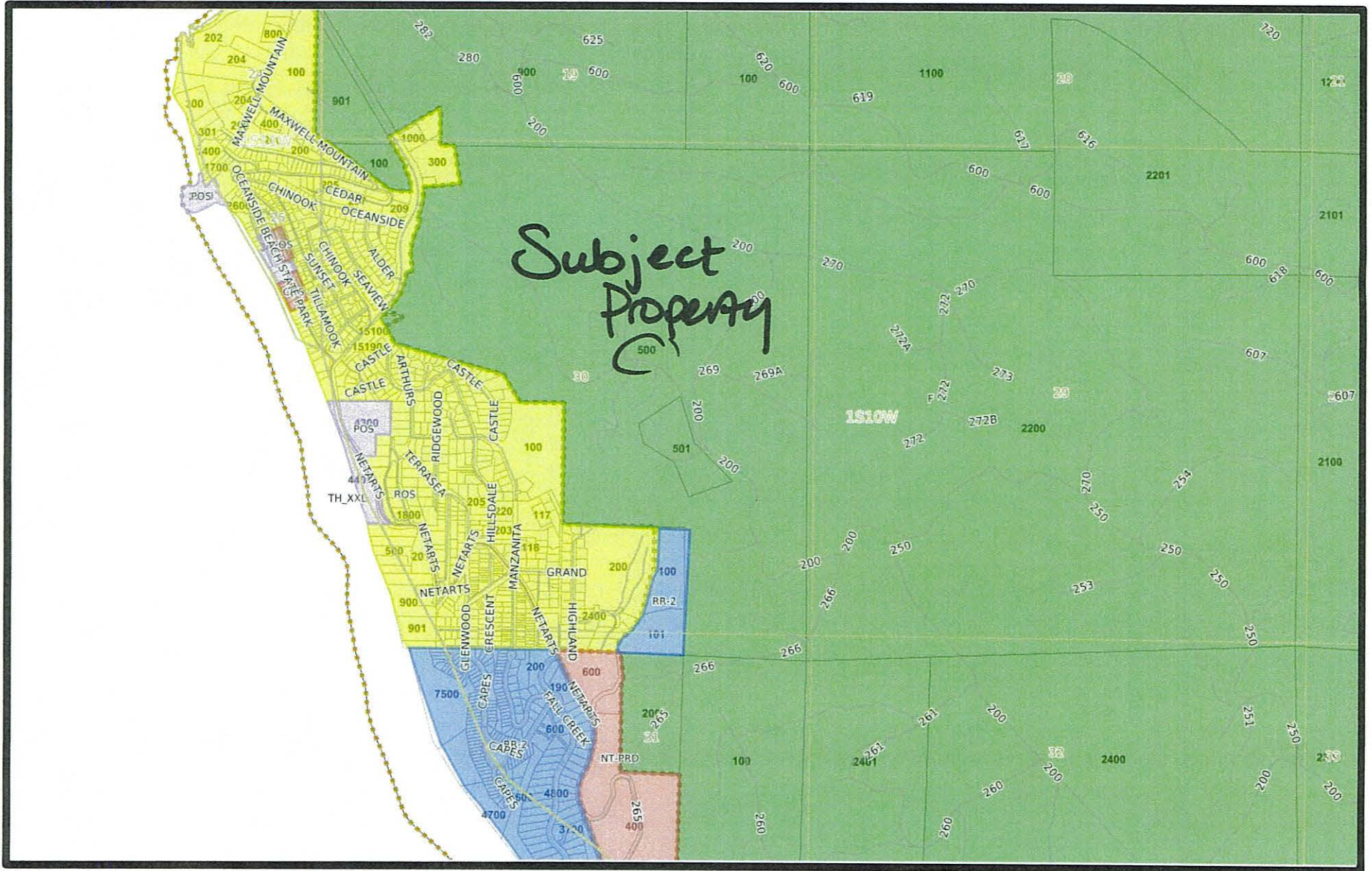
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Revised 8/12/22, WVS

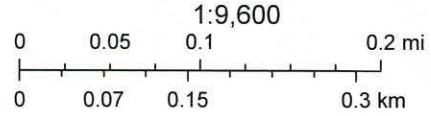
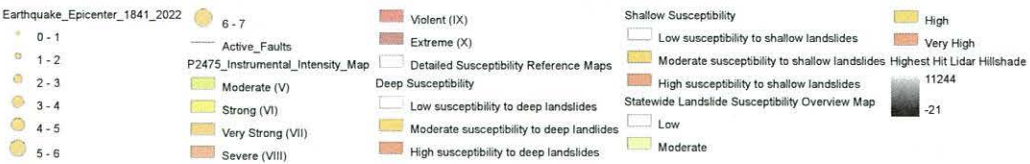
Map



PARTITION #851-24-000378-PLNG



September 10, 2024



National Flood Hazard Layer FIRMette



123°57'24"W 45°27'42"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
		Area of Undetermined Flood Hazard <i>Zone</i>
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
OTHER FEATURES		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

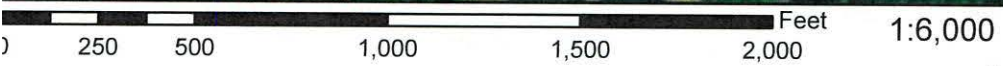


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/8/2024 at 6:41 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.





















This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

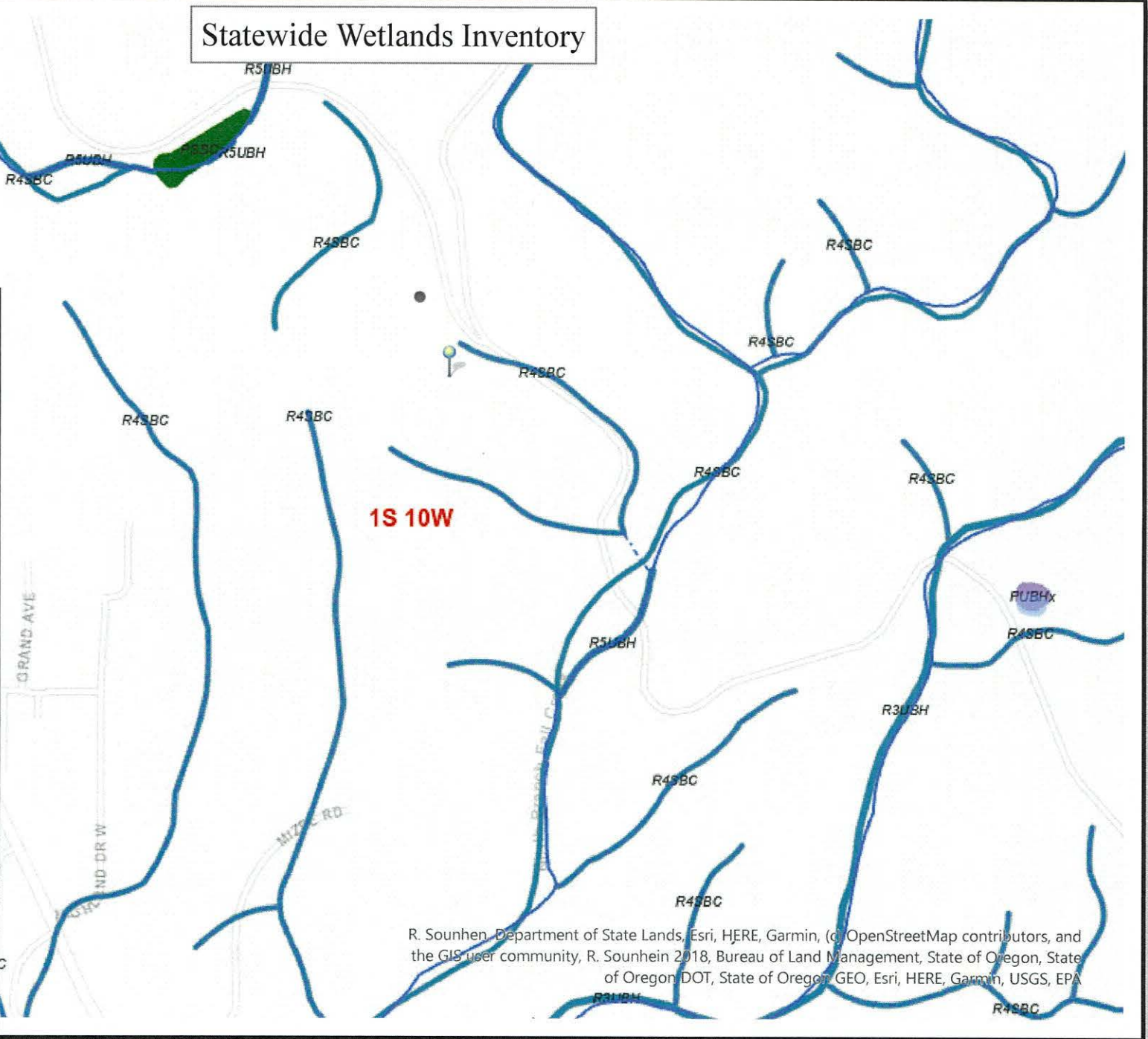


123°56'47"W 45°27'17"N

Statewide Wetlands Inventory

1S 10W

-  Townships
-  BASEDAT.DBO.NHDWaterbody
-  BASEDAT.DBO.NHDArea
- BASEDAT.DBO.NHDFlowline**
-  Perennial
-  Intermittent
-  Ephemeral
-  Unknown
-  Canal/Ditch
-  Canal/Ditch
-  Canal/Ditch
-  BASEDAT.DBO.NHDPPoint
- Wetlands**
-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Lake
-  Riverine
-  SWI Agate-Winlo Soils
-  SWI Predominantly Hydric Soil Map Units



R. Sounhein, Department of State Lands, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, R. Sounhein 2018, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, HERE, Garmin, USGS, EPA



Date: 9/9/2024



Tillamook County
2024 Real Property Assessment Report
 Account 135295

Map	1S10300000500	Tax Status	Assessable
Code - Tax ID	0901 - 135295 0923 - 409213	Account Status	Active
Legal Descr	PARTITION PLAT 2009-12 Lot - PARCEL 1	Subtype	NORMAL
Mailing	SDC TILLAMOOK, LLC %PROPERTY TAX ADMINISTRATION PO BOX 3349 ALBANY GA 31706-3349	Deed Reference #	2023-2756
		Sales Date/Price	06-16-2023 / \$4,514,455
		Appraiser	ELIZABETH LOFTIS
Property Class	600 MA SA NH		
RMV Class	600 01 01 600		

Site	Situs Address	City
-------------	----------------------	-------------

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
0901	Land	322,930		Land	0	
	Impr	0		Impr	0	
Code Area Total		322,930	0	172,542	0	
0923	Land	35,360		Land	0	
	Impr	0		Impr	0	
Code Area Total		35,360	0	18,885	0	
Grand Total		358,290	0	191,427	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0901	0			F	Classified Forest Land	100	40.00 AC	OB	49,610
	0			F	Classified Forest Land	100	237.75 AC	OC	247,530
	0			F	Classified Forest Land	100	43.75 AC	OE	25,750
	0			F	Classified Forest Land	100	2.00 AC	OX	40
Code Area Total							323.50 AC		322,930
0923	0			F	Classified Forest Land	100	33.96 AC	OC	35,360
Code Area Total							33.96 AC		35,360
Grand Total							357.46 AC		358,290

Improvement Breakdown									
Code Area	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	
No improvements reported.									

Exemptions / Special Assessments / Notations				
Code Area	Description	Amount	Acres	Year
0901	Fire Patrol			
	■ FIRE PATROL NORTHWEST	617.96	323.50	2024
0923	Fire Patrol			
	■ FIRE PATROL NORTHWEST	64.87	33.96	2024
	■ FIRE PATROL SURCHARGE	0.00		2024

Tillamook County
2024 Real Property Assessment Report
Account 135295

Comments

5/10/03 Per cartographer's review, 87.50 acres are within the water dist boundary. Transf 87.50 ac to levy code w/water dist. ka 7/8/09 Size correction -6.74 acres, code change -40.53 acres from 9.23 to 9.01, combined TL 200 +0.26 acres, PP 2009-12 -9.75 acres to TL 501, tabled land, 96/10 reset MAV.LM
6/14/18 - Due to a lot line adjustment, .05 acres from taxlot 1S10 30 500 will now be carried in taxlot 1S10 30BD 1800. Removed MAV from SA land. EJ.

EXHIBIT B



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Tillamook PUD, KC Fagen Phone: 503-815-8628

Address: 1115 Tillamook Ave

City: Tillamook State: OR Zip: 97141

Email: kcfagen@tpud.org

Property Owner

Name: SDC Tillamook, Scott Marshall Phone: 206-450-7019

Address: 1867 Williams Hwy, Suite 109C

City: Grants Pass State: OR Zip: 97527

Email: Scott@chinookfp.com

OFFICE USE ONLY	
Date Stamp	RECEIVED MAY 31 2024 BY: <i>JS</i>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees: 1365.-	
Permit No: 851-24-000318-PLNG	

Request: Locate down guy and anchor 10 feet from property boundary to support power pole, maintain

Type II

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Fore-dune Grading Permit Review
- Neskowin Coastal Hazards Area

Type III

- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception
- Nonconforming Review (As deemed by Director)
- Variance (As deemed by Director)

Type IV

- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: Near 1755 CAPE MEARES LP RD W - Tillamook, Oregon 97141

Map Number: 01 South	10 West	30	0500
Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: _____

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

KC Fagen

Digitally signed by KC Fagen
Date: 2024.05.30 16:56:11 -07'00'

5/30/2024

Property Owner Signature (Required)

Scott Marshall

Digitally signed by Scott Marshall
Date: 2024.05.31 05:45:57 -07'00'

Date
5/31/2024

Applicant Signature

Date

VARIANCE 30-FOOT SETBACK LETTER FOR
851-17-000448-PLNG-01 – FOREST (F) ZONE

Tillamook-Oceanside 115-kilovolt Transmission Line Project:
Consolidated Administrative Review, Conditional Use Permit, and
Development Permit Approvals 851-17-000448-PLNG, 851-17-
000448-PLNG-01, and 851-17-000448-PLNG-02

Submitted to

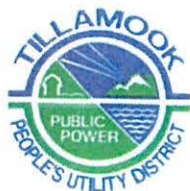
Tillamook County Department of Community Development

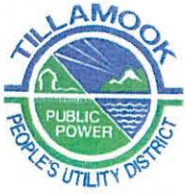
May 30, 2024

Submitted by

Tillamook People's Utility District

1115 Pacific Avenue, Tillamook, Oregon 97141





Tillamook People's Utility District

Directors
David L. Burt
Valerie S. Folkema
Harry E. Hewitt
Tamra R. Perman
Barbara A. Trout

Office: 503 842-2535 • Toll-free: 800 422-2535 • Fax: 503 842-4161 • www.tpud.org

Todd Simmons
GENERAL MANAGER

Attn: Tillamook County Department of Community Development
1510 B Third Street
Tillamook, OR 97141

May 30, 2024

Subject: Request for a Variance to the 30-foot setback for the 115-kilovolt Transmission Line, 851-17-000448-PLNG, 851-17-000448-PLNG-01, and 851-17-000448-PLNG-02 Conditional Use Approvals

Tillamook People's Utility District (District) is constructing a 115kV transmission line from Bonneville Power Administration's Tillamook substation in the City of Tillamook to the new Oceanside substation near the community of Oceanside in Tillamook County. The project received Conditional Use Approvals from the County on August 29th, 2018.

As the design was finalized there is one location in the Forest Zone where a "structure" falls within the 30-foot setback of a property boundary. Property owners expressed a preference that the route of the transmission line follow property lines with neighboring owners where practical as the property boundary naturally creates additional impacts for logging practices, so the addition of the transmission line in this same area is less of an impact than if the line were to be in the middle of a tax lot.

As noted in the Conditions of Approval for 851-17-000448-PLNG-01, "The location of pole structures within the Forest (F) Zone shall be relocated to meet the required 30-foot yard setback. As an alternative, prior to applying for a Zoning Permit approval, the Applicant may separately apply for a Variance, subject to the criteria outlined in Section 8.030 and processed as a Type II review in accordance with the procedures outlined in Article 10 of the TCLUO."

The Planning Commission and the County Board of Commissioners recognized that with the given alignment of the transmission line route, there was the possibility of encroachment into the 30-foot setback area and allowed for a Variance to address this issue and provided the Director the authority to approve the Variance.

The District is seeking approval of a variance to the 30-foot setback rule in the ~~Farm~~ *Forest* Zone. The four criteria that need to be satisfied with the District's response are as follows:

- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.

Response: The transmission line easement in the area of structure 67 is located against the property boundary. Moving the structure outside of the setback (away from the property boundary) would require a shift in the easement away from the property boundary and would form an isolated area (a 20-foot strip of land) between the transmission line easement and the neighboring property, creating a stranded island of production forest land due to the topography of the property along the property boundary. This island pocket of land would preclude the efficient use of this area of the property for the property owner.

The transmission line must divert from the property boundary at this location because of the topography in the area that creates a natural drainage system, which is used as a watershed. The project must avoid the watershed area.

- (2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.

Response: Structure 67 is located next to an existing logging road and next to the property boundary to accommodate the use of existing logging roads. Moving the structures outside of the setback area would require additional roads to be constructed to access the structure and to access the isolated strip of land, creating additional impacts to existing uses of the property.

- (3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.

Response: The requested Variance complies with standard as outlined in Section 4.005.

As stated in the development standards for Section 4.005, the purpose is for residential and commercial zones, specifically, "PURPOSE: In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:". The District would like to present that the requested variance doesn't have to meet the standards of 4.005 as the location of the variance is within a Forest Zone and located more than 3,100 feet from a residential home (see Figure 3 – Distance from residential facility) and 1,500 feet from any commercial facility (see Figure 4 – Distance from commercial facility).

- (1) To ensure the availability of private open space;

Response: There is little to no impact to the availability of open space. This area is Forest Zone and not open to the public. All open spaces have similar access for the property owner as it did prior to the proposed project.

- (2) To ensure that adequate light and air are available to residential and commercial structures;

Response: There are no residential and commercial structures in the area. The project will not negatively impact the adequacy of light and air in the area.

- (3) To adequately separate structures for emergency access;

Response: There is no emergency access in the area as this is production forest operation and the location is accessed by a spur road that is not accessible by emergency vehicles.

- (4) To enhance privacy for occupants of residences;

Response: There are no occupants of residences within 3,100 feet of the location and the location is not visible from any residence as there is an active forest between the variance location and the nearest residence.

- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;

Response: All private land uses that can be reasonably expected can be accommodated on private land. The only land used in the area is for the harvesting of timber and there is not public land within 1,500 of the location.

- (6) To ensure that driver visibility on adjacent roads will not be obstructed;

Response: There are no publicly traveled roads within 1,500 feet of the location.

- (7) To ensure safe access to and from common roads;

Response: There are no common roads in the area.

- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;

Response: There is no impact from the structure needing the variance on the views in the area. The guy wire will be less than 12-feet high at the 30-foot setback limit and continues to the ground.

- (9) To separate potentially incompatible land uses;

Response. The requested variance has no additional impact on the existing land uses as the support structures (guy wires and anchors) are within the transmission line easement area that was approved with conditions.

- (10) To ensure access to solar radiation for the purpose of alternative energy production.

Response: The support structure needing the variance is a guy wire and anchor, which will not block any solar radiation for the purpose of alternative energy production as the guy wire is less than one inch in diameter and would be lower than any solar radiation apparatus.

- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

Response: The guy wires and anchor at pole location 67 located between Tax Lots 1S10300000500 and 1S10000002200 fall within the 30-foot setback. This pole is an angle structure that requires guy wires for support and to meet strength requirements.

Because of the line angle at this structure, the guy lead length can't be shortened sufficiently to be placed outside of the 30-foot setback area and support the structure structurally. Figures 1 and 2 – Pole 67 Guy/Anchor Position show the guy wire as a white line extending into the 30-foot setback area. The guy wire lead length would need to be shortened to less than half of the distance to keep out of the setback resulting in tensions that exceed the hardware (pins, bolts, clamps) limits. By extending the guy wire lead length, the downward angle is decreased, thereby reducing the tension forces in the guy wire.

Moving the pole location so the guy lead and anchor are outside of the 30-foot setback would require moving three adjacent poles, shifting the easement 20 feet to the west, and the construction of additional roads to access the structures and the 20-foot strip of land for the property owner. This modification to the alignment would increase the impacts to the property owners uses and access to the property.

Based on the review of potential alternatives to reduce or eliminating the need for a structure to be located within the 30-foot setback, there are no reasonable alternatives that do not require significant changes in the route alignment or design materials and strengths.

The District respectfully requests that the County approve the Variance to the 30-foot setback.

Please call with any questions or comments. I can be reached at 503-815-8628 or kcfagen@tpud.org.

Sincerely,



Tillamook People's Utility District
KC Fagen
Engineering Manager

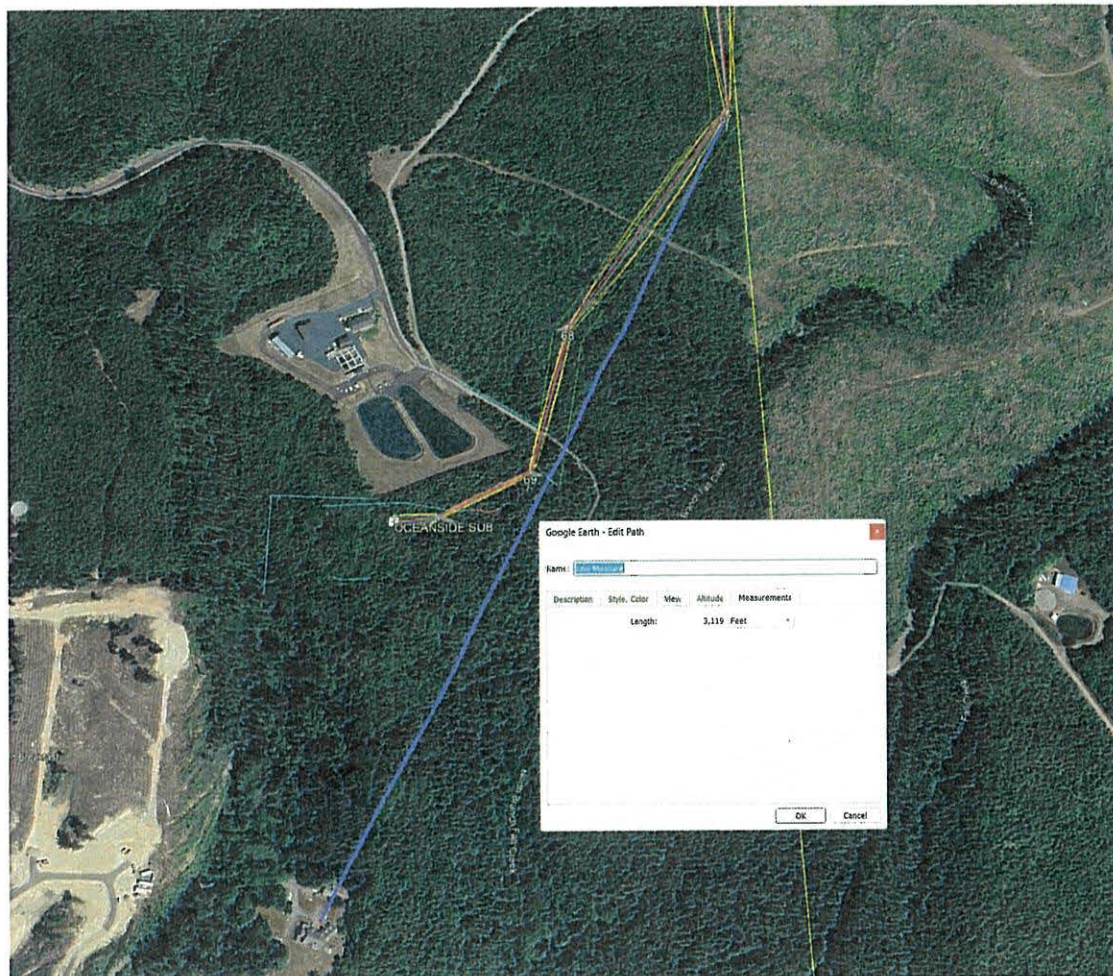


Figure 3 - Distance from Residential Facility

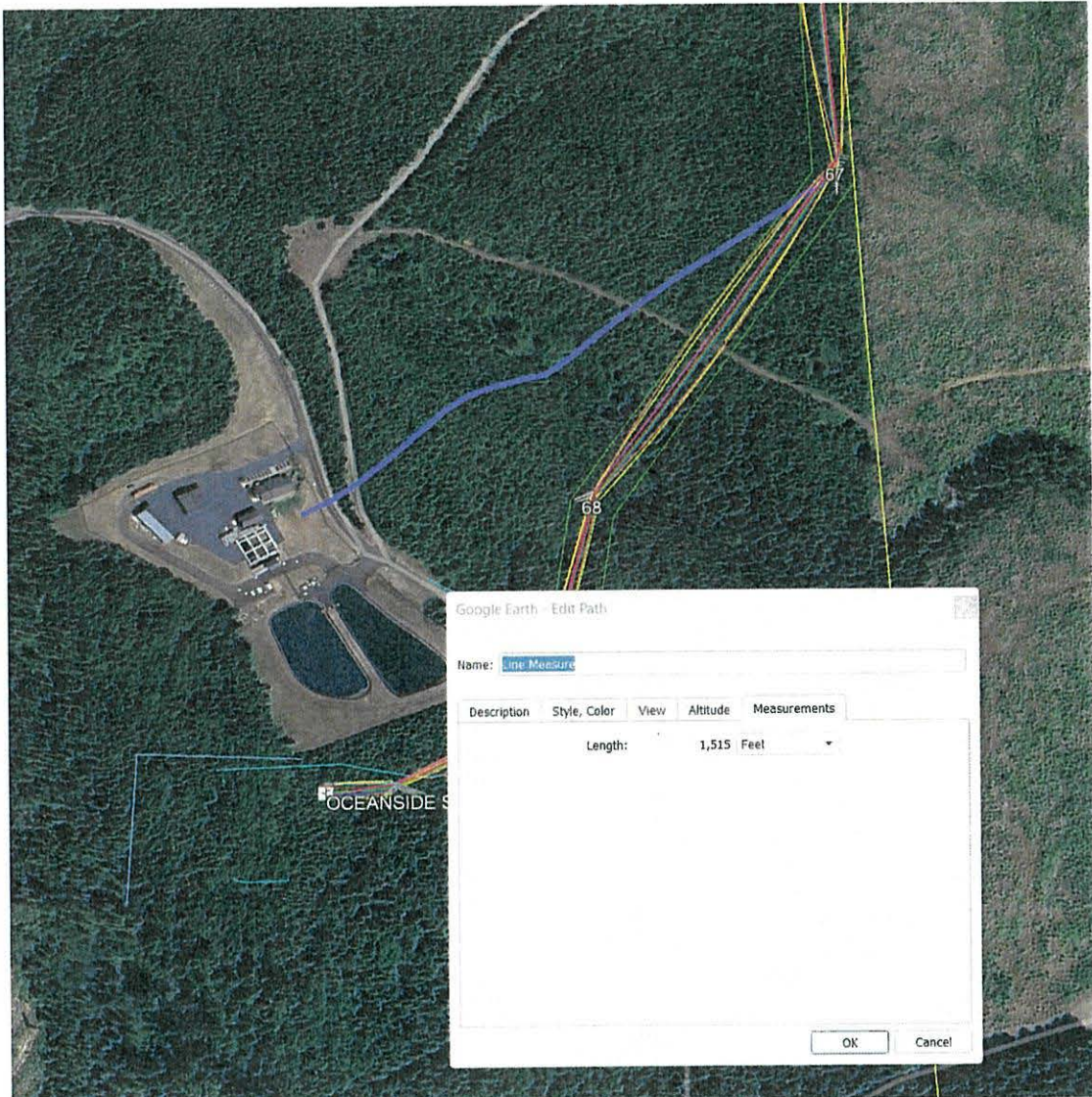


Figure 4 - Distance from Commercial Facility

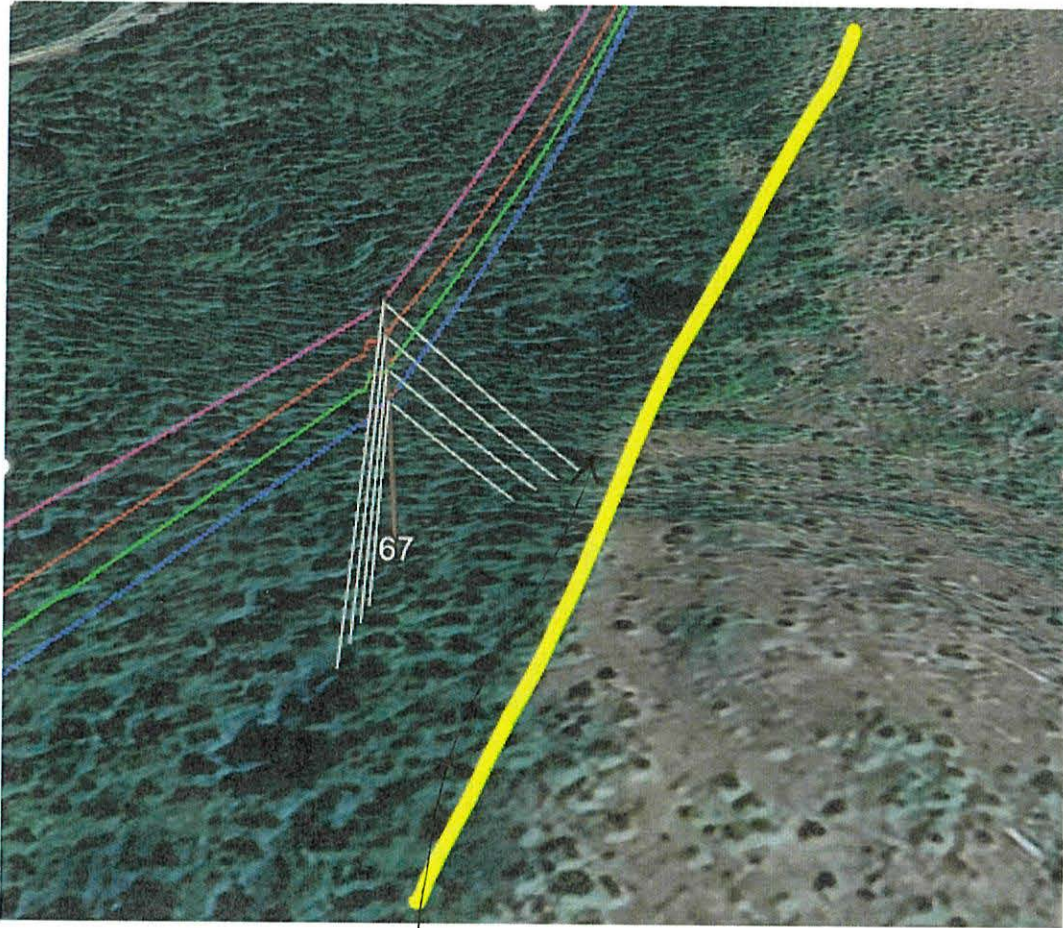


Figure 2-Pole 67 Guy/Anchor Position

↓
Add
30' Setback
10-Ft

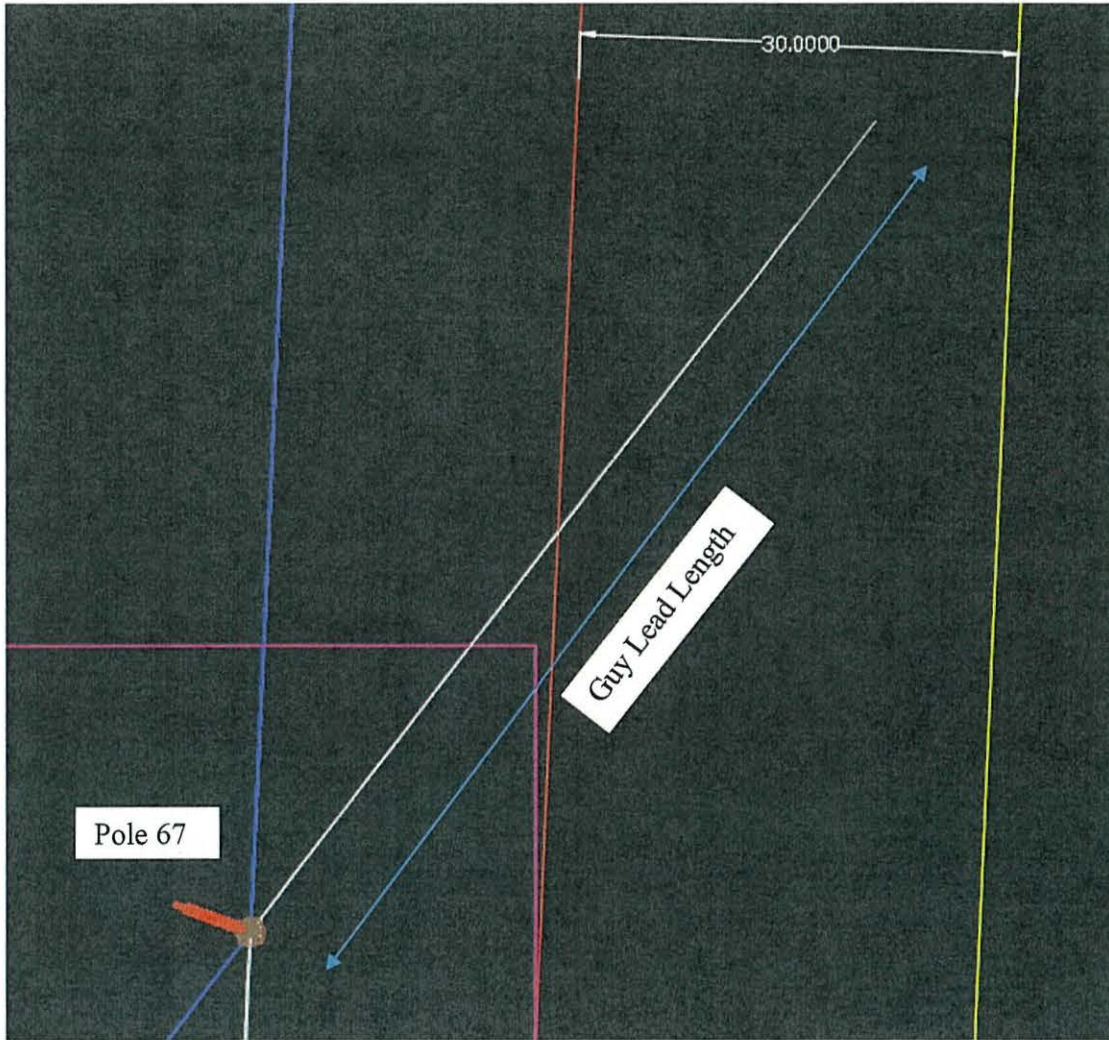


Figure 1- Pole 67 Guy/Anchor Position

EXHIBIT C

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR TILLAMOOK COUNTY, OREGON, ORDERS AS FOLLOWS:

Section 1. The Planning Commission decision to approve the consolidated Application (file no. 851-17-000488-PLNG-01) for the Tillamook-Oceanside 115kV Transmission Line is hereby upheld, and the consolidated appeals filed by Kurt Mizze representing Tilla-Bay Farms, Inc. (appeal file no. 851-18-000231-PLNG) are denied.

Section 2. The findings and conditions attached as Exhibit A are hereby incorporated by reference and adopted in support of this order.

DATED this 29th day of August, 2018.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

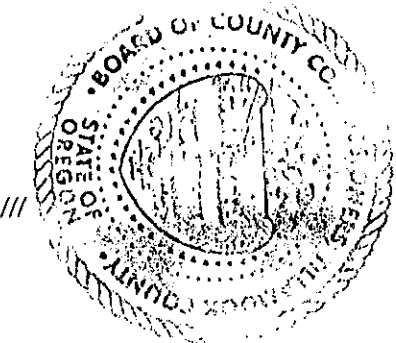
Tim Josi
Tim Josi, Chair

Bill Baertlein
Bill Baertlein, ~~Vice Chair~~ Commissioner

David Yamamoto
David Yamamoto, Commissioner
Vice-Chair

ATTEST: Tassi O'Neil,
County Clerk
Tassi O'Neil
Special Deputy

APPROVED AS TO FORM:
William K. Sargent
William K. Sargent, County Counsel



///

///

EXHIBIT A

Docket Nos.: 851-18-000231-PLNG, 851-15-000232-PLNG, and 851-18-000233-PLNG

Request: The Consolidated Review of Conditional Use (851-17-000448-PLNG-01), Floodway/Estuary/Floodplain Development Permit (851-17-000448-PLNG), and Administrative Review (851-17-000448-PLNG-02) requests for the proposed Tillamook-Oceanside 115kV Transmission Line Project

Appellant: Kurt Mizee, Tilla-Bay Farms, Inc.

Applicant: Tillamook People's Utility District

Location: The proposed project spans multiple properties within Township 1 South, Range 9 West, and Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Segments of the proposed transmission line project are located within the Farm (F-1) zone, the Forest (F) zone, the Estuary Natural (EN) zone, the Estuary Conservation (EC1) zone, the Rural Residential 2-Acre (RR-2) zone and the Rural Commercial (RC) zone.

I. Introduction and Background

1. The Tillamook People's Utility District ("Applicant" or "TPUD") proposes to construct a new 115-kilovolt (kV) aboveground transmission line between the Bonneville Power Administration's ("BPA") Tillamook Substation, located to the east of the City of Tillamook on Oregon Route 6, to a new substation ("Oceanside Substation") near the community of Oceanside in Tillamook County ("County"). Approximately 8.4 miles of the proposed 8.6-mile transmission line route are within the jurisdiction of the County, and the remaining 0.2 mile is within the jurisdiction of the City of Tillamook. The project is referred to herein as the "Transmission Line" or "Project."
2. The Applicant requests approval of a Conditional Use Review and Floodway/Estuary/Floodplain Development Permit, and Administrative Review from the County for construction of the approximately 8.4-mile portion of the Transmission Line that crosses the County and the proposed Oceanside Substation at the terminus of the line.
3. The portion of the Transmission Line within the County's Farm Zone (F-1) and Estuary Conservation 1 Zone (EC-1) is subject to the County's Administrative Review and approval.
4. The portions of the Transmission Line within the Forest Zone (F), Rural Commercial Zone (RC), Rural Residential 2-Acre (RR-2), and Estuary Natural Zone (EN) are subject to the County's approval of a Conditional Use Review.
5. The Project is also subject to the County's approval of a Floodway/Estuary/Floodplain Development Permit where the Transmission Line crosses floodplains, floodways, and estuaries in the County.
6. These findings constitute the Tillamook County Board of Commissioners' ("Board") approval of the Transmission Line.

II. Procedural History

7. The Applicant submitted applications to the Tillamook County Department of Community Development ("Staff") for Conditional Use (851-17-000448-PLNG-01), Floodway/Estuary/Floodplain Development Permit (851-17-000448-PLNG), and Administrative Review (851-17-000448-PLNG-02) on August 30, 2017.
8. On September 29, 2017, Staff requested additional information prior to deeming the application complete. On November 13, 2017 the Applicant provided the requested additional information. The application was deemed complete on December 13, 2017.
9. The Applicant requested consolidated review, in accordance with TCLUO 10.020(3), of the Conditional Use Request, Administrative Review and Floodway/Estuary/Floodplain Development Permit applications.

10. Notice for the initial evidentiary hearing was mailed and posted in accordance with TCLUO 10.080(1) on January 9, 2018 for the hearing held on February 8, 2018. On February 1, 2018, Staff provided to the Planning Commission and made available to the public a report detailing the nature of the request and findings based on the applicable criteria. Prior to the close of the initial evidentiary hearing, requests for continuation were received from several participants. In accordance with TCLUO 10.080(5), the Planning Commission, after hearing the Staff Summary, the Applicant's presentation, and public testimony, voted to leave the record open and continue the hearing to March 8, 2018.
11. The second hearing was held on March 8, 2018 where the Planning Commission heard public testimony, Applicant's rebuttal, and responses from Staff to questions from the Planning Commission. The Planning Commission then voted to close the record to oral testimony, leave the written record open for seven days for new testimony, an additional seven days for rebuttal testimony, and a final seven days for Applicant's rebuttal. The hearing was therefore continued to April 26, 2018.
12. The third hearing was held on April 26, 2018 where the Planning Commission deliberated and took the following actions: (1) voted unanimously, 5 in favor and 0 opposed, to approve Floodway/Estuary/Floodplain Development Permit request 851-17-000448-PLNG subject to Conditions of Approval; (2) voted unanimously, 5 in favor and 0 opposed, to approve Conditional Use request 851-17-000448-PLNG-01 subject to Conditions of Approval; and (3) voted unanimously, 5 in favor and 0 opposed, to approve Administrative Review request 851-17-000448-PLNG-02 subject to Conditions of Approval.
13. The Planning Commission's Orders approving Conditional Use request 851-17-000448-PLNG-01, Floodway/Estuary/Floodplain Development Permit 851-17-000448-PLNG, and Administrative Review 851-17-000448-PLNG-02 were signed on May 4, 2018. A Notice of Decision was mailed and posted on May 4, 2018 in accordance with TCLUO 10.080.
14. On May 16, 2018, Kurt Mizee, representing Tilla-Bay Farms, Inc., timely filed Appeal requests 851-18-000231-PLNG, an appeal of the Tillamook County Planning Commission's decision to Approve with Conditions Floodway/Estuary/Floodplain Development Permit 851-17-000448-PLNG for the proposed Tillamook-Oceanside 115kV Transmission Line Project, 851-18-000232-PLNG, an appeal of the Tillamook County Planning Commission's decision to Approve with Conditions Conditional Use Request 851-17-000448-PLNG-01, including the Director's Authorization of Similar Use made in accordance with the provisions of TCLUO Section 1.060(1) and Section 2.040, for the proposed Tillamook-Oceanside 115kV Transmission Line Project, and 851-18-000233-PLNG, an appeal of the Tillamook County Planning Commission's decision to Approve with Conditions Administrative Review 851-17-000448-PLNG-02 for the proposed Tillamook-Oceanside 115kV Transmission Line Project.
15. Notice of the appeal hearing was made in accordance with TCLUO Article 10 on May 30, 2018.
16. A *de novo* hearing was held before the Board on July 11, 2018. On July 3, 2018 Staff provided to the Board and made available to the public a report detailing the nature of the request and findings based on the applicable criteria. The hearing included Staff's Summary of its report, Applicant's presentation, Appellant's presentation, public testimony, and Applicant's rebuttal. The record was left open for seven days, until July 18, 2018, for Applicant and Appellant to submit final legal arguments.
17. The Board reconvened the hearing on July 25, 2018 to accept Staff's final report.
18. The Board reconvened on July 30, 2018, during which the Board deliberated and took the following actions: (1) voted unanimously, 3 in favor and 0 opposed, to deny Appeal request 851-18-000231-PLNG, thereby approving Floodway/Estuary/Floodplain Development Permit request 851-17-000448-PLNG subject to Conditions of Approval; (2) voted unanimously, 3 in favor and 0 opposed, to deny Appeal request 851-18-000232-PLNG, thereby approving Conditional Use request 851-17-000448-PLNG-01 subject to Conditions of Approval; and (3) voted unanimously, 3 in favor and 0 opposed, to deny Appeal request 851-18-000233-PLNG, thereby approving Administrative Review request 851-17-000448-PLNG-02 subject to Conditions of Approval. The Board determined at that time it would reconvene later to adopt findings to finalize its decisions.

Administrative Review request 851-17-000448-PLNG-02 subject to Conditions of Approval. The Board determined at that time it would reconvene later to adopt findings to finalize its decisions.

III. Applicable Ordinance and Comprehensive Plan Provisions

19. The Transmission Line is governed by the following Sections of the Tillamook County Land Use Ordinance ("TCLUO" or "Ordinance"):

CONDITONAL USE REQUEST 851-17-000448-PLNG-01

1. TCLUO Section 3.020, Rural Commercial (RC) Zone
2. TCLUO Section 3.010, Rural Residential 2 Acre (RR-2) Zone
3. TCLUO Section 3.102, Estuary Natural (EN) Zone
4. TCLUO Section 3.120, Review of Regulated Activities
5. TCLUO Section 3.140, Estuary Development Standards
6. TCLUO Section 3.510, Flood Hazard Overlay (FH) Zone
7. TCLUO Section 3.545, Shoreland Overlay
8. TCLUO Section 3.550, Freshwater Wetlands Overlay
9. TCLUO Section 4.130, Development Requirements for Geologic Hazard Areas
10. TCLUO Section 4.140, Requirements for Protection of Water Quality and Streambank Stabilization
11. TCLUO Section 4.160, Protection of Archaeological Sites
12. TCLUO Section 3.004, Forest (F) Zone
13. TCLUO Article VI, Conditional Use Procedures and Criteria

FLOODWAY/ESTUARY/FLOODPLAIN DEVELOPMENT PERMIT 851-17-000448-PLNG

1. TCLUO Section 3.510, Flood Hazard Overlay (FH) Zone

ADMINISTRATIVE REVIEW REQUEST 851-17-000448-PLNG-02

1. TCLUO Section 3.002, Farm (F-1) Zone
2. TCLUO Section 3.106, Estuary Conservation 1 (EC-1) Zone
3. TCLUO Section 3.120, Review of Regulated Activities
4. TCLUO Section 3.140, Estuary Development Standards
5. TCLUO Section 3.510, Flood Hazard Overlay (FH) Zone
6. TCLUO Section 3.545, Shoreland Overlay
7. TCLUO Section 3.550, Freshwater Wetlands Overlay
8. TCLUO Section 4.140, Requirements for Protection of Water Quality and Streambank Stabilization
9. TCLUO Section 4.160, Protection of Archaeological Sites

IV. FINDINGS FOR CONDITIONAL USE REQUEST 851-17-000448-PLNG-01

20. Portions of the Transmission Line pass through zones requiring conditional use approval. The Applicant requested that approval through Conditional Use request 851-17-000448-PLNG-01. Specifically, Applicant requested conditional use approval in the Rural Commercial ("RC") Zone, the Rural Residential 2 Acre ("RR-2") Zone, and the Estuary Natural ("EN") Zone, and the Forest ("F") Zone. The findings in this Section IV establish support the Board's determination that the Transmission Line satisfies the relevant criteria in each of those zones.

A. Compliance with Standards Specific to the RC Zone

21. TCLUO Section 3.020 regulates uses in the RC Zone. Among the uses allowed in that zone, TCLUO 3.020(3)(n) lists utility substations and power transmission lines as a conditional use. The Transmission Line includes a substation and power transmission line and, therefore, qualifies as a conditional use, subject to satisfaction of the conditional use review criteria set forth in TCLUO Article VI of the Ordinance, which are addressed below, and conformance with applicable development standards.
22. Of the various development standards listed in TCLUO Section 3.020(4), the only standard relevant to the Transmission Line pertains to yard setbacks adjacent to residential zones. TCLUO Section 3.020(4)(b) requires

any structures to be set back five feet from the property line on the side adjacent to the residential zone, and ten feet for a front yard. The Board finds that only two poles will be located in the RC zone and that both locations comply with the required yard setback.

B. *Compliance with Standards Specific to the RR-2 Zone*

23. TCLUO Section 3.010 regulates uses in the RR-2 Zone. Among the uses allowed in that zone, TCLUO 3.010(3)(n) lists public utility facilities, including substations and transmission lines as a conditional use. The Transmission Line includes a substation and power transmission line and, therefore, qualifies as a conditional use, subject to satisfaction of the conditional use review criteria set forth in TCLUO Article VI of the Ordinance, which are addressed below, and conformance with applicable development standards.
24. Of the various development standards listed in TCLUO Section 3.010(4), the only standard relevant to the Transmission Line pertains to yard setbacks. The Board finds that the one pole located in the RR-2 zone is located within the County's right-of-way on Wilson River Loop Road and the proposed pole location conforms with the development standards of the RR-2 zone. The record demonstrates that the Applicant maintains a utility placement agreement with the Tillamook County Public Works Department for use of County right-of-way and has received a County permit (permit number UP#5251) for Utility Facilities within a Public Right-of-way for the Transmission Line structures located within the County right-of-way along Wilson River Loop Road.

C. *Compliance with Criteria Specific to the EN Zone*

1. *TCLUO Section 3.102*

25. TCLUO Section 3.102 provides the primary development standards for uses allowed in the EN Zone. Based on the following findings, the Board finds that the Transmission Line is allowed conditionally in the EN zone, subject to conformance with the applicable development standards in TCLUO Section 3.120 and TCLUO Section 3.140, and subject to satisfaction of the conditional use review criteria set forth in TCLUO Article VI. Findings addressing both of those sections and that Article are addressed below in separate sections of these findings.
26. Unlike the RC Zone and the RR-2 Zone, TCLUO 3.102 does not expressly identify substations and electric transmission lines as either a permitted use or a conditional use. However, TCLUO Section 3.102(3)(d) identifies "Electrical distribution lines and line support structures" as a use allowed conditionally in the EN zone. The Applicant requested, and Staff and the Planning Commission agreed, that the Transmission Line is a similar use as a distribution line allowed under TCLUO 3.102(3)(d). For the following reasons, the Board agrees with that determination.
27. Under TCLUO Section 1.060, where a proposed use is not specifically identified in the Ordinance, or where the Ordinance is unclear, the County may make a similar use determination. The only limit on the County's ability to make a similar use determination under this Ordinance provision is that such a determination cannot be made for a use that is "specifically prohibited."
28. The Board finds that "transmission lines" are not specifically identified in the EN Zone, nor are they specifically prohibited in that zone. As a result, the Board finds that the similar use determination process is available in this case.
29. Alternatively, the Board finds that the Ordinance is unclear with respect to transmission lines in the EN Zone. For example, TCLUO Section 3.140(6)(b), which applies to all estuary zones, refers to electrical transmission lines and establishes development standards for that type of use. Moreover, Section 6.5(6)(a) of Goal 16 of the County's Comprehensive Plan, which TCLUO Section 3.140 implements, expressly limits new electric facilities in the EN Zone to electric transmission lines and line support structures. The County's Code therefore appears to contemplate that transmission lines may be located in the EN Zone. The Board therefore finds that the similar use determination process is available in this case.
30. The Planning Director made the initial similar use determination, concluding that the Transmission Line is similar to a distribution line for purposes of the EN zone. That conclusion was challenged at the Planning Commission

both on procedural grounds and on the merits. The Planning Commission agreed with the Director's determination. The Planning Director's determination was based on various regulatory standards that show there is little physical distinction between electric transmission systems and distribution transmission systems.

31. The Board agrees with the basis of the Planning Director's similar use determination. However, the Board finds that the Transmission Line is a similar use to an electric distribution line in this specific case for multiple additional reasons. First, the only portion of the Transmission Line in the EN Zone is the conductor that spans areas within that zone. No structures are proposed within the EN Zone. As a result, the Board finds that it is appropriate to compare only the conductors associated with the Transmission Line to conductors that would be used for a distribution line. According to the Applicant, the conductors used for the proposed 115 kV line are not just similar to distribution conductor, they are identical. Further, because the load to be served by the Transmission Line is currently being served over a distribution line, even the characteristics of the power transmitted over the line will initially be identical to the characteristics of the power currently flowing over the distribution line.
32. In the alternative, even if the Board considered the support structures of the Transmission Line, the Board finds that such structures in this case are similar to structures used on distribution lines. The Applicant submitted photographs into the record showing an existing distribution line adjacent to a transmission line that uses structures similar to the structures that will be used for the Transmission Line. In the photographs, those two types of lines are virtually indistinguishable and, therefore, similar.
33. In the alternative, the Board finds that even if the support structures were deemed to be significantly different, the County's Ordinance intends to treat the two uses as similar. For example, Ordinance Section 3.140 provides various standards for energy facilities and utilities, without distinguishing between transmission and distribution lines, indicating that all such facilities are treated the same.
34. Testimony in the record, including the information put forth by the Appellant in its Objection #3 for the appeal to this Board, asserts that a similar use determination is not appropriate because the Transmission Line is not permitted in the EN Zone. There is no dispute that the Transmission Line is not expressly listed as a permitted use in the EN Zone, which is the purpose of going through the similar use determination. The Appellant goes further, however, and argues that the Transmission Line is actually a prohibited use. The basis of Appellant's argument is the fact the Ordinance expressly lists "transmission lines" where that use is allowed. Appellant's assert that the omission of that term from the EN Zone indicates the County intended to prohibit that use. The Board disagrees. The fact that the Ordinance uses the term "transmission line" in some sections demonstrates that, in the EN Zone, the use is not "specifically identified" in that zone and, therefore, subject to a similar use determination. To the extent the Appellant is arguing that the absence of the term implies that it is therefore "prohibited," the Board also disagrees. TCLUO 1.060 limits the similar use determination only where there is a use or activity "that this Ordinance specifically prohibits in the subject zone." The Board finds that the absence of any mention of "transmission lines" in the EN zones means that the Ordinance has not specifically prohibited the use in that zone.
35. Testimony in the record, including the information put forth by the Appellant in its Objection #4 for the appeal to this Board, asserts that Staff's initial similar use determination prejudiced his substantial rights. The basis of this objection is that Staff's determination included a statement that the determination did not require any discretion and, therefore, could be done administratively. The Appellant argued that the determination did involve discretion, thereby necessitating a different process.
36. The Board finds that it does not need to address whether the similar use determination requires discretion. "Substantial rights" are the "rights to an adequate opportunity to prepare and submit one's case and a full and fair hearing" and that the burden is on the complainant to demonstrate prejudice. Even if Appellant or others were denied an opportunity to prepare and submit their case to the Planning Director, that opportunity has been restored as a result of this proceeding. All parties were able to adequately prepare and submit their case to the Planning Commission, and then to this Board.

37. The Board further finds that neither Appellant nor any other party has provided any explanation for how their substantial rights were prejudiced once the similar use determination was elevated to the Planning Commission and then to this Board.
38. Having determined the Transmission Line is allowed conditionally in the EN Zone, the Board can make findings specific to the development standards in that zone. To that end, the Board finds that none of the development standards in TCLUO Section 3.102 are applicable to the Transmission Line. Other standards in TCLUO Section 3.120, TCLUO Section 3.140, and the conditional use review criteria set forth in TCLUO Article VI are addressed in other sections of these findings.

2. *TCLUO Section 3.120*

39. TCLUO Section 3.120 provides the standards for review of specified regulated activities within the estuary zones—including the EN and the Estuary Conservation (“EC-1”) Zone. The Transmission Line crosses both of these zones.
40. Significant degradations or reductions of estuarine natural values as defined in the Estuarine Element (Goal 16) of the Tillamook County Comprehensive Plan include dredging, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, flow-lane disposal of dredged material, water-intake or withdrawal and effluent discharge and other activities which will cause significant offsite impacts as determined by an impact assessment. TCLUO Section 3.120 implements that portion of the Comprehensive Plan.
41. Procedures for review of the regulated activities identified above include review of the proposal according to the requirements of the zone(s) in which the proposed use or activity are to be located, the relevant standards outlined in TCLUO Section 3.140, an impact assessment, consideration of requirements for degradations or reductions of estuarine natural values where applicable and consideration of comments from State and Federal agencies having responsibility for permit review.
42. The Board finds the Transmission Line will only span across the EN Zone and the EC-1 Zone, and no structures associated with the line will be placed in these areas. Based on that fact alone, the Board finds that the standards in this section of the Ordinance have been satisfied.
43. The Board finds these standards have also been met by the materials submitted by the Applicant. The Applicant submitted documentation of both State and Federal permits.
44. As discussed elsewhere in these Findings, the Transmission Line is permitted outright in the EC-1 Zone and permitted conditionally in the EN Zone, and the Transmission Line is therefore consistent with TCLUO Section 3.120(4).
45. Pursuant to TCLUO Section 3.120(5), with the assistance of affected State and Federal agencies, and in conjunction with review of state and federal permits required for this proposal, the Board is required to consider the following:
 - (a) *The type and extent of alterations expected.*
 - (b) *The type of resource(s) affected including, but not limited to aquatic life and habitats, riparian vegetation, water quality and hydraulic characteristics.*
 - (c) *The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary.*
 - (d) *The methods which could be employed to avoid or minimize adverse impacts.*
46. The Applicant has provided a “Biological Resources Report for the Tillamook-Oceanside 115-kilovolt Transmission Line Project” as part of its submittal, which describes the twelve locations where the proposed route crosses perennial water bodies with riparian buffers regulated by TCLUO 4.140. While the proposed development will require the placement of six poles and the removal of some existing trees within the riparian buffers, all improvements associated with the Transmission Line will span across the estuary zoned areas with no

ground disturbance including fill or grading activities will take place within estuarine areas. All ground disturbance for development of the transmission line and associated structures/improvements are located outside of estuarine zoned areas.

47. The Applicant has reviewed the scope of its proposed development and vegetation management activities required for the proposed development within riparian buffer areas with the Oregon Department of Fish and Wildlife (“ODFW”) and ODFW has provided documentation confirming that the proposed permanent pole locations meet the exception criteria outlined in TCLUO 4.140(2)(c) or (d), and that proposed mitigation for riparian buffer crossings is sufficient for proposed tree removal. As stated elsewhere in these findings, the Board will impose a Condition of Approval requiring documentation of satisfaction of the mitigation requirements described in the letter dated October 20, 2017 from Robert W. Bradley, ODFW District Fish Biologist, North Coast Watershed District be provided to the Department.
48. TCLUO Section 3.140(6) addresses resource capability determinations and a proposed activity in an estuary zone required by TCLUO Section 3.140 to have a resource capability determination which must be found to be consistent with the resource capabilities of a management unit (as described in Section 2 of the Estuarine Resources Element of the Tillamook County Comprehensive Plan) when the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant; or when the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner that is consistent with the purposes of the zone. The resource capability determination must be based on information generated by the impact assessment.
49. The Estuarine Resources Element in Section 2 of the Tillamook County Comprehensive Plan lists by management unit those resource areas of the Tillamook Bay estuary where the Transmission Line is proposed to traverse. Categories include areas needed for maintenance or enhancement of biological productivity, major tract of saltmarsh, area needed for recreational and aesthetic uses (tracts of significant habitat are smaller or of less biological importance than those in natural management units), and areas needed for recreational use. Placement of fill and diking is identified as a historical alteration in each of the identified management units. Fish, birds and nesting areas are identified as those animals present in the identified management units. Significant biological functions include bird use/nesting in conjunction with adjacent riparian/marsh areas, fish feeding, and salmonid passage.
50. The Board addresses TCLUO Section 3.140 and resource capability determinations in a separate section of these findings, which is incorporated here by this reference. Further, Applicant submitted the “Biological Resources Report for the Tillamook-Oceanside 115-kilovolt Transmission Line Project,” which addresses the resource capabilities of this area and includes an avian protection plan. Based on the findings in that report, the Board finds the impacts of the Transmission Line on estuarine species, habitats, biological productivity and water quality are not significant. The Board further finds the Transmission Line will not impact the ability of the estuarine resources to continue to function in a manner that is consistent with the purposes of the zone.
51. Agencies that provided comments regarding these estuarine management units included the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of State Lands (DSL). Comments from DSL are limited to the confirmation that a state application has been received and is in review. Comments from ODFW were focused primarily on riparian habitat, fish, and fish passage requirements. Comments from the US Fish & Wildlife Service indicate that the agency has no concerns related to any potential habitat degradation or wildlife impacts.
52. No comments were received from the US Army Corps of Engineers, National Marine Fisheries Service, the Environmental Protection Agency, or the Oregon Department of Land Conservation and Development.
53. TCLUO 3.120(7) addresses significant degradations or reductions of estuarine values. Such degradations are allowed only if a need (i.e. a substantial public benefit) for the non-estuarine use exists and the use or resulting degradation does not interfere with public trust rights. Further, there must be no feasible alternative upland location for the use and adverse impacts must be minimized.

54. The Board finds there is a need (substantial public benefit) for the Transmission Line. The Applicant presented compelling evidence that the Transmission Line will provide a substantial public benefit by, among other things, increasing the reliability of electric service to the Oceanside and Netarts communities and allowing for additional load growth in those areas. The Applicant also presented compelling evidence that the improvements related to the Transmission Line will result in better service to other areas of the County, including electric customers in the City of Tillamook, which is a large load center. There is additional testimony in the record from the Tillamook Creamery Association, which opposes the specific project, that the line is needed. Similarly, the testimony presented on behalf of the Appellant concedes that the line is needed, and only that the route for the line is in dispute.
55. The Board did receive testimony from some individuals that there is no need for the Transmission Line as proposed by the Applicant. This testimony largely focuses on the outage data and load growth projections provided by the Applicant, which the opposing testimony asserts is inconsistent or wrong. The Board finds that this testimony is outweighed by the Applicant's testimony and the testimony in the record from staff of the Oregon Public Utility Commission ("PUC"), both of which determine there is a need for the line. As a utility charged with providing safe and reliable service, the Board finds that the Applicant has provided expert testimony that should be given more weight than the lay testimony of the project's opponents. Further, the staff of the PUC reviewed Applicant's proposal as part of an independent investigation and arrived at the same conclusion. The Board finds that the PUC is also an expert in this field and that its staff's testimony should be given greater weight.
56. The Board finds the proposed Transmission Line does not unreasonably interfere with public trust rights. The Board is not aware of any evidence in the record to the contrary. Even if such evidence existed, the Board finds that it could not be persuasive. The Transmission Line only passes over the EN Zone and the Board has already determined that it does not impact the resource capability of the estuarine areas. Any rights the public has to access and to use these areas will not be impacted by the line.
57. The Board finds there are no feasible alternative upland locations for locating the Transmission Line, and that adverse impacts are minimized by spanning the Transmission Line improvements across the estuarine areas and avoiding any ground disturbance. Figures provided by the Applicant and by County Staff show that any feasible route connecting the substation in the City of Tillamook with the Netarts and Oceanside communities must pass through or over estuaries. Further, the Board finds that the Applicant provided compelling evidence that the Project was specifically routed to avoid existing and planned public access areas and will not preclude the public from using estuarine areas within the EC-1 and EN zones. The presence of the Project will not interfere with public use and access to the Tillamook Bay estuary in general.
58. Testimony in the record, including the information put forth by the Appellant in its Objection #5 for the appeal to this Board, asserts that the Transmission Line is inconsistent with the "aesthetic use provisions" of Goal 16 of the Comprehensive Plan relating to estuaries. The Board finds that this testimony and Appellant's Objection #5 is without merit.
59. The Ordinance implements the Comprehensive Plan and only standards in the Ordinance are applicable. Thus, compliance with the Ordinance ensures consistency with the Comprehensive Plan. With respect to the actual approval standards in TCLUO Section 3.120, those relate only to physical changes to the estuary, such as filling and dredging, and do not protect general aesthetic values.
60. Even if the Goal 16 Comprehensive Plan provisions were directly applicable, the Board finds the Transmission Line is not located in any areas where the County has inventoried aesthetic resources. The Board therefore finds that the Transmission Line is not inconsistent with the Goal 16 aesthetic use provisions.
61. To the extent the opposing testimony asserts TCLUO Section 3.120 establishes aesthetic standards in estuarine areas, and that the Transmission Line violates those standards, the Board rejects those assertions. First, the Board finds that there are not aesthetic-related standards in this Ordinance provision. Second, the Board finds the Applicant has reduced any aesthetic impacts in the estuary zones by limiting the use to just the conductors, and no poles or other structures that could impact aesthetics are proposed in those zones.

3. *TCLUO Section 3.140, Estuary Development Standards*

62. TCLUO Section 3.140 provides the development standards for uses in all estuary zones. Subsection (6) of that section specifically provides development standards for "Energy Facilities and Utilities." Based on the following, the Board finds that these standards have been met.
63. TCLUO Section 3.140(6)(a) requires an applicant siting new energy facilities in estuarine waters to show that a need (substantial public benefit) exists and the use does not unreasonably interfere with public trust rights, that alternative non-aquatic locations are unavailable or impractical, and that dredging, fill and other adverse impacts are avoided or minimized. The Board addresses these identical standards in its findings relating to TCLUO Section 3.120 above and adopts those findings here by this reference. The Board further finds that no temporary access roads or conductor-pulling and tensioning sites will be located within the EN Zone or the EC-1 Zone.
64. Based on figures provided by Staff and the Applicant, the Board finds that alternative non-aquatic locations are unavailable and impractical. The Board did receive testimony that an alternative route would be better, but that testimony did not assess the extent to which estuarine areas would still be utilized. The Board finds that the alternative route proposed would still require the use of estuarine areas.
65. TCLUO Section 3.140(6)(b) requires electrical transmission lines be located underground or along existing rights-of-way unless economically infeasible. The Board finds that the Transmission Line will be above-ground, but that the Applicant provided compelling evidence that underground lines are economically infeasible. The Board received counter testimony asserting both that the Applicant should underground the lines, and that undergrounding lines is possible. The Board does not find this testimony persuasive. Whether or not transmission lines can be or should be underground does not undermine the Applicant's evidence that undergrounding the line is not economically feasible. The Board also finds that there are no existing lines or crossings of the estuarine areas in the vicinity of the Transmission Line route where the line can be co-located.
66. TCLUO Section 3.140(6)(c) requires above-ground facilities be located to have the least adverse effect on visual and other aesthetic characteristics of the area and minimize interference with public use and access to the estuary. The Board received some testimony asserting that the Transmission Line will be a visual blight in the estuarine areas. The Board finds that this Ordinance provision does not require there to be no adverse impact; rather, the Applicant must demonstrate that the facilities have the "least adverse effect." The Board finds the Applicant has reduced any aesthetic impacts to the smallest level possible in the estuary zones by limiting the use to just the conductors in these zones, and no poles or other structures that could cause greater impacts to aesthetics are proposed in these zones.
67. TCLUO Section 3.140(6)(d) requires the applicant to utilize existing corridors and crossings whenever practicable. The Board finds that there are not existing corridors or crossings in the vicinity of the Transmission Line and, therefore, the use of such existing corridors or crossings is not practicable.
68. TCLUO Section 3.140(6)(e) requires water discharge in estuarine waters to meet EPA and DEQ standards. The Applicant has obtained a 401 Water Quality Certification from DEQ and the Board finds that there are no plans to discharge water into estuarine areas, intertidal areas and tidal wetlands. The Applicant states it will obtain approval for necessary permits prior to construction and will continue to work with relevant regulatory agencies regarding the timing of construction. The Board finds that this criterion is satisfied through the imposition of a Condition of Approval requiring Applicant to obtain approval for necessary permits prior to construction and will continue to work with relevant regulatory agencies regarding the timing of construction, as well as compliance with EPA and DEQ standards, including compliance with any water quality policies.
69. TCLUO Section 3.140(6)(f) requires an applicant for a new energy facility in the EN zone to provide evidence that the use is consistent with the resource capabilities of the area and the preservation of the areas needed for scientific, research, or educational needs. The Board finds that the Transmission Line is consistent with the resource capabilities of the area and the preservation of areas needed for scientific, research or educational needs based on the following:

- The Board finds that the use will involve minimal disturbance within the EN Zone and the EC-1 Zone because development is limited within these areas by only spanning the Transmission Line across the estuary zoned areas.
- The Board finds that Applicant's "*Biological Resources Report for the Tillamook-Oceanside 115-kilovolt Transmission Line Project*", which includes an avian protection plan, demonstrates that the Transmission Line is consistent with the resource capabilities of the area.
- No comments were received from state or federal agencies to indicate or conclude the proposed line would have a detrimental effect on the characteristics, habitats, animals present or significant biological functions of the identified estuary management units.

70. The Board finds that TCLUO Sections 3.140(g)-(k) are inapplicable. TCLUO Section 3.140(6)(g) requires the use be consistent with the resource capabilities of the EC-1 zone if there are proposed storm water or sewer outfalls. Subsection (i) also only applies to storm water and sewer outfalls. The Board finds that there are no storm water or sewer outfalls proposed. Subsection (h) applies only to the Estuary Development (ED) zone, and the Board finds that no new energy facilities or utilities are proposed in that zone. Subsections (j)-(k) apply only to structural shoreland stabilization methods and dredging/filling activities. The Board finds that no structural shoreline stabilization methods are proposed, and no fill is proposed to be placed within the identified estuary zoned areas.

D. *Criteria and Standards Specific to the Flood Hazard Overlay (FH) Zone*

71. The requirements of TCLUO 3.510, implementing the Flood Hazard Overlay (FH) Zone, are addressed in the Board's discussion of the Floodway/Estuary/Floodplain Development Permit Request (851-17-000448-PLNG) below. Those findings are adopted here by this reference.

E. *Standards Specific to the Shoreland Overlay (SH) Zone*

72. TCLUO Section 3.545 provides for development standards of uses permitted within the Shoreland Overlay ("SH Overlay") Zone. The Board finds that these criteria have been satisfied because the Transmission Line is an allowed use that does not impact significant shorelands and the applicable development standards have been met.

73. In the vicinity of the proposed project, the Goal 17 element of the Comprehensive Plan identifies land west of a boundary formed by State Highway 131 from its junction in Netarts with Whiskey Creek Road to its junction with the Oregon Coast Highway 101 near Tillamook, and all areas within 1,000 feet of estuaries and 500 feet of coastal lakes are within the Shorelands Boundary which may be subject to the provisions of TCLUO 3.545. TCLUO 3.545 defines those areas within the Shorelands Boundary included within the SH Overlay Zone. Relevant to this application, TCLUO 3.545(2) identifies areas within 50 feet of estuaries as areas included in the SH zone.

74. The Board finds that segments of the proposed development are located within the Shorelands Boundary as identified in the Goal 17 element of the Comprehensive Plan and that segments of the proposed development are located within the SH Overlay Zone. The Board has reviewed the proposed development and determined that those areas within 50 feet of estuaries along the Transmission Line route are categorized as "Rural Shorelands" as described in TCLUO 3.545(3) and are subject to the use limitations identified in TCLUO 3.545(4)(a)(1) and the standards identified in TCLUO 3.545(6). The Board finds that there are eight power pole locations (poles 5, 8, 43-46, 48 and 49) within these Rural Shoreland areas. Additional Rural Shoreland areas will be spanned by the transmission lines and include areas around Hoquarten, Dougherty, Hall and Tomlinson Sloughs, the Trask and Tillamook Rivers and Stillwell Ditch.

75. The Board has reviewed the significant shoreland inventory contained in the Goal 17 element of the Comprehensive Plan and has verified that the proposed Transmission Line route does not impact significant shorelands. The nearest described significant shoreland is the Rain River Preserve, which is located to the north and west of Goodspeed Road.

1. *TCLUO Section 3.545(4), Uses Permitted*

76. TCLUO Section 3.545(4)(a) provides that uses allowed outright or conditionally in the underlying zone are permitted in the SH Overlay Zone. Because the Transmission Line is allowed outright or conditionally in each zone it crosses, the Board finds this provision is satisfied.
77. TCLUO Section 3.545(4) (a) further provides that, in Rural Shorelands, "Other uses are allowed only upon a finding by the County that such uses satisfy a need which cannot be accommodated at any alternative upland location." In addition to the findings above, and as an independent basis for determining this provision is satisfied, the Board finds that the County has already made findings that uses like the Transmission Line cannot be accommodated on alternative upland locations. Specifically, Section 8.6(C)(c), Energy Facilities and Utilities in Rural Shorelands, of the Goal 17 element of the Comprehensive Plan states that the need for normal domestic energy facilities and utility service "cannot be met on upland locations or in urban or urbanizable areas." Further, based on figures provided to the County by Staff, the Applicant, and the Appellant, it appears that no feasible route between the City of Tillamook and the Netarts and Oceanside communities can avoid crossing through or over Rural Shorelands. Accordingly, the Board finds that this criterion is satisfied.
78. The record contains testimony that the Transmission Line is not consistent with the Goal 17 element of the Comprehensive Plan and the Coastal Shorelands Boundary. The Board finds that testimony confuses the area included in the Coastal Shorelands Planning Area with the actual approval criteria in the Ordinance. The record contains a detailed explanation by Staff of the applicable criteria that the Board finds persuasive.
79. The Board finds that the Use Standards identified in TCLUO 3.545(4)(b) and (c) expressly apply only to those resources which have been designated as Significant Shoreland and Wetland Biological Habitats and Exceptional Aesthetic or Scenic Resources and Coastal Headlands in Section 3.2, of the Goal 17 element of the Comprehensive Plan. These provisions therefore do not apply to the Transmission Line.
80. The Board has reviewed the inventories contained in Section 3.2 of the Goal 17 element for significant shoreland and wetland biological habitat, areas necessary for water dependent development and water-related uses, areas of exceptional aesthetic or scenic quality and coastal headlands and also the mitigation and dredge material disposal sites identified in the Goal 16 element and found that no inventoried sites—and therefore no areas that would be subject to the Use Standards contained in TCLUO 3.545(4)(b), (c) or (e)—are crossed by the proposed Transmission Line.
81. Appellant's Objection #6 asserts the Planning Commission's decision was contrary to TCLUO 3.545(4) relating to development in the SH Overlay Zone. As discussed above, the Board finds that that it is not possible, as evidenced by the mapped extent of the Coastal Shorelands Boundary and the extent of the area subject to the SH Overlay Zone, to route a transmission facility, regardless of the voltage level, between the City of Tillamook and Oceanside without crossing Shorelands areas. The Transmission Line could not be accommodated on alternative upland locations. As discussed further below, the proposed Alternative 3, Option 3 distribution line route the Appellant proposes as a better route, not only appears to be routed through Shoreland areas but also appears to be routed through an inventoried Goal 17 Significant Wildlife Habitat site, the Tillamook River Forested Freshwater Wetland site. The Board therefore finds the Planning Commission did not err in this regard.

2. *TCLUO Section 3.545(6) Standards*

82. TCLUO Section 3.545(6)(a)-(c) provide that the uses must comply with the requirements of TCLUO Section 4.140, 3.510 and 4.130, which are addressed in separate sections of these findings and incorporated here by this reference.
83. TCLUO Section 3.545(6)(e) requires consideration of the productivity of resource land on Rural Shorelands when determining the location of "Other Uses." The Board finds that there are eight power pole locations (poles 5, 8, 43-46, 48 and 49) of the proposed development within Rural Shoreland areas. Additional Rural Shoreland areas will be spanned by the Transmission Line and include areas around Hoquarten, Dougherty, Hall and Tomlinson Sloughs, the Trask and Tillamook Rivers and Stillwell Ditch.

84. The Applicant submitted a Farm and Forest Impacts Assessment containing characteristics of resource lands such as soil capability class, describing current uses, and discussing potential impacts related to the proposed development.
85. The Board finds that the productivity of resource land was considered in determining the location of the Transmission Line. Applicant provided a description of the route selection process including alternatives considered, which states that the proposed project route was preferred by the Applicant and the Citizen Advisory Group involved in route selection because it minimizes impacts to agricultural land and natural resources compared to other alternatives. Evidence in the record also demonstrates the corridor for the line is co-located with existing linear developments within the County.
86. The Board finds that the evidence presented by the Applicant demonstrates that approximately 77 square feet of resource land within Rural Shorelands will be subject to permanent impacts. Impacts to resource land within Rural Shorelands will therefore be minimal. Maintenance of resource land productivity is discussed at length in Administrative Review 851-17-000448-PLNG-02 below.

F. *Standards Specific to the Freshwater Wetlands Overlay Zone*

87. TCLUO Section 3.550 provides development standards for uses permitted in the Freshwater Wetlands Overlay Zone. This criterion applies specifically to Goal 5 wetlands, which are identified as “significant” wetlands in the Goal 5 Element of the Comprehensive Plan. The Board has conducted a review of Goal 5 inventories and determined that the proposed development does not cross or impact any significant Goal 5 wetlands. Accordingly, the Board finds this criterion has been met.
88. Based on Applicant’s wetlands delineation report, the Board finds that there are twelve wetlands identified within a 100-foot study corridor along the proposed transmission line route, ten of which were identified by Applicant’s consultant as potentially subject to federal and state jurisdiction. The Board finds that Applicant has submitted its wetland delineation report to Department of State Lands (“DSL”) and the U.S. Army Corp of Engineers (“USACE”) for review and approval in accordance with OAR 141-090-0005 through OAR 141-090-0055. On March 9, 2018, DSL issued a letter of concurrence on the Applicant’s wetland delineation report. The record demonstrates that DSL staff confirmed that the DSL has received an application from the Applicant for the proposed project and it is currently under review.

G. *Standards Specific to Development Requirements for Geologic Hazard Areas*

89. TCLUO Section 4.130 provides development standards for geologic hazard areas. The Board finds that these standards are satisfied through the imposition of a Condition of Approval requiring Applicant to obtain all required Federal, State, and Local permits and licenses and comply with applicable rules and regulations.
90. Subsections (1)(b)—which applies to inactive landslides, landslide topography and mass movement topography identified in DOGAMI bulletins 74 and 79 where slopes are greater than 19 percent—and (1)(f)—which applies to other locally known areas of geologic hazard based on evidence of past occurrences—are relevant to this application. The Board finds that Applicant’s Geologic Hazards Memo addresses these standards in detail and that there is no persuasive counterevidence in the record. The Board finds that an approximately 600-foot segment of the proposed corridor crosses an area identified as landslide topography on DOGAMI Bulletin 74 which contains slopes exceeding 19 percent. The Board also finds that the Transmission Line crosses areas of documented landslide deposits and comes in close proximity to two documented landslides near MP 7.3 of the transmission route. The Board finds that power poles will be located to avoid areas of known historical landslides and that the power pole types and foundations will be selected by the Applicant’s engineer to safely support the Transmission Line and maintain the overall integrity of the Transmission Line.
91. TCLUO Section 4.130(2) provides specific standards for development within the geologic hazard areas—including minimization of vegetation removal, runoff and erosion control measures, and grading to direct water flows along natural drainage courses. The Board finds it is appropriate to impose a Condition of Approval, requiring Applicant to submit evidence demonstrating compliance with TCLUO 4.130(2) at the time of applying for Zoning and Building Permit approval.

92. TCLUO Section 4.130(3) requires submittal of a geologic hazard report prior to approval of a building permit. The Board finds that these standards can be satisfied through the imposition of a Condition of Approval requiring demonstration of compliance with TCLUO 4.130(3) at the time of applying for Zoning and Building Permit approval. Applicant has selected an engineer that specializes in design services and studies for electrical power systems to provide the design and engineering for the proposed Transmission Line, and work with the Applicant to select transmission line power pole locations that avoid areas known or believed to be susceptible to landslides.

H. *Standards Specific to Requirements for Protection of Water Quality and Streambank Stabilization*

93. TCLUO Section 4.140 provides requirements for protection of water quality and streambank stabilization. The Board finds that these criteria are satisfied through the imposition of a Condition of Approval requiring Applicant to provide documentation demonstrating satisfaction of ODFW mitigation requirements, as described below.
94. TCLUO Section 4.140(1) defines areas of riparian vegetation. The Board finds that Applicant's "Biological Resources Report for the Tillamook-Oceanside 115-kilovolt Transmission Line Project" describes the twelve locations where the proposed Transmission Line route crosses perennial water bodies with riparian buffers regulated by TCLUO 4.140.
95. Subsections (2) and (4) indicate areas where development and tree removal are prohibited, subject to certain exceptions. The Board finds that the proposed development will require the placement of six poles and the removal of some existing trees within the riparian buffer. Applicant has provided documentation that it reviewed the scope of its proposed development and vegetation management activities required for the proposed development within riparian buffer areas with ODFW. ODFW provided documentation confirming that the proposed permanent pole locations meet the exception standards outlined above in TCLUO 4.140(2)(c) or (d) and that proposed mitigation for riparian buffer crossings are sufficient for tree removal. The Board finds that this standard has been satisfied through the imposition of a Condition of Approval requiring documentation be provided showing satisfaction of the mitigation requirements described in the letter dated October 20, 2017 from Robert W. Bradley, ODFW District Fish Biologist, North Coast Watershed District.

I. *Standards Specific to Protection of Archaeological Sites*

96. TCLUO Section 4.160 imposes certain requirements for uses that affect known archaeological sites in order to protect the integrity of such sites, including notification to the State Historical Preservation Office if significant archaeological resources are uncovered during construction or excavation. The Board finds that this standard has been satisfied through the Conditions of Approval.
97. The Board finds that Applicant conducted a cultural resource study within the Transmission Line corridor and did not locate any significant historic, archaeological, or cultural resources that would be impacted by the proposed Transmission Line.
98. No comments on this application were received from the State Historic Preservation Office.

J. *TCLUO Section 3.004, Forest (F) Zone*

99. TCLUO Section 3.004(13), 'Use Table', identifies uses permitted in the Forest zone subject to the general provisions, special conditions, additional restrictions and exceptions set forth in the Ordinance. 'New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210' are identified in this section as a use allowed subject to satisfaction of the conditional use review criteria set forth in TCLUO 3.004(8) and in TCLUO Article 6.
100. The Board finds that Applicant is proposing a new electric Transmission Line within a right-of-way not to exceed 100-feet in width. The Board finds that the proposed use is allowed conditionally in the Forest Zone subject to satisfaction of the conditional use review criteria set forth in TCLUO 3.004(8) and in TCLUO Article 6 which are addressed below.

1. TCLUO Section 3.004(3) Development Standards

101. TCLUO Section 3.004(3) provides the development standards for uses in the F Zone, including a requirement that the minimum front, rear, and side yards be 30 feet. The Board addresses compliance with the yard standard below in its discussion of TCLUO 3.004(9)(b), the findings for which are incorporated here by this reference.

2. TCLUO Section 3.004(8), Conditional Use Criteria

102. TCLUO Section 3.004(8) provides conditional use review criteria, designed to make the proposed use compatible with forest operations and conserve values found on forest lands. Conditional uses are also subject to Article 6, which is addressed in a separate section of these findings. The following findings address the specific subsections of TCLUO Section 3.004(8).

1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

103. The Ordinance provision requires the Applicant and the County to demonstrate that the Transmission Line will not force significant changes to accepted farm and forest practices, including any significant increase to the cost of those practices. These findings will refer to such impacts as "Farm Impacts" or "Forest Impacts."
104. The Applicant submitted a Farm and Forest Impact Assessment, as well as a Forest Impacts Assessment Technical Supplement (collectively, the "FFIA"). The Board finds the methodology in the FFIA is appropriate for analyzing farm and forest impacts: (1) it identifies surrounding lands devoted to farm and forest uses; (2) it identifies farm and forest practices associated with those uses; and (3) it analyzes the potential impact from the Transmission Line on those practices. The Board finds that the information provided in the FFIA is substantial evidence the Board can rely on and identifies the appropriate forest practices to analyze Forest Impacts.
105. The record demonstrates that the F Zone property along the Transmission Line route includes tracts owned by Stimson Lumber Company and Green Crow Corporation and are primarily devoted to the management of timber stands and timber harvest. Stimson Lumber and Green Crow Corp were provided notice of the application. Neither of those forestland owners provided any testimony or comment prior to the Planning Commission's decision. The Board therefore finds that the Planning Commission did not err when it relied on the information provided by the Applicant in the FFIA and concluded that the Transmission Line would not result in significant Forest Impacts.
106. Following the Planning Commission's decision, Stimson Lumber submitted a letter and provided oral testimony during the July 11, 2018 Board hearing opposing the Transmission Line. The substance of that testimony is that the Transmission Line would impact forestry practices by making logistics more difficult from harvesting to herbicide application, that the Transmission Line may potentially increase trespass and theft, and that there are safety concerns related to harvesting near the line. Specific concerns expressed by the Stimson Lumber include: removal of 36 acres of high-quality timber producing ground from forest use, increases in cost of forest operations and impacts to forest operations including herbicide applications, cable-logging harvest, increased potential for garbage dumping, vandalism and trespass. The oral testimony provided at the Board hearing asserted that it was impossible to quantify the financial impact of the Transmission Line.
107. The Applicant's Supplemental Technical Memorandum and FFIA responds to the specific concerns raised by Stimson Lumber in its letter regarding forest practices. The FFIA response is detailed and includes expert evidence.
108. With respect to Stimson Lumber's concerns that the Transmission Line will remove 36 acres of timber ground from forest use, the Board finds this statement is not directly relevant to the Forest Impacts analysis. While the portion of land being converted to the non-forest use is meaningful, the ability to make such a conversion is a policy choice the Legislature and state agencies have made by allowing non-forest uses in the forest zone. For purposes of the Forest Impacts analysis, however, the Board is required to look at impacts to the forest practices that remain once the non-forest use is constructed. The conditional use criteria, which implement state law,

therefore also require the Board to consider impacts only to the properties remaining in forest use that are not being converted to the non-forest use.

109. With respect to Stimson Lumber's concerns that the Transmission Line could result in trespass, vandalism, or theft, the Board finds that such concerns are speculative and have not been related to an identified forest practice. They may relate to other conditional use criteria in the Ordinance, but the Board does not find any persuasive evidence in the record that such concerns relate to the forest practices identified in the FFIA.
110. Stimson Lumber's concerns regarding increased costs of herbicide application and cable logging, however, is evidence of potential Forest Impacts and, therefore, warrants further discussion. In response to those assertions, the FFIA re-addressed all potential impacts to forest operations. Evidence in the record includes the following:
- The line route is sited along existing roads to a large extent, minimizing the need for new access road construction and maintaining large blocks of forested land. The Board finds that this reduces the potential cost impact for herbicide and logging activities.
 - The proposed project corridor – a 100-foot wide easement running 5,581 lineal feet on Green Crow Corporation property and 17,000 lineal feet on Stimson Lumber Company property – represents a very narrow corridor particularly in the context of the extensive timber tracts managed by Green Crow and Stimson in this area. The Board finds that this fact reduces the significance of any potential impacts to Stimson's operations.
 - Most of the proposed development is located along existing logging roads and scheduled maintenance occurs once a year. The Board finds that this fact reduces the potential for impacts such that increased costs to gate management practices and existing logging roads will be minimal.
 - The Transmission Line design provides a minimum of 25 feet of clear story height under the conductor in all locations which allows the movement of logging equipment from one side of the line to the other. The Board finds that this evidence supports a conclusion that stands divided by the corridor can be managed as a single tract, thereby reducing the significance of any costs increases relating to herbicide and logging activities.
 - If trees within 50 feet of the right-of-way edge are over 100 feet in height, directional tree falling will be required. There is evidence in the record that directional tree falling is a common accepted forest harvest practice in response to a variety of conditions. The Board finds that this evidence supports a conclusion that the continuation of this practice does not result in an increase to logging costs.
 - There is evidence in the record that helicopters applying herbicides are routinely used in very close proximity to power lines for a variety of practices. The Board finds that this evidence supports a conclusion that there is a reduced likelihood of a cost increase relating to herbicide activities.
 - There is evidence in the record that the areas where directional falling would be required are minor when compared to the entire forest management units. The FFIA conducted a more in-depth review of potential conflicts between harvest methods and the Transmission Line route, showing there still does not appear to be any factors that are uniquely challenging about applying standard forest practices in this area in the presence of the Transmission Line. The Board finds this analysis to be persuasive and that it is evidence showing a reduced likelihood of any significant increase in costs to forest practices.
 - There is evidence in the record that it is customary to use existing roads and install new roads below and above barriers due to terrain or man-made barriers so that logs can be yarded downhill or uphill directly away from potential obstacles. There is additional evidence that the vast majority of areas situated in elevations above the Transmission Line corridor allow for

yarding directly away, or close to directly away, from the line, and that the vast majority of areas below the line can either be directly accessed with feller bunchers and other harvesting equipment or can be yarded from sections of nearby roadways. There are only a few areas where proposed power lines contour across sideslopes without roads immediately below and generally in-line with the corridor. The Board finds that this evidence reduces the likelihood of any increases to costs of forest practices and reduces the significance of any increases that might occur.

111. Having weighed the testimony and evidence submitted by both Stimson Lumber and the Applicant, the Board finds that the proposed use will not result in significant changes in, or significantly increase the costs of accepted forest practices.

112. Notwithstanding the foregoing, the Board notes that the greatest potential for Forest Impacts occurs in the limited circumstances where Stimson Lumber may conduct logging activities immediately adjacent to the Transmission Line or that necessitate cable logging beneath the line. Although the Board finds that such Forest Impacts are not likely to occur and, if they do, will not be significant, the Board will impose a Condition of Approval to remove any doubt about the occurrence of such impacts. That Condition of Approval will require the Applicant to perform the logging activities in certain circumstances and de-energize the Transmission Line in certain circumstances.

2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

113. The Board finds that this criterion has been satisfied through the imposition of a Condition of Approval requiring Applicant to provide letters from the impacted fire protection districts documenting the sufficiency of the fire prevention, PR suppression, and suppression plans prepared by its construction contractor for the construction phase of the project and the sufficiency of the fire prevention, presuppression, and suppression plans prepared for the operational phase of the project.

114. Notice of this application was provided to impacted fire suppression districts and the Oregon Department of Forestry. Comments received were from the Oregon department of Forestry requesting that Applicant's contractor comply with industrial fire protection rules when the state declares a fire season.

115. Applicant submitted to the record the following evidence:

- Project construction, operation, and maintenance will comply with applicable federal, state, and county laws, ordinances, rules, and regulations pertaining to fire prevention, presuppression, and suppression.
- During Project construction, a Fire Protection Plan will be implemented in coordination with the local fire districts and the Oregon Department of Forestry and will demonstrate compliance with wildfire prevention and suppression requirements under Oregon Revised Statutes Chapter 477 and its associated administrative rules including the following.
 - Provide fire-prevention equipment on machinery
 - Limit or stop work during periods of elevated fire danger
 - Provide firefighting tools
 - Provide water supplies and pumping equipment
 - Provide fire watch personnel
 - Suppress wildfires originating from construction activity
 - Dispose of debris in a specified manner

- Construction contractor to accept liability for the State's cost of suppressing wildfires originating from construction activity
 - The Tillamook PUD Emergency Response Plan lists contacts and procedures for responding to incidents, including fire-related events, after construction.
 - Tillamook PUD will maintain the transmission line corridor free from potential fuel and Tillamook PUD's ability to do so will be memorialized in easement agreements.
 - The cleared, fuel-free transmission line easement in the forested area will provide a fire break, helping reduce the spread of a fire.
116. The Board finds that the Applicant has committed to implementing fire prevention, pre-suppression and suppression plans for the construction and operational phases of the proposed project in accordance with federal, state and county regulations
117. The record contains testimony expressing concerns over fire risk, but the Board does not find any persuasive evidence in the record that the above activities are insufficient to meet this standard.
3. *A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-006-0025(5)(c).*
118. The Board finds that this criterion is satisfied through the imposition of a Condition of Approval requiring demonstration at the time of applying for Zoning Permit approval that the easement agreements recorded between the Applicant and underlying property owner contain an acknowledgement by the Applicant recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-006-0025(5)(c).
119. The Board finds that Applicant accepts the requirement to acknowledge the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-006-0025(5)(c). The underlying property owners in this case are commercial timber companies engaged in forest operations and the Applicant will be obtaining property rights through easement rather than deed. The Board finds that this acknowledgement will be recorded as part of the easement obtained from the underlying property owners.
3. ***TCLUO Section 3.004 (9), Siting Standards for Dwellings and Structures in Forest Zones***
120. TCLUO Section 3.004(9) provides siting standards for dwellings and structures in the forest zone to ensure allowed uses are compatible with forest operations, minimize wildfire hazards, and conserve values. After weighing the evidence submitted by both those in favor and those opposed to the Transmission Line, the Board finds that these siting standards have been met and that there are no impacts on forest practices as a result.
121. TCLUO Section 3.004(9)(d) requires structures be sited to have the least impact on nearby forest lands, to minimize impacts on forest operations, to minimize the amount of forest lands used for site access roads, and to minimize the risks associated with wildfire. TCLUO Section 3.004(9)(e) specifies that Subsection (d) requirements may be satisfied by utilizing existing roads, structures, and setbacks of adjoining properties. The record demonstrates that an approximately 4.3-mile portion of the proposed route, including 36 poles and a new substation, are proposed to be located in the forest zone. The Board finds that siting the proposed transmission line adjacent to existing roads reduces the need for new access roads, minimizes the amount of forest land needed to site the proposed development and facilitates access for fire suppression purposes should the need arise. The Board finds that forest operations are expected to include activities such as reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.

122. The Board addresses impacts to forest practices in a separate section of these findings and incorporates those findings here by this reference. The Board additionally finds that the proposed transmission line route through the F Zone is located directly adjacent to a network of existing private forest roads to minimize the impacts to surrounding lands.
123. The Board finds there is substantial evidence in the record demonstrating all methods of timber harvesting and reforestation activities, and the equipment used for these activities, can continue on lands surrounding the Transmission Line.
124. TCLUO 3.004(9)(b) requires 30-foot front, rear and side yards to be maintained. The Ordinance defines a "yard" as a portion of a lot or parcel not occupied by a structure unless otherwise allowed by ordinance and defines a "structure" as "anything constructed or installed or portable, the use of which requires a location on a parcel of land." Pole locations 72, 83 and 84 are structures sited within 30 feet of property lines.
125. The Applicant submitted information and argument with its initial application materials that the three poles qualify for a variance to the setback standard as set forth in TCLUO Section 8.010. The Applicant did not, however, submit an actual application for a variance. As a result, Staff did not consider the variance request and a Variance request was not included in the notice of the Planning Commission's hearing.
126. Notwithstanding the Applicant's discussion of the variance criteria, Staff initially determined that the three pole structures located within the 30-foot yard setback are allowed as detached structures accessory to the primary use of the properties and, therefore, are in conformance with the requirement of TCLUO Section 4.040(1)(b), which states: "*An accessory structure that is separate from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided that it is at no point located closer than three feet to a property line.*"
127. According to Staff's initial analysis, one of the primary uses on the properties will be the Transmission Line, and the support structures are accessory to that use. Based on this argument, the Planning Commission determined that Applicant had met the development standards.
128. Without addressing the arguments presented by Staff and adopted by the Planning Commission, the Board finds that the yard criteria are better satisfied through issuance of a variance. The Applicant has demonstrated that its proposal satisfies the criteria for a variance, and no testimony or comment credibly asserted otherwise. However, because the Applicant did not actually submit an application for a variance, the Board will impose a Condition of Approval requiring Applicant to obtain a variance for poles 72, 83 and 84 prior to Zoning Permit application. Alternatively, if the Applicant were to move poles 72, 83 and 84 to comply with the 30-foot setback, then the Board finds that the development standards are met.
129. On Appeal, Appellant objected that a variance may not be granted because it was not properly included in the notice of hearing. The Board finds that it does not need to address this argument because it is requiring the Applicant to either submit an application for a variance or to relocate the poles.
130. The Board finds that no other subsections of TLUO 3.004(9) are in dispute, or that they are not applicable.

4. *TCLUO Section 3.004(10), Fire-siting Standards for Dwellings and Structures*

131. TCLUO Section 3.004(10) provides standards for fire-siting structures. As relevant to this application, Subsection (c) requires a fuel-free break area surrounding all structures. The Board finds that this criterion has been satisfied.
132. The Board finds that Applicant has committed to complying with the requirement to maintain the required fuel-free breaks around the pole structures, conductor and substation. The Board notes there is evidence in the record that the National Electrical Safety Code, Rural Utility Service, and Tillamook PUD have standards for the maintenance of cleared areas that are broader than those required by the County.

133. Practices to minimize fire hazards are discussed in the Board's findings addressing the criteria of TCLUO Section 3.004(8), which are incorporated here by this reference.

5. *TCLUO Article VI, Conditional Use Procedures and Criteria*

134. TCLUO Section 6.040 requires that any Conditional Use authorized according to TCLUO Article VI shall be subject to the following criteria, where applicable:

(1) *The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.*

135. As noted above, the Transmission Line is listed as a conditional use in the underlying F Zone, RR-2 Zone, RC Zone, and EN Zone.

(2) *The use is consistent with the applicable goals and policies of the Comprehensive Plan.*

136. The Board finds that the Ordinance is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Ordinance and which meet the standards in the Ordinance are presumed to be consistent with the Comprehensive Plan.

137. In the alternative, the Applicant submitted a description of the proposed development located in the F Zone, the RR-2 Zone, the RC Zone, and the EN Zone, which the Board finds demonstrates consistency with the applicable policies of the Tillamook County Comprehensive Plan.

a. *Tillamook County Comprehensive Plan Goal 3 Element:
AGRICULTURAL LANDS*

138. Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

139. The Ordinance is an implementing document of the Comprehensive Plan and the use and development of land subject to Farm zoning is addressed under TCLUO Section 3.002. Conformance of those portions of the Transmission Line located on Farm zoned land are addressed in the section of these findings addressing Administrative Review 851-17-000448-PLNG-02, which are incorporated here by this reference.

b. *Tillamook County Comprehensive Plan Goal 4 Element: FOREST
LANDS*

140. Goal 4 defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

141. The Ordinance is an implementing document of the Comprehensive Plan and the use and development of land subject to Forest zoning is addressed under TCLUO Section 3.004. Conformance of those portions of the Transmission Line located on Forest zoned land are addressed in the section of these findings addressing the F zone, which are incorporated here by this reference.

c. *Tillamook County Comprehensive Plan Goal 5 Element: NATURAL
RESOURCES*

142. Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

143. The Board has not identified any Goal 5 protected resources along the segments of the proposed transmission line route located in the F, RC, RR-2 or EN zones. The Goal 5 element of the Comprehensive Plan does identify potential mineral and aggregate sites in the vicinity of the Mt Mears Quarry in T1S R10W Sections 28, 29 and 21, however county records indicate that Goal 5 protection has not been sought for these sites. Compatibility of the proposed development with existing quarry use in the Forest zone is addressed below.

*d. Tillamook County Comprehensive Plan Goal 6 Element: AIR, WATER
AND LAND RESOURCES QUALITY*

144. Goal 6 requires consistency with state and federal regulations on matters such as groundwater pollution.
145. The Board finds that development of the Transmission Line would not reduce protections for resources and natural features addressed in the Goal 6 Element or waive requirements for satisfaction of development standards intended to address resource quality such as those contained in TCLUO Section 4.040. Compliance with TCLUO Section 4.040 is discussed in a separate section of these findings, which are incorporated here by this reference. Applicant has obtained a Nationwide Permit Authorization Letter from the U.S. Army Corps of Engineers and 401 Water Quality Certification approval from DEQ.
146. It is typical to impose Conditions of Approval on development requiring Applicants to obtain all required Federal, State, and Local permits and/or licenses and comply with applicable rules and regulations. The Board finds that the Goal 6 elements, as implemented by the TCLUO, are satisfied through the imposition of such Conditions of Approval.

e. Tillamook County Comprehensive Plan Goal 7 Element: HAZARDS

147. Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.
148. The Ordinance is an implementing document of the Comprehensive Plan and contains ordinance provisions addressing the identification of hazard areas and requirements for development in identified hazard areas.
149. Segments of the proposed development are located in a Special Flood Hazard Area. Applicant has provided a No-Rise hydrological study prepared by Northwest Hydrological Consultants, which is the subject of Floodway/Estuary/Floodplain Development Permit request #851-17-000448-PLNG, the findings for which are incorporated here by this reference.
150. Segments of the proposed development are located within areas of landslide topography as identified on DOGAMI Bulletin 74 and compliance with the requirements of TCLUO Section 4.130, the findings for which are incorporated here by this reference.

f. Tillamook County Comprehensive Plan Goal 8 Element: RECREATION

151. Goal 8 calls for an evaluation of areas and facilities for recreation and development of plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.
152. The County has adopted special zoning designations for the preservation of unique open space areas and recreation areas in order to preserve them from incompatible development – the Recreation Management, Recreational Natural and Recreation Development zoning designations as well as a process for establishing a Planned Destination Resort. Applicant's proposed development is not near land subject to these zoning designations.

*g. Tillamook County Comprehensive Plan Goal 9 Element: POPULATION
AND ECONOMY*

153. Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.
154. The Goal 9 Element of the Comprehensive Plan summarizes information from several sources to describe in general terms the economic base of the County and trends in population and economic change. Population characteristics are presented; however, the growth projections only extend to the year 2000. Development potential for the major sectors of the economy are then described including a special section on development potential related to coastal resources. A brief evaluation is made of the existing zones and known potential alternative sites for economic development. Findings and policies for community organization, public services, industrial land, the need for manufacturing employment opportunities, natural resources development and human resources development are outlined in the Goal 9 Element.
155. The Board finds the Transmission Line will serve ongoing development and growth in the vicinity of the unincorporated communities of Oceanside and Netarts and the central Tillamook Valley area including the incorporated cities of Tillamook and Bay City. These are areas that are zoned for residential, commercial and some light industrial uses. The provision of electrical utility service to support growth in these municipal and unincorporated community areas is consistent with the Goal 9 Element of the Tillamook County Comprehensive Plan.

h. Tillamook County Comprehensive Plan Goal 11 Element: PUBLIC FACILITIES

156. Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.
157. The Goal 11 Element of the Comprehensive Plan speaks to public services and facilities in Tillamook County and requires local governments and special districts "to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development". There is a significant amount of discussion within the Goal 11 element pertaining to rural versus urban development and concerns about limiting urban sprawl.
158. Comments have been received questioning the compatibility of the proposal development with Statewide Planning Goal section 11(A)(6), 'All utility lines and facilities should be located on or adjacent to existing public or private rights-of-way to avoid dividing existing farm units.' The Board notes that Statewide Planning Goals do not apply directly to a quasi-judicial decision governed by the County's acknowledged plan and land use regulations. The referenced section of Goal 11 sets forth guidelines to be considered and are not mandatory.
159. The Board finds that the proposed development is required to serve ongoing development and growth in the vicinity of the unincorporated communities of Oceanside and Netarts and the central Tillamook Valley area including the incorporated cities of Tillamook and Bay City. Services and facilities within these areas include public schools, transportation, water supply, sewage disposal, solid waste disposal, police protection, fire protection, planning, zoning and subdivision control, energy service, and communications services. These are areas that are primarily zoned for residential, commercial and some light industrial uses. Applicant has provided a statement describing the need for improved reliability and expanded electrical service in order to meet projected growth for these areas.
160. The Board finds that the provision of expanded electrical service to these non-resource areas which are zoned for density and development is consistent with the policies of the Goal 11 element of the Comprehensive Plan.

i. Tillamook County Comprehensive Plan Goal 14 Element: URBANIZATION

161. Goal 14 requires estimates of future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable

land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

162. The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. In addition to addressing preservation of the use and integrity of resource lands, the establishment of unincorporated community growth boundaries and the priorities/establishment of urban growth boundaries, concerns about impacts of dense rural development and small lot development are described in this goal element. Four major areas of concern related to allowing small lot sizes and development in rural areas include traffic congestion, water quality, water availability and impacts on resource lands.
163. Applicant is proposing the Transmission Line in part to serve ongoing development and growth in the vicinity of the unincorporated communities of Oceanside and Netarts and the central Tillamook Valley area including the incorporated cities of Tillamook and Bay City. These are areas that are zoned for residential, commercial and some light industrial uses. The provision of electrical utility service to support growth in these municipal and unincorporated community areas is consistent with the Goal 14 Element of the Tillamook County Comprehensive Plan.

j. Tillamook County Comprehensive Plan Goal 16 Element: ESTUARINE RESOURCES

164. Goal 16 requires classification of major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units." Having weighed the evidence provided by those in favor and those opposed to the Transmission Line, the Board finds that the Transmission Line is consistent with the Goal 16 Element of the Comprehensive Plan. Specific findings relating to estuarine areas are made in separate sections of these findings, which are incorporated here by this reference
165. Appellant's Objection #1 asserts that the Planning Commission's decision did not prioritize lands as required by Goal 16, Section 6.5(2) of the County's Comprehensive Plan.
166. The Board finds that the Tillamook County Land Use Ordinance is the implementing document for the Tillamook County Comprehensive Plan. The policy set forth in Tillamook County Comprehensive Plan, Goal 16, 6.5(2) is reflected in the Estuary Development Standards contained in TCLUO Section 3.140 and in TCLUO Section 3.545(4) which outlines uses permitted in the Shoreland Overlay. The use and development of estuarine areas is addressed under the provisions of the relevant estuary zone as well as the general estuary development standards contained in TCLUO 3.140. Conformance of those segments of the proposed Transmission Line which span areas subject to estuary zoning designation are addressed in separate sections of these findings, which are incorporated here by this reference.
167. The Board notes that Tillamook County Comprehensive Plan, Goal 16, 6.5(2) recognizes that the priority list contained therein, which prioritizes non-shoreland sites, is '*subject to modification by economic considerations, or by the need for services in a particular area*'. As discussed in the separate findings, it is not possible to route a transmission line from the City of Tillamook to the west without crossing Shorelands or land under Estuary zoning designation. Further, the Applicant has provided documentation that there is a need to provide more reliable electric service to the communities of Oceanside and Netarts. The Board finds that the proposed development is consistent with the policies contained in Tillamook County Comprehensive Plan, Goal 16, 6.5(2).

k. Tillamook County Comprehensive Plan Goal 17 Element: COASTAL SHORELANDS

168. Goal 17 defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses. The Board has reviewed the significant shoreland

inventory contained in the Goal 17 element of the Comprehensive Plan and has verified that the proposed Transmission Line route does not impact significant shorelands.

169. The Ordinance is an implementing document of the Comprehensive Plan and the use and development of areas within the Shoreland Boundary is regulated by TCLUO Section 3.545, the findings for which appear in a separate section and are incorporated here by this reference. No Significant Shoreland elements were identified in proximity to the proposed development.
 - (3) *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.*
170. The Board finds that this is a linear project and that the proposed route is suitable in each the RC, RR-2, F, and EN zones based on the size, shape, location, topography, existence of improvements and natural features in each of the easement areas and the underlying parcels.
171. Applicant submitted a detailed description of the proposed development and the properties over which the Transmission Line easement is proposed.
172. The proposed Transmission Line includes construction and operation of approximately 8.4 miles of the 115-kV electric transmission line located within a 50-to-100-foot wide easement corridor and a 115-kV to 24.9/14.4-kV distribution substation. The Board finds that the proposed route was established through a route siting process which included the formation of a 14-member, volunteer Citizen Advisory Group who reviewed detailed analysis of potential alternative routes and provided recommendations for selection. The Board finds that a significant portion of the proposed Transmission Line has been routed adjacent to or collocated with existing linear facilities such as highway and road rights-of-way, utility corridors, or previously developed areas.
173. Applicant is proposing to locate an approximately 0.1-mile segment of the proposed Transmission Line easement and two power poles (power poles 1 and 3) in the RC Zone on property owned by the Bonneville Power Administration and currently developed with the Tillamook Substation and on property owned by Tillamook PUD. No riparian features, wetlands, special flood hazard or other hazards are identified in this area.
174. The Board finds that the properties subject to the proposed development in the RC Zone are relatively flat, predominantly cleared and graveled, lacking in hazards and are developed with utility facilities and currently devoted to utility use.
175. An approximately 0.05-mile portion of the proposed route and one pole are proposed to be located in the RR-2 zone within the public right-of-way of Wilson River Loop Road. Applicant states that the proposed easement width in the vicinity of pole #16 has been reduced so that no easement will be located on the adjacent private RR-2 land devoted to residential use. County road right-of-way is irregular in shape along this portion of Wilson River Loop Road. Tillamook PUD owns and operates an existing power distribution line in this area that runs along Wilson River Loop Road which would be relocated to the proposed easement corridor along the south side of Wilson River Loop Road in order to minimize impacts on adjacent private properties in the RR-2 zone. Tillamook PUD received a County permit for Utility Facilities within a Public Right-of-way for the proposed transmission line and structures located within the County right-of-way along Wilson River Loop Road (permit number UP#5251). No riparian features, wetlands, special flood hazard or other hazards are identified in this area.
176. The Board finds that the property subject to the proposed development in the RR-2 Zone is relative flat, predominantly cleared and graveled or paved, is developed with transportation facilities, utility facilities, and private access drives.
177. An approximately 4.3-mile portion of the proposed route, 36 poles and a new substation, are proposed to be located in the F Zone. The proposed Transmission Line easement in the F Zone is 100 feet in width and is co-located to the extent possible with existing logging roads. The properties subject to development in the F Zone are large, forested timber tracts managed for forest operations and quarry use, are developed with logging access roads, and consist of terrain of varying slope.

178. Segments of this portion of the proposed route traverse Geologic Hazard areas as discussed above. The Board finds that it would not be possible to map a route between Tillamook and the vicinity around Oceanside without crossing Forest zoned property and without crossing areas of landslide topography as identified in DOGAMI Bulletin 74 or documented landslide deposits as identified in DOGAMI Statewide Landslide Information Database for Oregon (SLIDO). Applicant states that they have worked with their engineering consultant to select Transmission Line power pole locations that avoid areas known or believed to be susceptible to landslides and areas of known geologic hazards including landslides and weak bearing soils. Applicant states that transmission lines commonly are located in terrain of this type and that the hazard can be addressed through appropriate route design and engineering.
179. There are no mapped wetlands or Special Flood Hazard Areas crossed by the segment of the proposed route located in the F Zone. There are several perennial stream locations identified along the proposed route in the F Zone as identified in Applicant's submittal and confirmed by the Oregon Department of Fish and Wildlife which are addressed above. Applicant states that no ODFW Category 1 habitat was identified in the proposed transmission corridor area and no concerns related to wildlife impacts have been expressed by ODFW staff.
180. The Board finds that Applicant is proposing to locate a segment of the proposed Transmission Line within the F Zone on a comparatively small portion of two large timber tracts and generally adjacent to existing road improvements in conformance with F Zone siting requirements discussed in these findings. The Board finds that the proposed pole locations in the F Zone will not be located in riparian buffer areas and will not be located in areas known to be susceptible to landslides or weak bearing soils and will not be otherwise located in areas of known hazards. The Board finds that the subject properties are currently devoted to forest use and industrial quarry use.
181. The Transmission Line will span the Estuary Natural zone for 0.2 miles within a 50-foot wide easement area at one location over the Tillamook River on the proposed route. Applicant states that the Tillamook River is a navigable waterway at this proposed crossing and requires a permit from the USACE under Section 10 of the Rivers and Harbors Act of 1899, which the Applicant obtained on December 13, 2017. Diking infrastructure bounds the southwestern edge of the Estuary Natural zone in this area and Applicant states that the underlying area is otherwise undeveloped. This section of estuary is contained in Management Unit 39EN and categorized as a major tract of saltmarsh predominated by shrubs and cleared agricultural land. Suitability of the development for this zoning designation and the requirements for development in the Estuary Natural zone are discussed extensively above.
- (4) *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.*
182. The Board finds that the Transmission Line will not alter the character of the surrounding area in a manner that substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the RC, RR-2, F, or EN zones.
183. Applicant submitted a detailed description of the proposed development, the properties over which the Transmission Line easement is proposed, and uses and development in the areas surrounding those segments of the proposed Transmission Line subject to Conditional Use review. The Board finds that the proposed development was routed to be co-located with existing linear facilities, to utilize existing right-of-way to the extent practical and to avoid existing structures and buildings so the easement corridor and Transmission Line do not limit, impair, or prevent use of the properties crossed in these zones.
184. As noted above, the subject properties in the RC Zone are developed with utility facilities and currently devoted to utility use lines and are under utility ownership.
185. Properties to the north of this proposed Transmission Line segment are zoned Farm (F-1) and include several large parcels which form part of the Hogan farm tract. High Voltage transmission lines are currently located on the southern portion of this farm tract. The Hogan farm tract is developed with a residence and various

agricultural buildings and is in farm use. Applicant provided its FFIA as part of its submittal, which contains information on use and characteristics of the Farm zoned area south of the RR-2 zoned segment of the proposed Transmission Line. The Board notes that transmission lines under 200 feet in height are a use allowed outright subject to standards in the Farm zone. Compliance with those standards for segments of the Transmission Line proposed on property subject to Farm zone zoning is addressed in Administrative Review 851-17-000448-PLNG-02 below, the findings for which are incorporated here by this reference.

186. The Board finds that the Transmission Line corridor is located in a previously developed commercial area, is similar in character to existing electrical transmission and substation facilities that characterize this RC zoned area and will not limit or prevent existing uses on surrounding properties or within this discrete area within the RC Zone.
187. The Board finds that in the RR-2 zone one power pole will be placed within the public right-of-way for Wilson River Loop Road, and no poles will be placed on private RR-2 zoned property. Properties to the north of this proposed transmission line segment are zoned Rural Residential 2-Acre, are relatively flat, sparsely vegetated, are developed with residential dwellings and accessory structures and a commercial bait shop and are generally devoted to residential use. The Board finds that the proposed easement width in the vicinity of pole #16 has been reduced so that no easement will be located on the adjacent private RR-2 land devoted to residential use. Tillamook PUD owns and operates an existing power distribution line in this area that runs along Wilson River Loop Road, which would be relocated to the proposed easement corridor along the south side of Wilson River Loop Road in order to minimize impacts on adjacent private properties in the RR-2 zone.
188. Properties to the south of this proposed Transmission Line segment are zoned Farm (F-1) and include a substandard parcel improved with a residential dwelling and several larger parcels which form part of the Hogan farm tract. The Hogan farm tract is developed with a residence and various agricultural buildings and is in farm use. High Voltage transmission lines are currently located on the southern portion of this farm tract. Applicant provided its FFIA as part of its submittal which contains information on use and characteristics of the Farm zoned area south of the RR-2 zoned segment of the proposed transmission line. The Board notes that transmission lines under 200 feet in height are a use allowed outright subject to standards in the Farm zone. Compliance with those standards is addressed in Administrative Review 851-17-000448-PLNG-02, the findings for which are incorporated here by this reference.
189. The Board finds that one power pole will be developed within the RR-2 zone, will be located within the right-of-way for Wilson River Loop Road, and therefore, will not limit or prevent permitted uses on surrounding properties. The Board finds that Applicant is proposing to develop an approximately 0.05-mile portion of the proposed route and one pole are proposed to be located in the RR-2 zone within the public right-of-way of Wilson River Loop Road and that Wilson River Loop Road is currently developed with transportation facilities and utility facilities.
190. An approximately 4.3-mile portion of the proposed route, 36 poles and a new substation are proposed to be located in the F Zone. The proposed Transmission Line easement in the F Zone is 100 feet in width and is co-located to the extent possible with existing logging roads in conformance with Forest zone siting standards. The properties surrounding the proposed transmission line development in the Forest zone are large, forested timber tracts managed for forest operations and quarry use and are developed with logging access roads. The substation is proposed to be located adjacent to a Forest zoned property developed with existing sanitation utility facilities owned and operated by the Netarts Oceanside Sanitary District. Potential impacts of the proposed Transmission Line and substation development on forest operations, which could include activities such as reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash, are discussed in findings addressing the F Zone, the findings for which are incorporated here by this reference. The Board finds that all methods of timber stand maintenance, harvesting and reforestation can continue on lands surrounding the permanent easements for the proposed Transmission Line corridor and Oceanside Substation and therefore will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for forest use.
191. The Mt Meares Quarry is located just north of proposed power pole 72 along an existing access road on tax lot 1S1000002101. Other quarry operations in the vicinity are the adjacent 600 Pit and the 200 Line Pit located to

the north of the proposed substation, and which are listed, along with the Mt Meares Quarry, as potential aggregate sites in the Goal 5 Element of the Comprehensive Plan. All quarry operations are on land owned by Green Crow Corporation. Applicant states that anticipated impacts on quarry operations are minor and primarily consist of potential construction traffic impacts which will be of limited duration. The Board finds that Applicant will coordinate with the underlying landowners to schedule construction so potential disruptions to planned operations on surrounding lands are limited to the greatest extent possible.

192. The Netarts Oceanside Sanitary District operates a treatment plant on property directly west of proposed power pole 87 and north of the proposed Oceanside Substation. The Board finds that anticipated impacts on treatment plant operations are minor and primarily consist of potential construction traffic impacts which will be of limited duration. The Board finds that there is evidence in the record that operations and maintenance of the Netarts Oceanside Sanitary District Plant will be improved by reducing the number and duration of electrical power outages that the plant is now being subjected to.
193. The Transmission Line will span the EN Zone for 0.2 miles within a 50-foot-wide easement area at one location over the Tillamook River on the proposed route. The general area is very sparsely developed and generally devoted to farm use, habitat conservation, and limited recreational uses.
194. The area to the north and east of the proposed Transmission Line segment within the Estuary Natural zone is zoned Estuary Conservation 1 (EC-1) and encompasses portions of the Tillamook River. A small portion of the area to the southwest of this segment is also zoned EC-1. Compliance with the development standards of the EC-1 zone are addressed in Administrative Review 851-17-000448-PLNG-02, the findings for which are incorporated here by this reference.
195. The area to the west and south of the proposed Transmission Line segment within the EN Zone is primarily zoned Farm (F-1) and consists of several parcels owned by Eric and Loretta Peterson comprising a farm tract devoted to farm use, specifically a dairy operation.
196. Applicant provided its FFIA as part of its submittal, which contains information on use and characteristics of the Farm zoned area southwest of the EN zoned segment of the proposed Transmission Line. The Board notes that Transmission Lines under 200 feet in height are a use allowed outright subject to standards in the Farm zone. Compliance with those standards for segments of the Transmission Line proposed on property subject to Farm zone zoning is addressed in Administrative Review 851-17-000448-PLNG-02, the findings for which are incorporated here by this reference.
197. The Board finds that the Project was specifically routed to avoid existing and planned public access areas and will not preclude the public from using estuarine areas within the EN zone, interfere with public use and access to the Tillamook Bay estuary in general, and will not unreasonably interfere with the public use and enjoyment of the Tillamook Bay estuary.

(5) *The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.*

198. The Board finds that no solar energy systems, wind energy conversion systems, or wind mills exist within the vicinity of the Transmission Line where it could interfere with their operation. The Board finds no County records that indicate the presence of such facilities in the vicinity. The Board finds that the proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems, or wind mills.

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

199. The Board finds that the proposed use is timely. Applicant has provided a detailed description of the need for the Transmission Line, which has been confirmed in an independent investigation by staff of the PUC. The record demonstrates the line and substation are necessary to:

- Ensure the Applicant's system capacity in the central Tillamook Valley does not exceed the RUS recommended peak loading capacity, allow for additional system capacity and growth in the central Tillamook Valley and Netarts-Oceanside areas, and allow for the transfer of load capacity between substations to prevent load curtailments to customers.
 - Improve the reliability of service to approximately 1,800 customers in the Tillamook Valley crossed by the proposed Project and substantially reduce the number of customers affected by an outage and the length of the outage.
 - Replace the failing infrastructure associated with the existing radial distribution line that is over 50 years old and serves the Netarts-Oceanside area. Based on the age of the infrastructure, industry safety practices require that power is cut to the line during repairs, which creates an outage and cuts power to approximately 1,800 customers during each maintenance event.
200. The Board finds that existing road access infrastructure and fire protection service is available to those segments of the proposed transmission line located in all zones where it is allowed conditionally.

V. FLOODWAY/ESTUARY/FLOODPLAIN DEVELOPMENT PERMIT 851-17-000448-PLNG

1. TCLUO Section 3.510, Flood Hazard Overlay (FH) Zone

201. TCLUO Section 3.510 provides the development standards for uses permitted in the Flood Hazard Overlay ("FH") Zone, including utilities. The Board finds that these development standards have been met based on the findings below. The Board notes that it received no persuasive testimony addressing the FH Zone criteria.

A. TCLUO Section 3.510(5), General Standards

202. TCLUO Section 3.510(5) provides general standards for anchoring, construction materials and methods, and special considerations for utilities to minimize loss or damage due to flood conditions in areas of special flood hazards. The Board finds that these standards have been satisfied.
203. The Board finds that 44 power poles will be located in Zone AE and 23 power poles are within the floodway. Poles have been selected based on soil conditions and hydrologic conditions, which will be confirmed during the detailed engineering phase of the project. Poles will be constructed using materials designed to resist flood damage, steel (tubular with a painted galvanized coating) or wood, consisting of single pole, or of two or three poles, depending on soil types and span lengths and designed to minimize flood damage. The Board finds that Applicant's submittal provided specific details regarding pole design and installation detail, height of improvements, and installation methods demonstrating compliance with these standards.

B. TCLUO Section 3.510(6), Specific Standards for A Zones (A, AE or A1-A30)

204. TCLUO Section 3.510(6) provides specific standards for areas zoned A, AE or A1-A30, including standards for nonresidential construction to ensure proper floodproofing. The Board finds that these standards have been satisfied.
205. As stated in the previous section, the Board finds that the poles have been selected based on soil conditions and hydrologic conditions, which will be confirmed during the detailed engineering phase of the project. Poles have been selected based on soil conditions and hydrologic conditions, which will be confirmed during the detailed engineering phase of the project. Poles will be constructed using materials designed to resist flood damage, steel (tubular with a painted galvanized coating) or wood, consisting of single pole, or of two or three poles, depending on soil types and span lengths and designed to minimize flood damage. The Board finds that Applicant's submittal provided specific details regarding pole design and installation detail, height of improvements, and installation methods demonstrating compliance with these standards.

C. TCLUO Section 3.510(8), Specific Standard for Floodways

206. TCLUO Section 3.510(8) provides specific standards for floodways to ensure that encroachments will not result in any increase in flood levels. The Board finds that these standards have been satisfied.
207. The Board finds that Northwest Hydraulic Consultants has completed the no-rise analysis required for development within the regulatory floodway. The analysis confirms that the proposed encroachments into the regulatory floodway will not result in any increase in flood levels.

D. TCLUO Section 3.510(13), Development Permit Procedures

208. TCLUO Section 3.510(13)(a) provides development permit procedures. The Board finds that these development permit procedures have been satisfied.
209. The Board finds that a Development Permit is required for development within an area of Special Flood Hazard, defined as both AE Flood Zone areas (areas susceptible to a 1 percent annual chance of flood or 100-year flood event) and the floodway. The Board finds that Applicant's submittal contained the information requested under this subsection.
210. TCLUO Section 3.510(13)(b) provides the following development permit review criteria:
- (1) The fill is not within a floodway, Coastal High Hazard Area, wetland, riparian area or other sensitive area regulated by the Tillamook County Land Use Ordinance.*
 - (2) The fill is necessary for an approved use on the property.*
 - (3) The fill is the minimum amount necessary to achieve the approved use.*
 - (4) No feasible alternative upland locations exist on the property.*
 - (5) The fill does not impede or alter drainage or the flow of floodwaters.*
211. The Board finds that these development permit criteria have been satisfied.
212. The Board finds that Applicant submitted a hydrologic study resulting in a no-rise certification, demonstrating that the power poles will not impede or alter drainage or flow of flood waters. The proposed installation of the Transmission Line and associated improvements is allowed as a use permitted with standards or a use permitted conditionally in the underlying zones of which an analysis of each of those zones in relation to the applicable criteria and standards is outlined throughout these findings. The Board finds that the proposed poles are necessary within the floodway.
213. The Board finds that the fill to support the lines (identified as foundations and poles) can be considered necessary for the proposed use in general terms and is necessary for the installation of the Transmission Line in both the floodway and the AE Flood Zone. The Board finds that the type, size, and location of the specific power poles within the floodway is based on preliminary engineering performed on soil and hydrologic conditions, which will be confirmed during the detailed engineering phase of the project.
214. The Board notes that Applicant provided a description of its process for review of alternative routes in its application materials, as well as provided oral testimony during both the Planning Commission and Board of Commissioners hearings. The Board finds that each route was considered through public/citizen involvement efforts and examined against a set of established criteria such as permitability, ease of obtaining corridor approval, access, constructability and a series of other environmental, land use, and financial factors. The Board finds that the proposed route is the conclusion of this alternatives analysis.
215. The Board finds that there are no feasible upland locations as the floodway encompasses a significant area north of the existing Tillamook substation of Highway 101 and cannot be avoided with routes crossing north of the City of Tillamook downtown area. Accordingly, the Board finds that there are no feasible alternative upland locations for the placement of fill outside of the Area of Special Flood Hazard, defined as the floodway and AE Flood Zone.

VI. ADMINISTRATIVE REVIEW REQUEST 851-17-000448-PLNG-02

A. TCLUO Section 3.002, Farm (F-1) Zone

216. The Board finds that Applicant's proposal is subject to Administrative Review and satisfaction of the standards described in TCLUO 3.002(4)(n) which are addressed below. Applicant is proposing to develop a 115-kV electrical transmission facility with power poles ranging in height between approximately 50 and 125 feet above the ground.
217. TCLUO Section 3.002(15), identifies uses permitted in the Farm ("F-1") Zone subject to the general provisions, special conditions, additional restrictions and exceptions set forth in the Ordinance. Those uses include "*Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height.*" That use is consistent with the uses which must be allowed pursuant to ORS 215.28(1), as further regulated by ORS 215.275.
218. The Board finds there is no dispute in this proceeding whether the Transmission Line can be approved as a Utility Facility Necessary for Public Service, and that the only dispute is whether the Applicant has met the approval standards in ORS 215.275, as implemented by the County, for determining if the use is necessary.

1. TCLUO Section 3.002(4)(1)(a), Use Standards

219. The primary approval standard is that a "utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service." In order to show that a utility facility must be sited in the farm zone, and is therefore necessary, ORS 215.275 and TCLUO Section 3.002(4)(n)(1)(a) set forth several factors that must be considered.
220. One of the factors for consideration of the necessity of a utility facility is whether the facility is locationally-dependent. ORS 215.275 and TCLUO 3.002(4)(n)(1)(a)(ii) state that a "*utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands.*"
221. The record contains evidence provided by the Applicant, Staff, and the Appellant that it is not possible to map a route, even an indirect route, between Tillamook City and the Netarts and Oceanside communities without crossing land in the F-1 Zone. The City of Tillamook is completely surrounded by the F-1 Zone. Based on this fact alone, the Board finds that the Transmission Line is locationally-dependent and therefore necessary to be in the F Zone.
222. Appellant's Objection #9 presented to the Board asserts that the Transmission Line is not "locationally-dependent." However, the basis for that assertion appears to be Appellant's insistence that an alternative facility, referred to as "Alternative 3/Option 3" would meet the Applicant's needs without having the same impacts to farmland. Indeed, in its final legal argument, the Appellant excludes all references to the locationally-dependent factor and focuses instead on the benefits of Alternative 3/Option 3.
223. The Board finds that that Appellant's Objection #9 misapplies the controlling legal standard. The Board agrees with the Applicant that the "need" that must be established under ORS 215.275 is the need to be in the farm zone and that the Applicant must consider alternatives to that location to avoid farmland altogether. Once that need is established, however, the Applicant is not required to consider alternative locations within the farm zone.
224. Because it is impossible to locate a route from either the Wilson or Trask Substations to the coastal areas being served without crossing the F-1 Zone, even using Appellant's Alternative 3/Option 3 proposal, the Board finds that the Transmission Line is locationally-dependent, and therefore necessary to be sited in the F-1 Zone.
225. As an alternative basis for approval, the Board finds that the Transmission Line is necessary to be in the F-1 Zone based on several of the other factors set forth in ORS 215.275 and the Ordinance. For example, related to the locationally-dependent factor, the Board finds there is a lack of available urban and nonresource lands. The Board also finds that there is evidence in the record regarding the availability of existing rights-of-way, which the Applicant states encouraged it to follow the route it did, largely co-locating the Transmission Line with existing rights-of-way that results in the conversion of less resource land.

226. Even if the County were required to consider alternatives to the Transmission Line instead of alternatives only to the route of the line, the Board finds that the Applicant demonstrated that it considered alternatives for achieving the capacity and reliability goals of the project and that such alternatives had technical and engineering limits and costs that made those alternatives infeasible.
227. Applicant also submitted a description of the route selection process it conducted in consultation with a Citizen's Advisory Group in its application materials, as well as provided oral testimony of the same during both the Planning Commission and Board hearings. Applicant states that the route proposed here was selected following a detailed analysis of potential alternative routes as well as recommendations received from the Citizen Advisory Group.

2. TCLUO Section 3.002(4)(1)(b), Use Standards

228. ORS 215.275 and TCLUO Section 3.002(4)(n)(1)(b) require that the Applicant show that costs alone associated with any of the subparagraph (a) factors were not the only consideration in determining that a utility facility is necessary for public service.
229. Applicant states that they did not consider cost alone and that the main factors in siting the route were proximity to the existing BPA Tillamook Substation and customers to be serviced by the proposed Oceanside Substation, collocation with existing linear rights-of-way, and avoidance of productive resource land and other biological and cultural resources.
230. The Board finds that while Applicant considered costs when analyzing the feasibility of some options, cost was not considered alone. The Board's conclusion is supported by the testimony in the record describing the independent analysis of the PUC staff.

3. TCLUO Section 3.002(4)(1)(c), Use Standards

231. ORS 215.275 and TCLUO Section 3.002(4)(n)(1)(c) require the Applicant to restore, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.
232. Applicant provided evidence of its commitment to restoration of temporarily disturbed areas as follows:
- Areas disturbed during construction will be recontoured and seeded and restored to as near original condition as possible for continued use of the land for agricultural production.
 - The Applicant will restore all areas disturbed during required maintenance or repair of the Transmission Line.
 - Surface scarification for seeding will be done where necessary for germination.
 - Farming can continue in areas of the proposed corridor that were previously in farm use.
 - Low-lying vegetation will be allowed to grow throughout the corridor.
 - Excess soil materials, rock, and other non-native materials will be disposed of.
 - Applicant will control the spread of noxious weeds within the project area during the construction, reclamation, and maintenance phases of the transmission line and substation development as described in the Noxious Weed Control section of its submittal.
233. The Board finds that this standard is met through the imposition of a Condition of Approval requiring Applicant to comply with the above commitments.

4. TCLUO Section 3.002(4)(1)(d), Use Standards

234. ORS 215.275 and TCLUO Section 3.002(4)(n)(1)(d) require the County to impose clear and objective conditions on an application for a utility facility in order to mitigate and minimize impacts of the proposed facility, if any, on

surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

235. The Applicant submitted the FFIA to address the potential for Farm Impacts. As the Board discusses in the section of these findings relating to Forest Impacts, the Board finds that the FFIA adheres to the appropriate methodology for assessing Farm Impacts. The Board also finds the FFIA response is detailed and includes expert evidence.
236. The first step in a Farm Impacts analysis is to identify surrounding lands devoted to farm use. The Board finds that the FFIA sufficiently identifies surrounding lands devoted to farm use and relies on that inventory as the basis for these findings, except as provided below.
237. The Board finds that the easement areas to be used for the Transmission Line are not “surrounding land” because they are being converted to a nonfarm use. While those lands may continue to be farmed under the terms of an easement between the Applicant and the underlying property owner, they will be devoted to the transmission line use. Further, the continued use of those lands for some farm use will help prevent the occurrence of Farm Impacts on the remaining lands that continue to be devoted to farm use. Accordingly, the Board’s surrounding lands analysis is to the farm property outside of the easement area.
238. The Board finds that the FFIA contains an adequate description of farm uses and farm practices on surrounding lands. The Board adopts that description with this reference, as modified by the findings below.
239. Evidence in the record asserts that the Transmission Line will cause Farm Impacts as a result of stray voltage, tile line damage, physical barriers, gate management and access, and biological contamination. Other evidence in the record includes the following:
 - With respect to stray voltage, the distance between existing development and the Transmission Line route is unlikely to create stray voltage issues. The potential for stray voltage from the Transmission Line is less than what currently exists from distribution lines that serve the farm properties. Further, the instances of stray voltage in Applicant’s service area are related to distribution lines and improper wiring of farm facilities rather than transmission lines. The Board finds that these facts support a conclusion that the Transmission Line will not cause Farm Impacts.
 - With respect to tile lines, the Applicant’s construction process involves the use of low-impact vehicles and “swamp mats” that reduce impacts to below-ground features. Based on these facts, the Board finds that Farm Impacts to tile lines are unlikely to occur. Further, the Applicant is required by ORS 215.275 and the Ordinance to restore agricultural land and associate improvements disturbed by the utility facility. The Board finds that such restoration would apply to disturbances to tile lines and, therefore, remove the possibility for any Farm Impacts to those improvements.
 - With respect to physical barriers, only the Transmission Line poles have the potential to create physical barriers. However, given the relatively small area occupied by the poles, and their location within the easement area, the Board finds that the Transmission Line will not create barriers resulting in Farm Impacts outside the easement area. For example, evidence in the record indicates farmers operating drones will be able to continue that activity at safe distances from the actual power lines. Similarly, line clearances allow for the mobility of farm equipment. The lowest line heights ranging between 20 to 50 feet. The Board therefore finds that the Transmission Line will not pose a significant barrier to the mobility of the majority of farm equipment.
 - With respect to gate management and access, once the line is built the Applicant will conduct maintenance activities very rarely and in coordination with the landowner. The Board finds that this fact reduces the likelihood that any Farm Impacts will occur related to gate management and access.
 - With respect to biological contamination, the Applicant’s construction methods involve bringing equipment to the site that remains in place until construction is complete. This reduces the frequency of trips back and forth between farms and, therefore, the Board finds reduces the likelihood for biological contamination to spread.

240. Based on the foregoing, the Board finds that significant Farm Impacts will not result from the Transmission Line and that any impacts with a higher potential of occurring will not rise to the level of significant. The Board's conclusion is further supported by the following evidence in the record:
- Areas disturbed during construction and maintenance will be recontoured and seeded and restored to as near original condition as possible for continued use of the land for agricultural production.
 - Reseeding will be done as soon as possible during the optimal period after construction and surface scarification for seeding will be done where necessary for germination.
 - The Applicant will use certified "noxious weed-free" seed on areas to be seeded.
 - Farming can continue in areas of the proposed corridor that were previously in farm use, maintaining agricultural areas in larger blocks, thereby reducing the likelihood of increased costs.
 - Excess soil materials, rock, and other non-native materials will be disposed of.
 - During construction, construction equipment, materials, and vehicles will be stored at the sites where construction will occur or at specified construction yards. Personal vehicles, sanitary facilities, and staging areas will be confined to a limited number of specified locations to decrease chances of incidental disturbance and spread of noxious weeds.
 - Applicant will use a qualified contractor to control weeds during maintenance activities.
 - Fences, gates, cattle guards and any additional rock will be added to construction access roads. Only temporary construction roads will be used on properties subject to Farm zoning as operational maintenance will be conducted by foot or using track vehicles designed to traverse soft soils.
241. The Board notes that the farm statutes offer an additional mechanism to prevent Farm Impacts. Pursuant to ORS 215.276, the Applicant is required to consult the record owner of high-value farmland, after the route is approved by the County and before construction begins, for the purpose of locating and constructing the Transmission Line in a manner that minimizes impacts to farm practices. This statute expressly allows "micro-siting" of the utility facility and further assures Farm Impacts will not occur.
242. Except as described above, the Board adopts the discussion and conclusion contained in the FFIA to support its conclusion that no Farm Impacts will result from the Transmission Line.
243. Notwithstanding the foregoing, the Board notes that there remains a potential for Farm Impacts to occur. Although the Board finds that such Farm Impacts are not likely to occur and, if they do, will not be significant, the Board will impose several Conditions of Approval to remove any doubt about the occurrence of such impacts. Those conditions were largely imposed by the Planning Commission but have been revised by the Board to make them more comprehensive and clear. The Condition of Approval relating to biosecurity is based on the specific assertions of potential impacts to the Peterson farm. Although the record does not contain similar credible concerns raised by other farmers, the Board will direct the Applicant through the Conditions of Approval to make biosecurity measures an option for the underlying property owner when the Applicant confers with the property owner pursuant to ORS 215.276.
244. Appellant's Objection #7 appears to address Farm Impacts, but asserts the Planning Commission decision lacked substantial evidence to conclude the Transmission Line "cannot be located in a manner that would create less impact on farmland." Appellant argued that Applicant should have been required to consider Alternative 3/Option 3 instead. Similar to other objections, the Board finds that this objection mis-states the legal standard. The County is not required to determine whether other proposals might have fewer impacts. Instead, the County is required to determine whether the Transmission Line will result in Farm Impacts and adopt conditions of approval to mitigate and minimize potential impacts.
245. Appellant's Objection #8 is more express and asserts that the evidence in the record "demonstrates" that the Transmission Line will significantly affect farming practices. Appellant does not provide explanation of Farm Impacts beyond a recitation of some of the concerns discussed above. Indeed, Appellant's final legal argument to the Board omits any reference to significant changes to farm practices or significant increases to the cost of those practices and, instead, states that the "sole reason for this significant opposition is that these parties believe there

are reasonable alternatives available to achieve [the Applicant's] service objectives to provide improved and reliable service." The Board finds that the evidence and argument presented by the Appellant do not undermine its conclusion that the Transmission Line will not significantly affect farming practices and that any potential impacts will be mitigated and minimized through Conditions of Approval in order to avoid Farm Impacts.

246. Appellant's Objection #10 re-asserts its other objections on its belief that Alternative 3/Option 3 "is the best option to provide improved service." As the Board has already found, any discussion of Alternative 3/Option 3 is irrelevant. No application has been received for the Alternative 3/Option 3 distribution voltage line. The Board does not have any study-work, analysis, or siting details for that proposed line route. The Board has not evaluated the Alternative 3/Option 3 route thoroughly for land use compatibility and this alternative route is not the subject of this review. Assessment of potential alternatives to the proposed development and a determination that the proposed development is the best option is not required as part of this review. Even so, the Board finds the Applicant did in fact evaluate Alternative 3/Option 3 (along with Options 1 and 2) and determined that it was not the best solution due to being less reliable, less efficient, and when considering equal capacity, more expensive when compared to the Transmission Line solution.

B. *TCLUO Section 3.106, Estuary Conservation 1 (EC-1) Zone*

247. TCLUO Section 3.106 provides the development standards for uses within the Estuary Conservation ("EC-1") Zone. The Board finds that the Transmission Line spans the EC-1 Zone and is a permitted use, subject to the procedures of Section 3.120, and the standards in Section 3.140 outlined in the TCLUO. Those sections are addressed above with respect to the EN Zone, the findings for which are incorporated here by this reference.
248. TCLUO Section 3.106(2)(h) identifies "Electrical distribution lines and line support structures" as a use permitted with standards in the EC-1 zone. The Board finds that transmission lines are not specifically prohibited in the EC-1 zone under this criterion and that the similar use determination for the EN Zone applies equally to the EC-1 Zone. The Board incorporates the findings for that similar use determination here with this reference.
249. Consistency with the requirements of TCLUO 3.510, relating to the FH Zone, is addressed in sections above with respect to the EN Zone, the findings for which are incorporated here by this reference.
250. TCLUO Section 3.545 provides for development standards of uses permitted within the Shoreland Overlay. The Board finds that these standards have been satisfied for the same reasons as addressed in sections above with respect to the EN Zone, the findings for which are incorporated here by this reference.
251. TCLUO Section 3.550 provides development standards for uses permitted in the Freshwater Wetlands Overlay. The Board finds that these standards have been satisfied for the same reasons as addressed in sections above with respect to the EN Zone, the findings for which are incorporated here by this reference.
252. TCLUO Section 4.140 provides requirements for protection of water quality and streambank stabilization. The Board finds that these criteria have been satisfied through the imposition of a Condition of Approval requiring Applicant to provide documentation demonstrating satisfaction of ODFW mitigation requirements. The Board finds that these standards have been satisfied for the same reasons as addressed in sections above with respect to the EN Zone, the findings for which are incorporated here by this reference.
253. TCLUO Section 4.160 imposes certain requirements for uses that affect known archaeological sites in order to protect the integrity of such sites. The Board finds that these standards have been satisfied for the same reasons as addressed in sections above with respect to the EN Zone, the findings for which are incorporated here by this reference.

VII. *CONDITIONS OF APPROVAL:*

254. As noted throughout these findings, the Board has indicated it will impose Conditions of Approval to ensure certain approval standards will be met. TCLUO Section 6.070 and Section 6.080 require compliance with approved plans and conditions of this decision, and all other Ordinance provisions. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

A. Conditions of Approval for Conditional Use Request 851-17-000448-PLNG-01:

1. The Applicant/Property Owner shall obtain all required Federal, State, and Local permits and/or licenses and will comply with applicable rules and regulations.
2. The Applicant shall obtain all necessary electrical, mechanical, and plumbing permits.
3. At the time of applying for Zoning Permit approval, the Applicant shall provide copies of the easement agreements recorded between the Applicant and underlying property owners for those segments of the proposed development subject to Forest zoning designation containing an acknowledgement by the Applicant recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-006-0025(5)(c).
4. At the time of applying for Zoning and Building permit application, Applicant will provide letters from the impacted fire protection districts documenting the sufficiency of the fire prevention, pre-suppression, and suppression plans prepared by its construction contractor for the construction phase of the project and the sufficiency of the fire prevention, pre-suppression, and suppression plans prepared for the operational phase of the project.
5. Applicant will provide to the Department on an annual basis for three years following energization of the transmission line documentation from ODFW that the mitigation requirements described in the letter dated October 20, 2017 from Robert W. Bradley, ODFW District Fish Biologist, North Coast Watershed District are satisfied.
6. Applicant will provide demonstration of compliance with Geologic Hazard Area Standards contained in TCLUO 4.130(2) and (3) at the time of applying for Zoning Permit approval.
7. The location of pole structures within the Forest (F) Zone shall be relocated to meet the required 30-foot yard setback. As an alternative, prior to applying for a Zoning Permit approval, the Applicant may separately apply for a Variance, subject to the criteria outlined in Section 8.030 and processed as a Type II review in accordance with the procedures outlined in Article 10 of the TCLUO.
8. At the time of applying for Zoning Permit approval, the Applicant shall provide copies of the easement agreements recorded between the Applicant and underlying property owners for those segments of the proposed development subject to Forest zoning designation containing an obligation by Applicant to de-energize the Transmission Line upon request by the property owner when an area of the property within 100 feet of the Transmission Line corridor is being logged. The easement language shall also include language providing the underlying property owner with the option to have the applicant conduct the logging activities.

B. Conditions of Approval for Floodway/Estuary/Floodplain Permit Request 851-17-000448-PLNG:

1. The Applicant/Property Owner shall obtain all required Federal, State, and Local permits and/or licenses and will comply with applicable rules and regulations.
2. The Applicant shall obtain all necessary electrical, mechanical, and plumbing permits.
3. Any deviation from the proposed development described herein within the Floodway that involves an increase in the amount of fill placed in the Floodway shall require an updated No-Rise Analysis.

C. Conditions of Approval for Administrative Review Request 851-17-000448-PLNG-02:

1. The Applicant/Property Owner shall obtain all required Federal, State, and Local permits and/or licenses and will comply with applicable rules and regulations.
2. The Applicant shall obtain all necessary electrical, mechanical, and plumbing permits.
3. During the siting, construction, maintenance, repair or reconstruction of the proposed project, Applicant shall install fences, gates and/or cattle guards along access routes and guy wire anchors to prevent livestock from accessing construction and work areas. Fences protecting guy wires on the Peterson farm shall remain after construction.
4. Applicant shall be responsible for restoring, as nearly as possible to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, construction, maintenance, repair or reconstruction of the facility. Reseeding, including surface scarification, required as part of restoration efforts will be done immediately after the utility activities have concluded, unless the underlying property owner informs the applicant that a later time is necessary to allow revegetation during an optimal period for germination. Certified "noxious weed-free" seed will be used on areas to be seeded.
5. Prior to applying for Zoning permit approval, Applicant shall provide the Department of Community Development a copy of their Construction Best Management Practices and Operational Best Management Practices for any development within the transmission line easement and temporary construction areas. Such practices shall include provisions to prevent the spread and establishment of a noxious weed community within disturbed areas. The applicant shall also provide copies of the easement recorded between the Applicant and underlying property owners for those segments of the proposed development within the Farm (F-1) zone, which easements shall contain language allowing the underlying property owner to request an alternative chemical free noxious weed control plan be implemented. Herbicides used during construction and operations shall be listed as compatible for use near grazing livestock including lactating dairy animals. Herbicides with grazing and/or haying restrictions shall not be used. Applicant shall use a qualified contractor to control noxious weeds within the easement area as needed.
6. On properties subject to Farm (F-1) zoning designation, Applicant shall ground all metal structures located within 250 feet of the transmission line center line.
7. During operations, should stray voltage be measured and determined to be caused by the proposed 115kV transmission line project, Applicant shall implement corrective measures, in accordance with good utility practices, to prevent reoccurrence of the stray voltage.
8. The Applicant shall provide copies of the easement recorded between the Applicant and underlying property owners for those segments of the proposed development within the Farm (F-1) zone containing language allowing the underlying property owner to continue farming areas within the proposed transmission easement area.
9. Applicant shall provide the Department on an annual basis for three years following energization of the transmission line documentation from ODFW that the mitigation requirements described in the letter dated October 20, 2017 from Robert W. Bradley, ODFW District Fish Biologist, North Coast Watershed District are satisfied.
10. Prior to any development activity, Applicant shall provide the Department of Community Development a copy of their Construction Best Management Practices and Operational Best Management Practices. Such documents shall include provisions addressing the

prevention of biological contamination of agricultural properties in consultation with the Oregon Department of Agriculture. Practices to be implemented on the Peterson farm shall require the cleaning and disinfection of vehicles and equipment prior to entering properties where farm uses are occurring and the use of clean, disinfected footwear and/or the use of disposable footwear covering on properties where farm uses are occurring. The Applicant shall also provide copies of the easement recorded between the Applicant and the other underlying property owners for those segments of the proposed development within the Farm (F-1) zone, which easements shall contain language allowing the underlying property owner to request the same measures implemented on the Peterson farm, or otherwise document that the underlying property owner elected not to have such measures implemented when the Applicant conferred with the property owner pursuant to ORS 215.276.

11. Following construction activities, Applicant shall have all tile lines in the construction area scoped by an independent inspector to verify that they have not been damaged. If damage is found, the Applicant shall repair the tile lines.
12. Applicant shall be responsible for restoring, as nearly as possible to its former condition any diking and drainage improvements such as levees, dikes, tidegates and drainage tiles that are directly damaged or otherwise disturbed by the siting, construction, maintenance, repair or reconstruction of the proposed 115kV transmission facility.
13. Applicant shall be responsible for restoring, as nearly as possible to its former condition any irrigation improvements that are damaged or otherwise disturbed by the siting, construction, maintenance, repair or reconstruction of the proposed 115kV transmission facility.
14. During the siting, construction, maintenance, repair or reconstruction of the proposed project, Applicant shall install and maintain fences, gates and/or cattle guards along access routes to maintain access to grazing areas during construction.
15. Only temporary construction roads will be used on properties subject to Farm (F-1) zoning. Operational maintenance will be conducted by foot or using track vehicles designed to traverse soft soils.