

ORDINANCE NO. 23-1011

AN ORDINANCE OF THE CITY OF OREGON CITY APPROVING A LEGISLATIVE AMENDMENT TO TITLE 17 – ZONING, CHAPTER 17.29 – MIXED USE CORRIDOR ZONE DISTRICT, OF THE OREGON CITY MUNICIPAL CODE

WHEREAS, the City of Oregon City has adopted a Zoning Code to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use goals; and

WHEREAS, the City of Oregon City Zoning Map and Code implements the Comprehensive Plan by regulating the location and type of land uses best suited for specific development; and

WHEREAS, the City of Oregon City Zoning Code may be amended and updated as necessary upon findings of facts that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

WHEREAS, Portland Gas and Electric (PGE), has requested a legislative amendment to recognize utility facilities as a conditional use in the Mixed Use Corridor Zone District and to allow outdoor storage to occur as part of a public utility and services use; and

WHEREAS, approval of the requested amendment would allow PGE to apply for a conditional use permit to improve and expand its long-standing Operations Center within the MUC-1 District, including the outdoor storage and maintenance activities that are a part of that use; and

WHEREAS, on November 13, 2023 the Planning Commission held a public hearing and, after considering all the public testimony and reviewing all the evidence in the record, recommended approval to the City Commission by a 6-0 vote for the requested amendment; and

WHEREAS, the amendment to the zoning code is consistent with the Oregon City Comprehensive Plan.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

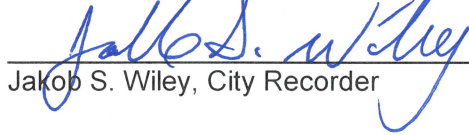
Section 1. The City hereby amends the portions of the existing Oregon City Municipal Code Title 17: Zoning, Chapter 17.29-Mixed Use Corridor Zone District, of the Oregon City Municipal Code; which are attached hereto as Exhibit A.

Section 2. The Commission adopts the Legislative Staff Report and Recommendation for files GLUA-23-00029 / LEG-23-0001 and associated documents, attached hereto as Exhibit B.

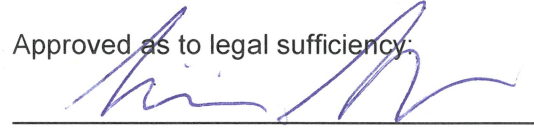
Read for the first time at a regular meeting of the City Commission held on the 6th day of December 2023 and the City Commission finally enacted the foregoing ordinance this 20th day of December 2023.


DENYSE C. MCGRIFF
Mayor

Attested to this 20th day of December 2023


Jakob S. Wiley, City Recorder

Approved as to legal sufficiency:


City Attorney

Attachments:

Exhibit A – Amendments to the OCMC 17.29.030

Exhibit B – GLUA 23-00029 LEG 23-0001 Legislative File

Exhibit A - Ordinance 23-1011

17.29.030 Conditional uses—MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Drive-through facilities;
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas stations;
- D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.I;
- E. Public utilities and services, and utility facilities, including sub-stations (such as buildings, plants and other structures) and outdoor storage associated with the conditional use;
- F. Public and/or private educational or training facilities;
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- I. Hospitals;
- J. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- K. Passenger terminals, excluding bus stops;
- L. Shelters.

17.29.040 Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage unless permitted under OCMC 17.29.030.E;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Correctional facilities;
- E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);
- F. Kennels;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Motor vehicle and recreational vehicle repair/service;
- I. Self-service storage facilities;
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- K. Mobile food units, except with a special event permit.



LEGISLATIVE STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report.

November 3, 2022

HEARING DATE: November 13, 2022 - Planning Commission

FILE NUMBER: LEG-23-00001

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT/OWNER: Portland General Electric, Attn: Tina Tippin

121 SW Salmon St, Portland, OR 97204

REQUEST: PGE proposes a Legislative Code Text Amendment to Chapter 17.29 – Mixed Use Corridor, Section 17.29.030 E. of the Oregon City Municipal Code (OCMC) to recognize its existing Operations Center as a Conditional Use in the MUC-1 District, including the outdoor storage and maintenance activities that are a part of that use. The Code Amendment would allow PGE to apply for a Conditional Use Permit to improve and expand the Operations Center. An application for a Conditional Use Permit would follow adoption of the Code Amendment.

LOCATION(S)

(See Figure 2 on P. 5): This legislative text amendment affects the MUC - Mixed Use Corridor zone district. The mixed-use corridor (MUC) district is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street, Beavercreek Road, and along Warner-Milne Road.

PROCESS: 17.50.170 - Legislative hearing process.

- A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.
- B. Planning Commission Review.
 - 1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
 - 2. The Community Development Director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with OCMC 17.50.090.C and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
 - 3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.
- C. City Commission Review.
 - 1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.
 - 2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

I. BACKGROUND:

Summary of the Proposal

Portland General Electric Company (PGE) proposes a Legislative Code Text Amendment to Section 17.29.030 E. of the Oregon City Development Code (OCDC) to recognize its existing

Operations Center as a Conditional Use in the MUC-1 District, including the outdoor storage and maintenance activities that are a part of that use. The Code Amendment would allow PGE to apply for a Conditional Use Permit to improve and expand the Operations Center. An application for a Conditional Use Permit would follow adoption of the Code Amendment.

Existing conditions

The PGE Operations Center is located at 209 Warner Milne Road and occupies two tax lots, indicated in the aerial photo below. It currently occupies 6.59 acres along the north side of Warner Milne Road, across from the Beavercreek Road intersection. The site is identified as Tax Lots 100 and 201 on map 3-2E-06DA.

The use of the property is legally non-conforming within the Mixed Use Corridor zone district. A public utility facility requires a Conditional Use permit in order to expand in the MUC-1 zone district. The MUC-1 zone district also prohibits Outdoor Storage, which is a necessary component of the Operations Center.



Operations Center, which is a power system operations, management and service facility. The proposed text amendment would modify 17.29.030 E. to include the category "Utility Facilities", which provides for the "delivery or furnishing of services" including electric power as a Conditional Use (Definitions, 17.04.1450²). That would include the Operations Center.

The proposed amendment to the text of 17.29.030 E. is the following (added text is underlined and red color font):

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.

E. Public utilities and services, and utility facilities, including substations (such as buildings, plants and other structures) and outdoor storage associated with the conditional use;

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.

B. Outdoor storage unless permitted under OCMC 17.29.030.E;

Justification for the proposed code amendment

Section 17.29.040 B. of the MUC-1 District prohibits outdoor storage. PGE's proposal states that "outdoor storage of equipment and material that is required for the electric power system is part of the Operations Center and is essential to its function as a power system management and service facility." The proposed Code Amendment would provide for outdoor storage only as associated with that specific Conditional Use.

The proposed amendment would not change the process for review of an expansion to a utility facility in the MUC-1 zone district, which would still require approval of a conditional use application by the Planning Commission through a Type III quasi-judicial land use process including a public hearing pursuant to *OCMC 17.56 – Conditional Uses*.

² OCMC 17.04.1450 - *Utility facilities*.

"Utility facilities" means buildings, features or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pretreatment facilities.

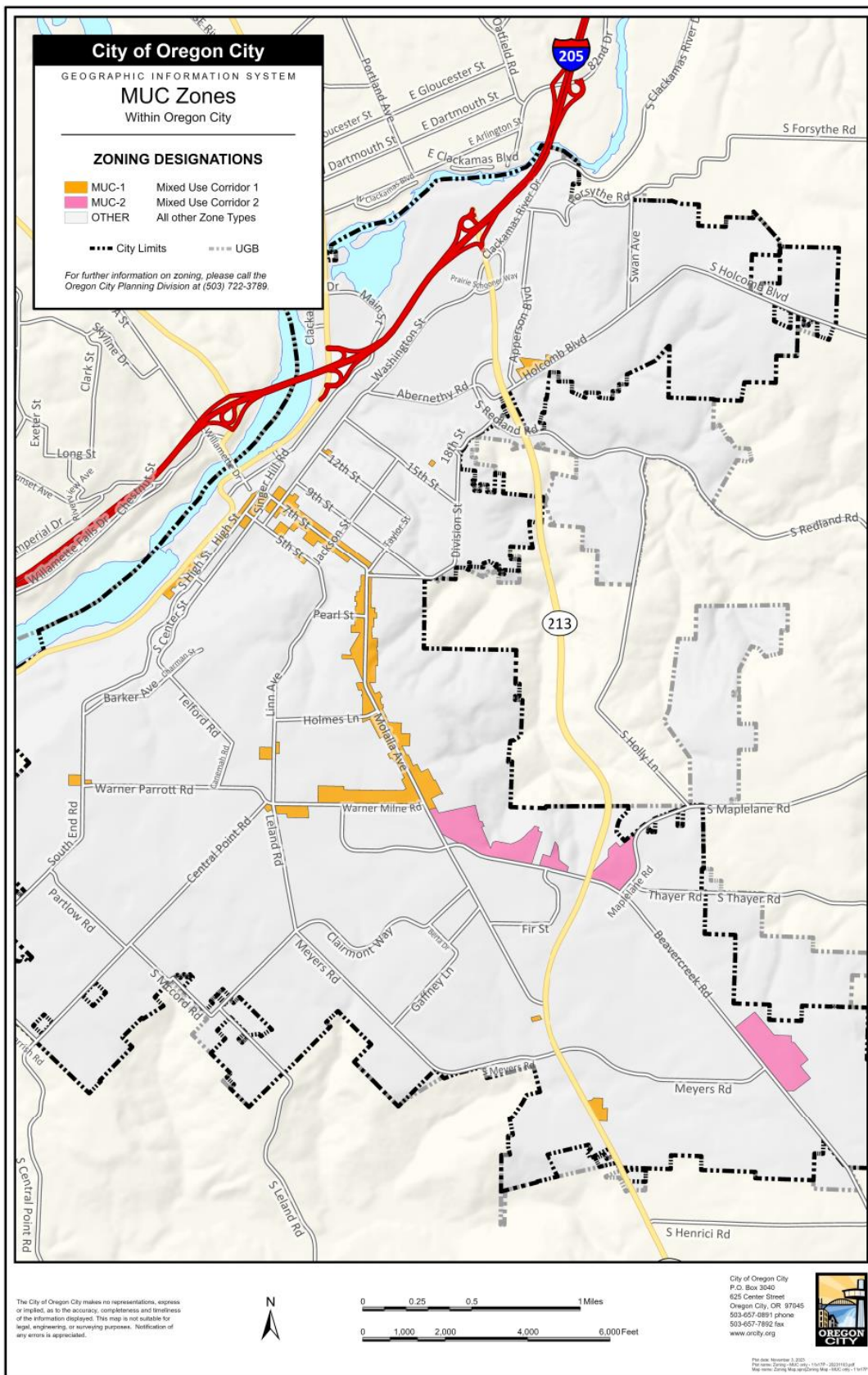


Figure 2. Extent of the MUC Zone District

Public Notice and Comments

This is a legislative action that requires public notice pursuant to OCMC 17.50.090.C. – *Notice of Public Hearing on a Legislative Proposal*. The Community Development Director provided the required Post Acknowledgement Plan Amendment (PAPA) notice to the Oregon Department of Land Conservation and Development (DLCD) on October 3, 2023.

Notice of the November 13, 2023 Planning Commission public hearing was provided to the Citizen Involvement Committee, Neighborhood Associations, and affected service districts, agencies and interested parties by mail and posted on the City website.

Public comments received prior to the date of publication of this staff report are available in the public comment summary exhibit. As of the date of publication of this report, no public comments have been received.

II. APPROVAL CRITERIA

The remainder of this staff report provides findings to demonstrate that the proposed legislative application is consistent with applicable approval criteria. Approval criteria for a Zoning Code amendment are found in Chapter 17.68 of the Oregon City Municipal Code.

Chapter 17.68 – Zoning Changes and Comprehensive Plan Amendments

17.68.010 – Initiation of the amendment.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Finding: This amendment has been initiated through an application by the property owner and has been referred to the Planning Commission for their recommendation to City Commission. The applicant provides an explanation why this code amendment is legislative in their narrative, which is provided below.

Need for a Legislative Code Text Amendment

The OCMC does not provide a feasible alternative that would allow for the improvement and expansion of the Operations Center including the necessary outdoor storage. Under the current terms of the MUC-1 District

the facility is considered to be a Non-conforming use. The only zoning District that allows outdoor storage is General Industrial (GI, Section 17.36). A proposal to change the land use designation of this site to GI would require a Comprehensive Plan Map Amendment and Zone Change. As a general-purpose industrial zone the GI District would not be consistent or compatible with the zoning and land use pattern in the surrounding area. This understanding is also reflected in the staff Notes report following Pre-Application Conference PA-22-00052, held October 25, 2022, in which it is clear that an application for a Comprehensive Plan Amendment and Zone Change to GI would not be supported. The Notes response to the question of a Plan/Zone Change to GI offers guidance to this proposal.

The proposed text amendment represents a small and limited-purpose change to the MUC-1 District. It would not change the zoning of any property or the zoning pattern of any area. It would limit outdoor storage to that associated with a Utility facility. It would allow for future consideration of a Conditional Use Permit for the improvement and expansion of the existing operations center, but not allow other new types of uses in the District. The proposed text amendment represents the least amount of change that can address this issue and allow PGE to continue providing reliable power to the area.

17.68.015 –Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

17.50.170 – Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city’s land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

Finding: Complies as Proposed. This legislative action is following the procedures found in OCMC 17.50.170.

17.68.020 – Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

- A. The proposal shall be consistent with the applicable goals and policies of the comprehensive plan;*

The applicable goals and policies of the “Oregon City 2040 Comprehensive Plan” (OC2040) are addressed as follows:

OC2040 CHAPTER 2 – DIVERSE ECONOMY

Diverse Economy Goal 3

Guide growth and development in a manner that implements the City’s 2040 Vision and maintains an urban growth boundary that supports and accommodates projected population and employment during the 20-year planning period.

Applicant Response: The OC2040 Vision Statement for a Diverse Economy calls for an economy that is vibrant, diversified, and resilient; a thriving city with a robust economy; thriving commercial and industrial districts; a strong tourism industry; good jobs and diverse housing choices.

Achieving the growth and development outcomes of the Vision Statement requires a reliable and resilient power supply that is supported by a local service, maintenance and management system. These are the primary functions of the Operations Center. As the population, economy and housing in the community grows and diversifies during the 20-year planning period the Operations Center must be prepared to deal with expanding requirements for providing power service and the corresponding management and routine maintenance activities, as well as emergency response to localized outages and local and community-wide disaster events.

According to the 2021 Housing Needs Analysis (HNA) the population of the city increased by 14,968 from 1990 to 2019, which was a 131% growth rate. The HNA projects that an additional 7,435 households will be required between 2021 and 2041. The ability to provide for timely power service needs, system maintenance, and appropriate emergency response required by the community depends on having adequate facilities, personnel, and equipment available at appropriate levels. These are requirements that will be addressed by the anticipated improvement and expansion of the existing Operations Center. The improvement and expansion of the Operations Center at its current location in the MUC-1 zone will not affect the Urban Growth Boundary. For these reasons the proposed text amendment is consistent with this Goal.

Finding: The proposal is consistent with the Comprehensive Plan. For clarification, the growth between 1990 and 2019 of 14,968 people is a growth of 131%, not a 131% growth rate.³

Diverse Economy POLICY 3.3

³ See City of Oregon City 2021-2041 Housing Needs Analysis, ECONorthwest, December 2021. P.i. *“Oregon City grew from 14,968 people in 1990 to 35,570 people in 2019. This is an addition of 19,242 people or 131% growth.”*

Designate land uses in a manner that balances opportunities for housing and jobs and ensures development is consistent and compatible with the community's needs and resources.

Applicant Response: The anticipated improvement and expansion of the Operations Center corresponds to the growth of the community that has occurred during the past twenty years, and will prepare for the growth that is projected to occur over the next twenty years. The expansion of the Operations Center at its current location in the MUC-1 zone will maintain a stable land use pattern and it will not affect overall opportunities to provide housing and jobs in the community on lands that are designated specifically for industrial, commercial, or residential use. By providing the opportunity for improved service, maintenance and repair capabilities of the Operations Center at its current location the proposed text amendment is consistent and compatible with the existing and projected needs and resources of the community, in keeping with this policy.

Finding: The proposal is consistent with the Comprehensive Plan. The MUC-1 Zone District allows for public utilities as a Conditional Use. The conditional use review process allows for a discretionary review process of uses that are not permitted outright within the zone district in which they are proposed. The process allows the Planning Commission to evaluate impacts on jobs, housing and other uses within the zone district in which the conditional use is proposed. If the proposed text amendment, and a subsequent conditional use application is approved to allow an expansion of the PGE Operations Center, there will remain significant vacant and re-developable land within the MUC-1 and MUC-2 zone districts along both sides of Beavercreek Road to OR 213 and from Warner-Milne Road down the Molalla Avenue / 7th Street Corridor. Also, all the permitted land uses in the MUC-1 zone district are also permitted in the C-General Commercial Zone District and the MUD-Mixed Use Downtown District. So, the use of the subject properties for expansion of a public utility would not be detrimental to the amount of available land remaining for mixed use development and is compatible with the community's needs and resources.

Diverse Economy POLICY 3.4

Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

Applicant Response: This policy is a directive to the City. The proposed text amendment will recognize a long-standing existing land use at its existing location. It does not significantly affect the current Land-Use Map designation. It does not propose a change in the Land-Use Map or affect the City's ability to main[tain] the Land-Use Map as the official long-range planning guide for development in the city. The proposal will have no impact on this policy directive.

Finding: The proposal is consistent with the Comprehensive Plan.

OC2040 CHAPTER 3 - CONNECTED INFRASTRUCTURE

Connected Infrastructure Goal 2

Ensure public utilities and infrastructure are maintained and improved to adequately serve all existing areas of Oregon City and can be extended to serve newly developing areas in a logical and fiscally responsible manner.

Applicant Response: The electric power supply and service system is part of the city's essential infrastructure. All parts of the community are connected to the power supply, which requires periodic service and maintenance. The power supply may also require local or city-wide emergency repair and restoration as a result of interruptions caused by human-caused accidents or natural events or disasters. The first response to these scheduled and unscheduled events is provided by the Operations Center. The proposed text amendment will enable a development application to allow the Operations Center to maintain an improved supply of materials and equipment necessary to address the requirements of regular scheduled maintenance as well as emergencies, and to plan and provide for the crews and additional equipment that is required for an effective response to these events. For these reasons the proposed text amendment is in keeping with this Goal to ensure the infrastructure is maintained and improved to adequately serve existing and newly developing areas the city.

Finding: The proposal is consistent with the Comprehensive Plan. The City of Oregon City Addendum to the Clackamas County Multi-Jurisdictional Hazard Mitigation Plan⁴ designates the electrical power system as critical infrastructure that is subject to disruptions due to natural and human-caused events including earthquakes, windstorms and winter weather. The proposed text amendment will allow PGE to maintain and expand its on-site capacity to respond to such events.

Connected Infrastructure Policy 2.4

Increase resiliency to climate change, natural hazard events, and cyber intrusions in public utility infrastructure.

Applicant Response: A result of the proposed text amendment will be to enable PGE to apply for a Conditional Use Permit to improve its facilities at the Operations Center to accommodate service crews, emergency response personnel, and additional materials and equipment, that will be necessary to respond to outages caused by weather events related to climate, human-caused accidents, and natural hazard events. These measures will improve the overall function and resiliency of operations at the facility to provide power system repair and faster restoration of service to the community.

Finding: The proposal is consistent with the Comprehensive Plan.

Connected Infrastructure Goal 3

Serve the health, safety, and welfare of all Oregon City residents through provision of comprehensive public facilities and services.

Applicant Response: The power supply is an essential facility for the public in all parts of the city. The Operations Center provides new connections to the power supply, power supply management, and maintenance and repair throughout the entire city. These functions are consistent with this policy.

Finding: The proposal is consistent with the Comprehensive Plan.

⁴ <https://www.orcity.org/DocumentCenter/View/2680/2019-Oregon-City-Addendum-to-Clackamas-County-Natural-Hazard-Mitigation-Plan-PDF>

Connected Infrastructure Policy 3.4

Coordinate with service providers to ensure high levels of public utility and infrastructure service.

Applicant Response: The City can coordinate with PGE through the development review process and other methods to ensure that new development can be provided with electric power. The proximity of the Operations Center to the City's public works department will also help insure the continuity of high levels of public utility and infrastructure service.

Finding: The proposal is consistent with the Comprehensive Plan. The City includes PGE as an agency partner during the development review process, on capital improvement projects, and throughout the construction process.

Connected Infrastructure GOAL 4

Promote and support energy conservation, sustainability, and resiliency through best practices in infrastructure planning, operations, and management.

Applicant Response: The proposed text amendment complies with this policy by enabling PGE to plan and request approval for improvements to the Operation Center facilities, which will allow for improvement in the conduct and management of its operations including power supply management and distribution, maintenance and service; energy conservation, and resiliency. The anticipated improvements will include facilities to support conversion of the PGE fleet vehicles to electric power, which will promote a transition from fossil fuels and support energy conservation, and sustainability.

Finding: The proposal is consistent with the Comprehensive Plan.

Connected Infrastructure Policy 4.1

Identify and seek opportunities for sustainable practices in management and operation of public facilities and services.

Applicant Response: The expansion of the Operations Center will include looking at opportunities for expanded EV charging for fleet vehicles and the potential for rooftop solar.

Finding: The proposal is consistent with the Comprehensive Plan.

Connected Infrastructure Strategy 4.1.C

Wherever possible, design and develop public facilities to take advantage of solar energy, develop co-generation, and conserve energy in operations and public access.

Applicant Response: The development and integration of electric power generating sources and facilities such as solar and co-generation are system-wide issues that are outside the scope of operations of the local Operations Center. Such sources of power are becoming an increasing part of the mix of power sources that serves the public. The Operations Center works with property owners on planning and coordinating for solar power at their homes or businesses, the installation of EV chargers, in conservation measures such as efficient lighting programs for business and industry, and in power-conserving street lighting. These measures contribute to sustainable practices in the operation and management of public facilities and services.

Finding: The proposal is consistent with the Comprehensive Plan.

OC2040 CHAPTER 4 - PROTECTED ENVIRONMENT

PROTECTED ENVIRONMENT GOAL 3

Ensure the safety of residents and property by supporting plans, programs, and investments that minimize the impacts of future natural hazard events and aid in rapid response and recovery.

Applicant Response: The electric power system is part of the city's essential infrastructure and is recognized as "Critical Infrastructure" in the City of Oregon City Addendum to the Clackamas County Multi-Jurisdictional Hazard Mitigation Plan/Volume II: Oregon City Addendum, March 2019, Table OC-6 Critical Infrastructure in Oregon City, page OC-16. "Critical Infrastructure" means "Infrastructure that provides necessary services for emergency response" (page OC-16). The proposed text amendment will allow an application to request improvement and expansion of the Oregon City Operations Center that will include facilities to manage and support personnel, equipment, and materials that would be critical to restoring electric power that would

be interrupted as a result of natural events and disasters involving weather, geological forces, or other emergencies. Supporting the plans, programs and investments for the Operations Center improvement and expansion will aid in the rapid respond and recovery efforts involved in restoring power to the community and is consistent with this Goal.

Finding: The proposal is consistent with the Comprehensive Plan.

Connected Infrastructure Policy 3.4 –
Prioritize restoration of critical services following a natural hazard event.

Applicant Response: Approving the proposed text amendment to allow an application to improve and expand the Operations Center will prioritize the restoration of electrical service by recognizing the role that additional facilities for emergency response personnel and equipment, and on-site availability of critical materials such as power poles, transformers, wires, etc., will have on the ability to conduct rapid response and restoration of power service to the community.

Finding: The proposal is consistent with the Comprehensive Plan.

Connected Infrastructure Strategy 3.4.B
Ensure that key public services, such as water and sewer; and key public facilities such as police, fire, and hospital structures have the capability to back-up electricity during emergencies.

Applicant Response: Providing back-up electric power to individual uses through the use of measures such as on-site generators, battery back-up, etc., as a temporary measure in an emergency, is typically the choice and responsibility of the user, and would not be the responsibility of the Operations Center.

Finding: The proposal is consistent with the Comprehensive Plan.

Applicant's Summary regarding the City's Comprehensive Plan

The improvement and expansion of the Operations Center is necessary for PGE to meet the needs of the residents and activities of the city. Improvements to the Operations Center

facilities for power system installation, service, maintenance and repair will serve existing and new development and is consistent with the growth of the population and projected increases in housing. It is especially necessary to increase capabilities and preparation for response to emergencies that cause power outages, and for disaster relief and recovery. Recent weather-related incidents such as winter ice storms and the summer heat extremes, the increased awareness of potential major natural disasters, and the massive recovery operations that will be needed in those events, require that operational and service capabilities be updated, improved and expanded. For these reasons and considerations the proposed Code text amendment is consistent with the applicable goals and policies for a Diverse Economy, Connected Infrastructure, and Protected Environment.

Finding: The proposal is consistent with the Comprehensive Plan.

APPROVAL CRITERIA – Continued

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

17.68.020 B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone or plan amendment, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone or plan amendment.

Applicant Response: The proposed zone Code text amendment is to recognize the existing Operation Center as a Conditional Use that is allowed in the zone. It will not provide for any other new uses that are not currently included in the zone. Any additional or new development proposed for the Operations Center will be reviewed in a new, separate Conditional Use application.

The existing Operations Center is provided with all needed public facilities and services, and the existing facilities and services are presently capable of supporting the use. At the time new development or expansion of the Operations Center is proposed the public facilities and services that are needed to support the new development will be determined. A Pre-Application Conference, PA 21-16, held in May, 2021, reviewed the expansion of the

operations center onto adjacent vacant property to the east. The public service requirements that may be needed for a potential expansion were reviewed by Development Services and discussed in its Notes report. In summary, transportation system requirements may include completing sidewalk gaps along Warner Milne Road and the east side of Beaver Creek Road and connecting to a shared use path from Beaver Creek Road to Laurel Lane. Stormwater system improvements and connections may be required. Water system and sewer system infrastructure improvements may be required to serve the new development. The specific requirements to serve the site will be determined when development plans are submitted. The Notes report indicates that all needed services are either presently capable or can be made available to serve the use.

Finding: The proposal is consistent with the Comprehensive Plan. At the time that the Applicant applies for conditional use approval and a site specific proposal is submitted for review, adequacy of available public infrastructure will be determined, and appropriate conditions of approval applied to ensure that any expansion is served with city transportation, water, sewer and stormwater improvements.

17.68.020 C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district or plan amendment; and

Applicant's Response: As noted in the Development Services Notes from Pre-App PA 21-16 Warner Milne Road is functionally classified as a Minor Arterial. No issues were identified regarding the function, capacity or level of service of the road. The only land use authorized by the proposed Code text amendment will be recognition of the existing operations center as a Conditional Use in the MUC-1 zone. Because the Code amendment will only recognize an existing use and there will be no change in the zoning district, it will be consistent with the transportation system serving the district.

Finding: The proposal is consistent with the Comprehensive Plan. The proposed code amendment does not change the functional classification or diminish capacity of the

transportation system. At the time of conditional use review a transportation impact analysis will be required.

17.68.020 D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Applicant Response: The Comprehensive Plan contains specific policies related to the provision of public services, including electric power, which control the amendment as addressed above in criterion A. The Statewide Planning Goals are not affected by the proposed Code amendment. The proposed Code Amendment will follow the OCMC procedures for citizen involvement and public hearings. The site is not designated as a natural resource or a recreation area, it is not subject to a specific natural hazard, public services can be made available, it is not designated for housing, it will be consistent with the transportation system, and it does not affect the Urban Growth Boundary. The Comp Plan policies control the amendment and the State goals do not need to be addressed in this case.

Finding: The proposal is consistent with the Comprehensive Plan. No statewide planning goals have been identified that are not already controlled by the City's comprehensive plan. Notice of the proposed amendment was provided to the Department of Land Conservation and Development, who did not provide any comments on the proposal.

Chapter 17.50 Administration and Procedures

17.50.050 – Pre-application conference.

A. Pre-application Conference. *Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*

- 1.** *To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*

2. *At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
3. *The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*

B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

Finding: complies. The required pre-application conference was held. A summary of the meeting is provided with the application.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*

- C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*
- D. *If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
- E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Finding: complies. The required neighborhood association meeting was held. A summary of the meeting is provided with the application.

III. RECOMMENDATION

Based on the findings in this report, staff recommends approval of file LEG-23-0001. If the Planning Commission recommends approval to the City Commission, staff will prepare an Ordinance for consideration by the City Commission to adopt the proposed code amendments.

IV. EXHIBITS

- 1. Application
- 2. Public Notice
- 3. DLCD Notice
- 4. Map of MUC Zone District



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review
- ☐ Extension of Approval

Type II (OCMC 17.50.030.B)

- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☒ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): _____
Proposed Land Use or Activity: Oregon City Development Code Text Amendment to allow for outdoor storage and maintenance activities associated with a utility facility in MUC-1 District through a Conditional Use.

Project Name: PGE Oregon City Operations Center Expansion **Number of Lots Proposed (If Applicable):** 9

Physical Address of Site: 209 Warner Milne Road, Oregon City 97045

Clackamas County Map and Tax Lot Number(s): 32E06DA00201, 32E06DA00100, 32E05CB01100, 32E05CB01200, 32E05CB01300, 32E05CB01400, 32E05CB01402, 32E05CB01500, 32E05CB01600

Applicant(s):

Applicant(s) Signature: 

Applicant(s) Name Printed: Tina Tippin **Date:** 8/18/23

Mailing Address: 121 SW Salmon St., 1WTC1302

Phone: 503.464.7672 **Fax:** _____ **Email:** tina.tippin@pgn.com

Property Owner(s):

Property Owner(s) Signature: 

Property Owner(s) Name Printed: Meredith Armstrong, Manager, PGE Property Rights Organization **Date:** 8/18/23

Mailing Address: 121 SW Salmon St., 1WTC1302

Phone: 503.464.2174 **Fax:** _____ **Email:** meredith.armstrong@pgn.com

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ **Date:** _____

Mailing Address: _____

Phone: _____ **Fax:** _____ **Email:** _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

**PORTLAND GENERAL ELECTRIC
PROPOSED OREGON CITY DEVELOPMENT CODE TEXT AMENDMENT
OREGON CITY OPERATIONS CENTER EXPANSION**

Summary of the Proposal

Portland General Electric Company (PGE) proposes a Legislative Code Text Amendment to Section 17.29.030 E. of the Oregon City Development Code (OCDC) to recognize its existing Operations Center as a Conditional Use in the MUC-1 District, including the outdoor storage and maintenance activities that are a part of that use. The Code Amendment would allow PGE to apply for a Conditional Use Permit to improve and expand the Operations Center. An application for a Conditional Use Permit would follow adoption of the Code Amendment.

Background

The PGE Operations Center is located at 209 Warner Milne Road. It is zoned MUC-1, OCDC Chapter 17.29. This District currently includes "Public Utilities and services including sub-stations..." as a Conditional Use, 17.29.030 E. That category provides for "facilities for providing electric power" (Definitions, 17.04.985) but that does not include the Operations Center, which is a power system operations, management and service facility. The proposed text amendment would modify 17.29.030 E. to include the category "Utility Facilities", which provides for the "delivery or furnishing of services" including electric power as a Conditional Use (Definitions, 17.04.1450). That would include the Operations Center.

Section 17.29.040 B. of the MUC-1 District prohibits outdoor storage. Outdoor storage of equipment and material that is required for the electric power system is part of the Operations Center and is essential to its function as a power system

management and service facility. The proposed Code Amendment would provide for outdoor storage only as associated with that specific use.

The proposed amendment to the text of 17.29.030 E. is the following:

E. Public utilities and services, and utility facilities, including substations (such as buildings, plants and other structures) and outdoor storage associated with the conditional use.

Existing Conditions

The Operations Center has been at this location since the 1950's. There have been periodic updates and improvements since that time. It currently occupies 6.59 acres along the north side of Warner Milne Road, across from the Beavercreek Road intersection. The site is identified as Tax Lots 100 and 201 on map 3-2E-06DA. PGE also owns 2.92 acres adjacent on the east to the existing facility, identified as Tax Lots 1100, 1200, and 1300 on map 3-2E-05CB, and is seeking to acquire adjacent vacant property for the facilities expansion. All of the adjacent vacant property is also zoned MUC-1.

Current facilities include an office building housing administration and operations management activities, a maintenance garage, a materials and equipment storeroom-warehouse, and a covered open storage shed. The facility includes outdoor storage area for materials and equipment, parking for PGE fleet vehicles used for power service installation and system maintenance and repair, and parking for employees.

Future Expansion and Improvements

PGE has undertaken preliminary planning and design studies for an overall redevelopment and improvement of the Operations Center. This process has made evident an immediate need for expansion of the site to provide storage for an inventory of new power poles and associated power system materials and equipment, and to allow for an adequate staging area to enable quicker response

times for storm events and other emergencies. Other elements of the future redevelopment project may include a new, relocated administration/operations building within the site, rearrangement of the on-site maintenance, outdoor storage, and parking facilities, relocation of the site's main access driveway to align with the signal-controlled intersection at Beaver Creek Road, and improvements along the public street frontage. Facilities to support conversion of the PGE fleet vehicles to electric power are also planned. These new and improved facilities will improve the Company's ability to serve its customers, respond to power system emergencies, support disaster recovery activities in the local area, and improve the resiliency of the regional operations supported by this facility.

Need for a Legislative Code Text Amendment

The OCDC does not provide a feasible alternative that would allow for the improvement and expansion of the Operations Center including the necessary outdoor storage. Under the current terms of the MUC-1 District the facility is considered to be a Non-conforming use. The only zoning District that allows outdoor storage is General Industrial (GI, Section 17.36). A proposal to change the land use designation of this site to GI would require a Comprehensive Plan Map Amendment and Zone Change. As a general-purpose industrial zone the GI District would not be consistent or compatible with the zoning and land use pattern in the surrounding area. This understanding is also reflected in the staff Notes report following Pre-Application Conference PA-22-00052, held October 25, 2022, in which it is clear that an application for a Comprehensive Plan Amendment and Zone Change to GI would not be supported. The Notes response to the question of a Plan/Zone Change to GI offers guidance to this proposal.

The proposed text amendment represents a small and limited-purpose change to the MUC-1 District. It would not change the zoning of any property or the zoning pattern of any area. It would limit outdoor storage to that associated with a Utility facility. It would allow for future consideration of a Conditional Use Permit for the improvement and expansion of the existing operations center, but not allow other new types of uses in the District. The proposed text amendment represents the least

amount of change that can address this issue and allow PGE to continue providing reliable power to the area.

OCDC Chapter 17.68 Zone Changes and Amendments

17.68.010 - Initiation of the amendment.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the comprehensive plan map, may be initiated by:

- A. A resolution request by the city commission;
- B. An official proposal by the planning commission;
- C. An application to the planning division; or
- D. A Legislative request by the planning division.

All requests for amendment or change in this title shall be referred to the planning commission.

This proposed amendment is initiated by an application to the planning division by the property owner, in keeping with part C.

17.68.020 - Criteria

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

- A. The proposal shall be consistent with the applicable goals and policies of the comprehensive plan;

The applicable goals and policies of the "Oregon City 2040 Comprehensive Plan" (OC2040) are addressed as follows:

CHAPTER 2 DIVERSE ECONOMY

Goal 3 Guide growth and development in a manner that implements the City's 2040 Vision and maintains an urban growth boundary that supports and accommodates projected population and employment during the 20-year planning period.

The OC2040 Vision Statement for a Diverse Economy calls for an economy that is vibrant, diversified, and resilient; a thriving city with a robust economy; thriving commercial and industrial districts; a strong tourism industry; good jobs and diverse housing choices.

Achieving the growth and development outcomes of the Vision Statement requires a reliable and resilient power supply that is supported by a local service, maintenance and management system. These are the primary functions of the Operations Center. As the population, economy and housing in the community grows and diversifies during the 20-year planning period the Operations Center must be prepared to deal with

expanding requirements for providing power service and the corresponding management and routine maintenance activities, as well as emergency response to localized outages and local and community-wide disaster events.

According to the 2021 Housing Needs Analysis (HNA) the population of the city increased by 14,968 from 1990 to 2019, which was a 131% growth rate. The HNA projects that an additional 7,435 households will be required between 2021 and 2041. The ability to provide for timely power service needs, system maintenance, and appropriate emergency response required by the community depends on having adequate facilities, personnel, and equipment available at appropriate levels. These are requirements that will be addressed by the anticipated improvement and expansion of the existing Operations Center. The improvement and expansion of the Operations Center at its current location in the MUC-1 zone will not affect the Urban Growth Boundary. For these reasons the proposed text amendment is consistent with this Goal.

POLICY 3.3 Designate land uses in a manner that balances opportunities for housing and jobs and ensures development is consistent and compatible with the community's needs and resources.

The anticipated improvement and expansion of the Operations Center corresponds to the growth of the community that has occurred during the past twenty years, and will prepare for the growth that is projected to occur over the next twenty years. The expansion of the Operations Center at its current location in the MUC-1 zone will maintain a stable land use pattern and it will not affect overall opportunities to provide housing and jobs in the community on lands that are designated specifically for industrial, commercial, or residential use. By providing the opportunity for improved service, maintenance and repair capabilities of the Operations Center at its current location the proposed text amendment is consistent and compatible with the existing and projected needs and resources of the community, in keeping with this policy.

POLICY 3.4 Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

This policy is a directive to the City. The proposed text amendment will recognize a long-standing existing land use at its existing location. It does not significantly affect the current Land-Use Map designation. It does not propose a change in the Land-Use

Map or affect the City's ability to main the Land-Use Map as the official long-range planning guide for development in the city. The proposal will have no impact on this policy directive.

CHAPTER 3 CONNECTED INFRASTRUCTURE

Goal 2 Ensure public utilities and infrastructure are maintained and improved to adequately serve all existing areas of Oregon City and can be extended to serve newly developing areas in a logical and fiscally responsible manner.

The electric power supply and service system is part of the city's essential infrastructure. All parts of the community are connected to the power supply, which requires periodic service and maintenance. The power supply may also require local or city-wide emergency repair and restoration as a result of interruptions caused by human-caused accidents or natural events or disasters. The first response to these scheduled and unscheduled events is provided by the Operations Center. The proposed text amendment will enable a development application to allow the Operations Center to maintain an improved supply of materials and equipment necessary to address the requirements of regular scheduled maintenance as well as emergencies, and to plan and provide for the crews and additional equipment that is required for an effective response to these events. For these reasons the proposed text amendment is in keeping with this Goal to ensure the infrastructure is maintained and improved to adequately serve existing and newly developing areas the city.

Policy 2.4 Increase resiliency to climate change, natural hazard events, and cyber intrusions in public utility infrastructure.

A result of the proposed text amendment will be to enable PGE to apply for a Conditional Use Permit to improve its facilities at the Operations Center to accommodate service crews, emergency response personnel, and additional materials and equipment, that will be necessary to respond to outages caused by weather events related to climate, human-caused accidents, and natural hazard events. These measures will improve the overall function and resiliency of operations at the facility to provide power system repair and faster restoration of service to the community.

Goal 3 Serve the health, safety, and welfare of all Oregon City residents through provision of comprehensive public facilities and services.

The power supply is an essential facility for the public in all parts of the city. The Operations Center provides new connections to the power supply, power supply management, and maintenance and repair throughout the entire city. These functions are consistent with this policy.

Policy 3.4 Coordinate with service providers to ensure high levels of public utility and infrastructure service.

The City can coordinate with PGE through the development review process and other methods to ensure that new development can be provided with electric power. The proximity of the Operations Center to the City's public works department will also help insure the continuity of high levels of public utility and infrastructure service.

GOAL 4 Promote and support energy conservation, sustainability, and resiliency through best practices in infrastructure planning, operations, and management.

The proposed text amendment complies with this policy by enabling PGE to plan and request approval for improvements to the Operation Center facilities, which will allow for improvement in the conduct and management of its operations including power supply management and distribution, maintenance and service; energy conservation, and resiliency. The anticipated improvements will include facilities to support conversion of the PGE fleet vehicles to electric power, which will promote a transition from fossil fuels and support energy conservation, and sustainability.

Policy 4.1 Identify and seek opportunities for sustainable practices in management and operation of public facilities and services.

The expansion of the Operations Center will include looking at opportunities for expanded EV charging for fleet vehicles and the potential for rooftop solar.

Strategy 4.1.C Wherever possible, design and develop public facilities to take advantage of solar energy, develop co-generation, and conserve energy in operations and public access.

The development and integration of electric power generating sources and facilities such as solar and co-generation are system-wide issues that are outside the scope of operations of the local Operations Center. Such sources of power are becoming an increasing part of the mix of power sources that serves the public. The Operations

Center works with property owners on planning and coordinating for solar power at their homes or businesses, the installation of EV chargers, in conservation measures such as efficient lighting programs for business and industry, and in power-conserving street lighting. These measures contribute to sustainable practices in the operation and management of public facilities and services.

CHAPTER 4 PROTECTED ENVIRONMENT

GOAL 3 Ensure the safety of residents and property by supporting plans, programs, and investments that minimize the impacts of future natural hazard events and aid in rapid response and recovery.

The electric power system is part of the city's essential infrastructure and is recognized as "Critical Infrastructure" in the City of Oregon City Addendum to the Clackamas County Multi-Jurisdictional Hazard Mitigation Plan/Volume II: Oregon City Addendum, March 2019, Table OC-6 Critical Infrastructure in Oregon City, page OC-16. "Critical Infrastructure" means "Infrastructure that provides necessary services for emergency response" (page OC-16). The proposed text amendment will allow an application to request improvement and expansion of the Oregon City Operations Center that will include facilities to manage and support personnel, equipment, and materials that would be critical to restoring electric power that would be interrupted as a result of natural events and disasters involving weather, geological forces, or other emergencies. Supporting the plans, programs and investments for the Operations Center improvement and expansion will aid in the rapid respond and recovery efforts involved in restoring power to the community and is consistent with this Goal.

Policy 3.4 Prioritize restoration of critical services following a natural hazard event.

Approving the proposed text amendment to allow an application to improve and expand the Operations Center will prioritize the restoration of electrical service by recognizing the role that additional facilities for emergency response personnel and equipment, and on-site availability of critical materials such as power poles, transformers, wires, etc., will have on the ability to conduct rapid response and restoration of power service to the community.

Strategy 3.4.B Ensure that key public services, such as water and sewer; and key public facilities such as police, fire, and hospital structures have the capability to back-up electricity during emergencies.

Providing back-up electric power to individual uses through the use of measures such as on-site generators, battery back-up, etc., as a temporary measure in an emergency, is typically the choice and responsibility of the user, and would not be the responsibility of the Operations Center.

Summary: The improvement and expansion of the Operations Center is necessary for PGE to meet the needs of the residents and activities of the city. Improvements to the Operations Center facilities for power system installation, service, maintenance and repair will serve existing and new development and is consistent with the growth of the population and projected increases in housing. It is especially necessary to increase capabilities and preparation for response to emergencies that cause power outages, and for disaster relief and recovery. Recent weather-related incidents such as winter ice storms and the summer heat extremes, the increased awareness of potential major natural disasters, and the massive recovery operations that will be needed in those events, require that operational and service capabilities be updated, improved and expanded. For these reasons and considerations the proposed Code text amendment is consistent with the applicable goals and policies for a Diverse Economy, Connected Infrastructure, and Protected Environment.

- B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone or plan amendment, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone or plan amendment;

The proposed zone Code text amendment is to recognize the existing Operation Center as a Conditional Use that is allowed in the zone. It will not provide for any other new uses that are not currently included in the zone. Any additional or new development proposed for the Operations Center will be reviewed in a new, separate Conditional Use application.

The existing Operations Center is provided with all needed public facilities and services, and the existing facilities and services are presently capable of supporting the use. At the time new development or expansion of the Operations Center is proposed the public facilities and services that are needed to support the new

development will be determined. A Pre-Application Conference, PA 21-16, held in May, 2021, reviewed the expansion of the operations center onto adjacent vacant property to the east. The public service requirements that may be needed for a potential expansion were reviewed by Development Services and discussed in its Notes report. In summary, transportation system requirements may include completing sidewalk gaps along Warner Milne Road and the east side of Beaver Creek Road and connecting to a shared use path from Beaver Creek Road to Laurel Lane. Stormwater system improvements and connections may be required. Water system and sewer system infrastructure improvements may be required to serve the new development. The specific requirements to serve the site will be determined when development plans are submitted. The Notes report indicates that all needed services are either presently capable or can be made available to serve the use.

- C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district or Plan amendment; and

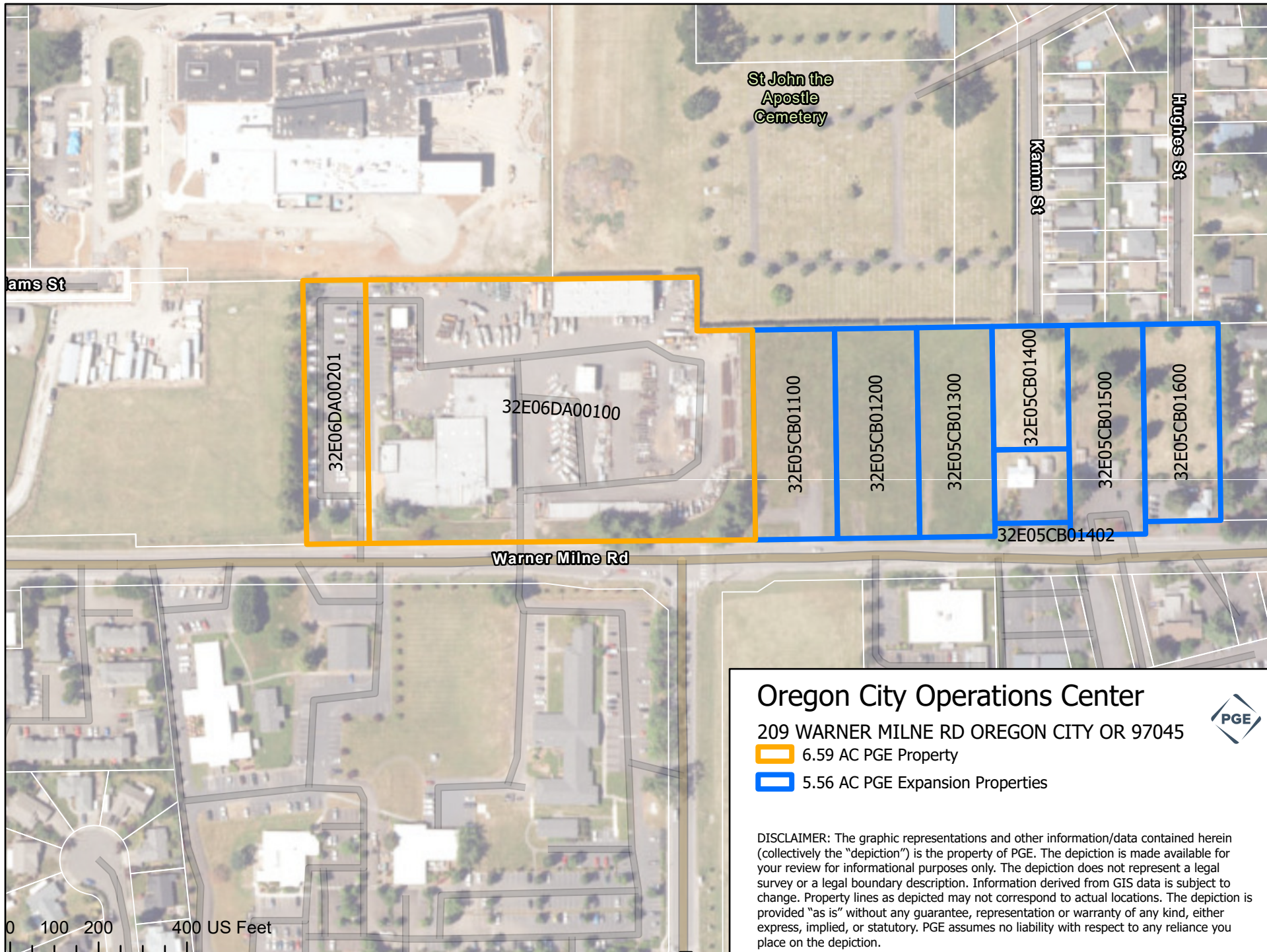
As noted in the Development Services Notes from Pre-App PA 21-16 Warner Milne Road is functionally classified as a Minor Arterial. No issues were identified regarding the function, capacity or level of service of the road. The only land use authorized by the proposed Code text amendment will be recognition of the existing operations center as a Conditional Use in the MUC-1 zone. Because the Code amendment will only recognize an existing use and there will be no change in the zoning district, it will be consistent with the transportation system serving the district.

- D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

The Comprehensive Plan contains specific policies related to the provision of public services, including electric power, which control the amendment as addressed above in criterion A. The Statewide Planning Goals are not affected by the proposed Code amendment. The proposed Code Amendment will follow the OCDC procedures for citizen involvement and public hearings. The site is not designated as a natural resource or a recreation area, it is not subject to a specific

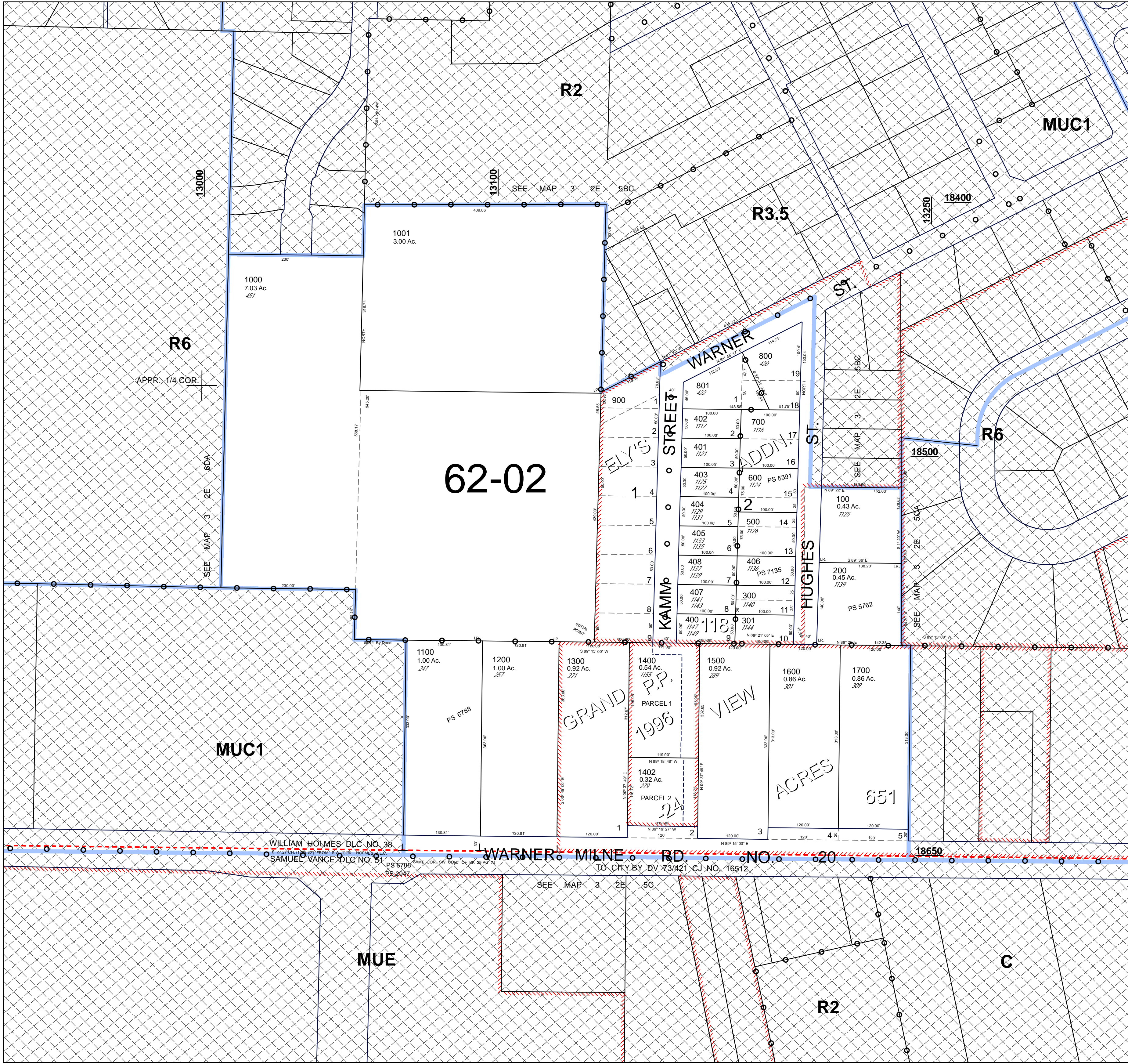
natural hazard, public services can be made available, it is not designated for housing, it will be consistent with the transportation system, and it does not affect the Urban Growth Boundary. The Comp Plan policies control the amendment and the State goals do not need to be addressed in this case.

The proposed text amendment provides for future consideration for the improvement and expansion of the Operations Center as a Conditional Use in the MUC-1 zone. A separate application for a Conditional Use Permit will be required, allowing for the review of a specific development proposal. The Code amendment as proposed does not allow for new or additional uses in the zone. The proposed Code amendment is a small change to the text of the MUC-1 zone, and the specialized nature of the facility it provides for will result in minimal impact to other properties in the MUC-1 District.

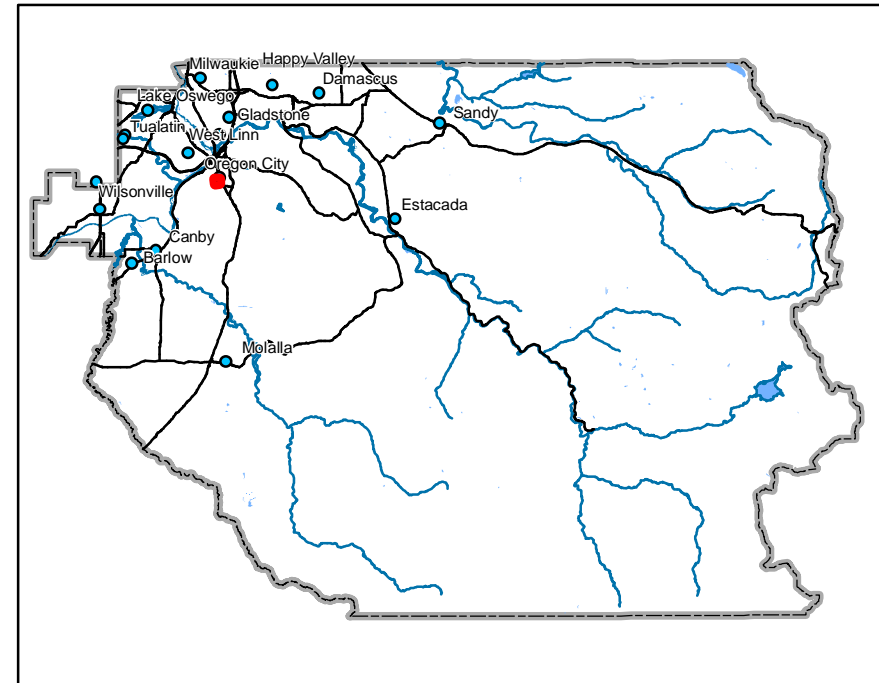


Cancelled Taxlots

1401
1601
1701



- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

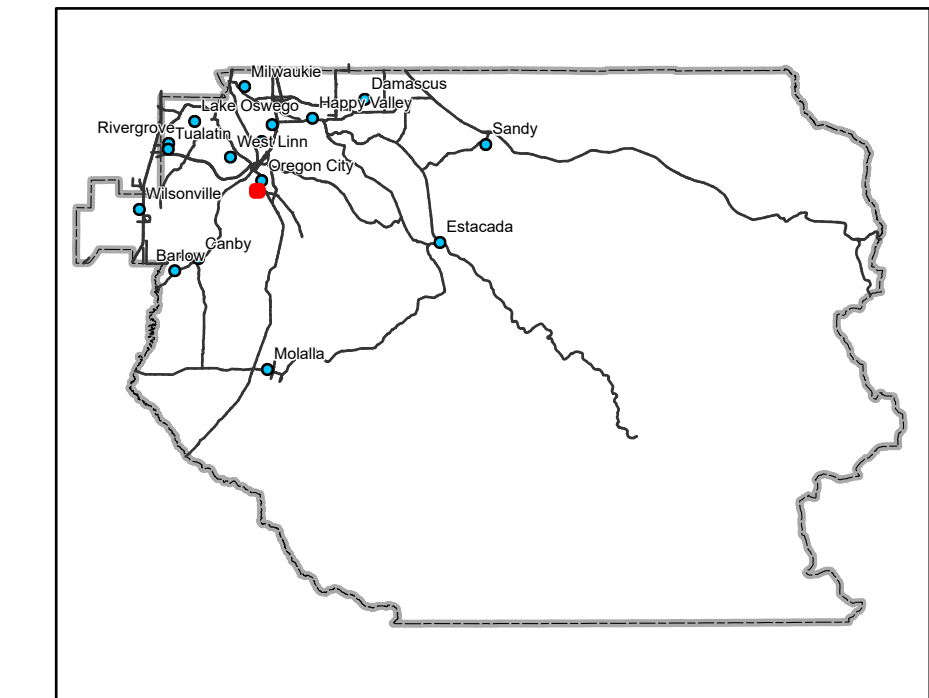
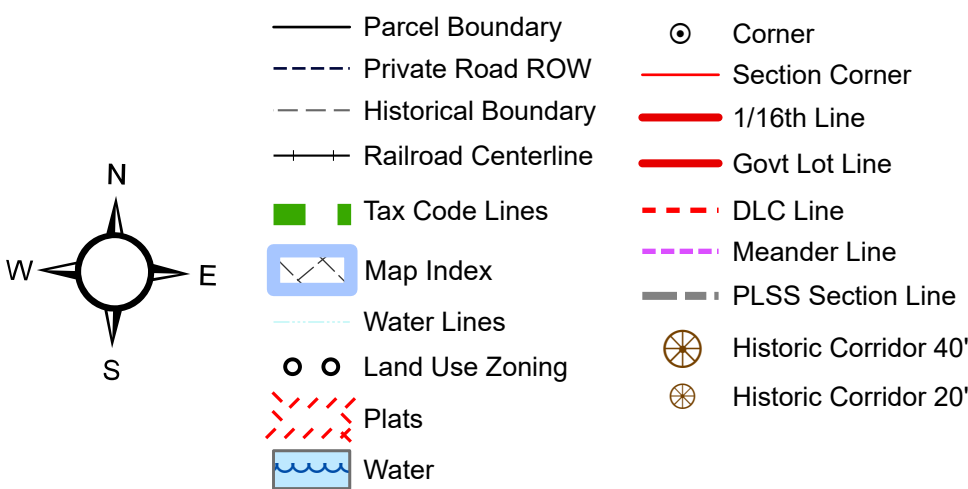
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CLACKAMAS COUNTY

1" = 100'

D. L. C.
WILLIAM HOLMES NO. 38
SAMUEL VANCE NO. 51

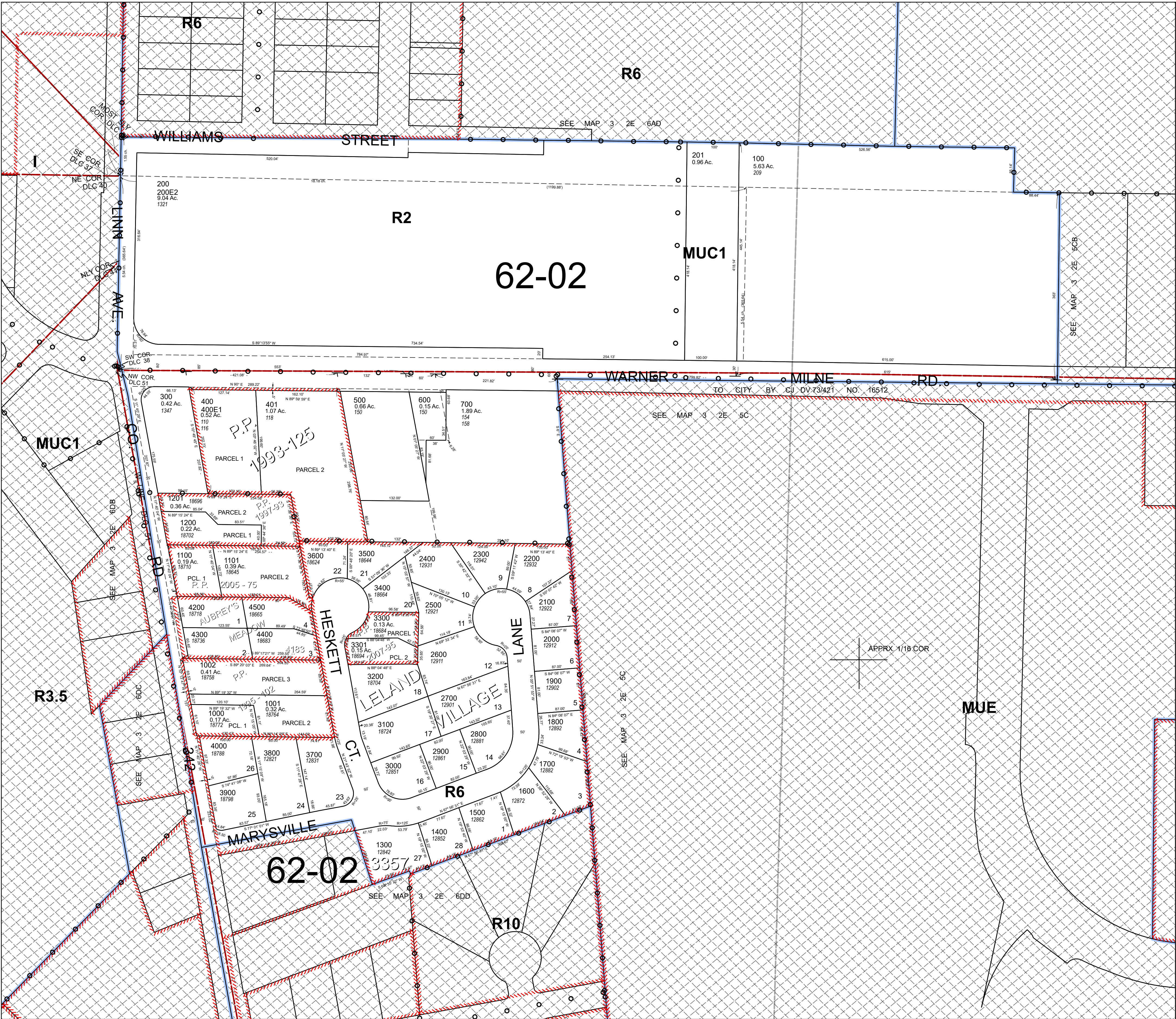
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THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

Print Date: 6/26/2023



ELYVILLE NEIGHBORHOOD ASSOCIATION MEETING SUMMARY

On May 9, 2023, PGE attended the regular meeting of the Elyville Neighborhood Association to discuss the proposed Development Code Text Amendment. The Text Amendment would allow PGE to apply for a Conditional Use Permit to expand and redevelop its existing Operations Center on Warner Milne Road.

PGE was represented at the meeting by Meredith Armstrong, Manager Property Services; Tina Tippin, Senior Property Specialist; and Jeff Tross, Tross Consulting, Inc., Land Use Planning.

PGE had invited the adjacent Rivercrest Neighborhood Association to attend the meeting but no one identified with that organization was present.

The meeting was chaired by Karla Laws, Elyville N.A. Chairperson. Four others attended, as shown on the enclosed sign-up list.

Meredith Armstrong discussed the proposed Text Amendment and described the proposed redevelopment and expansion of the existing Operations Center. She stated the project is necessary to serve the current and projected growth of the community; to provide additional outdoor storage space for service, maintenance and repair equipment and vehicles; to provide facilities for additional power line crews; to better prepare for future emergencies that affect the power supply such as the recent heat wave, ice storm, and fires; and to be more resilient to these as well as a major natural disaster such as an earth quake. She also described the intent to re-align the current site access driveway with the signalized intersection at Beaver Creek Road.

Comments from the public were positive. The Chair noted that demand for electric power will increase as the use of other energy sources decreases, and acknowledged the recent weather events that affected the power supply. A comment was made that PGE is a good neighbor. Another comment encouraged PGE to acquire property to the east along Warner Milne Road.

There were no comments objecting to the proposal, and no further questions.

May 8, 2023 Elyville Neighborhood Association sign in sheet

Contact with...

ENA Sign In
5/9/23

<u>Name</u>	<u>Address</u>	<u>email / phone</u>
Karla Lewis	419 Ransom St.	karla.lewis@gmail.com
Carson Mather	7221 Ransom St	carson.mather@gmail.com (parent)
Tina Tippet	131 SW Salmon St Toledo, OH 43604	tina.tippett.pgn.com
Meredith Armstrong	121 SW Salmon St Toledo, OH 43604	meredith.armstrong.pgn.com
Jeff Trice	1710 Liberty St SE Columbus, OH 43202	jfftrice@gmail.com
Lucy Schaffer	304 Cambridge St.	cankeuxstewie@gmail.com
Bertie Adrian	613 Logue St OC	robertadrian@yahoo.com
Gary Avery	451 Warner St OC	
Will Tansley	516 Logue	willtansley@yahoo.com

PhotoScan by Google Photos



Department of Land Conservation and Development

PAPA Current Version: Oregon City - Amendment 002-23

Page: 1

Submitted On-line/Sent To DLCD: 09/14/2023

Local File #: GLUA-23-00029 LEG-23-00001

1st Hearing: 11/13/2023 Days Difference: 60

Final Hearing: Days Difference:

Proposal Type:

- ☐ Comprehensive Plan Map Change
- ☐ Zoning Map Change
- ☐ Comprehensive Plan Map & Zoning Map Change
- ☐ Comprehensive Plan Text Change
- ☒ Land Use Regulation Change
- ☐ UGB using Simplified Method (div 38)
- ☐ UGB amendment by city with population less than 2,500 within UGB (div24)
- ☐ UGB amendment of 50 acres or less by a city with population 2,500 or more within UGB (div 24)
- ☐ UGB amendment adding more than 50 acres by city with population 2,500 or more within UGB (div 24)
- ☐ UGB amendment that adds more than 100 acres by Metro (div 24)
- ☐ Urban Reserve designation by Metro or a city with population 2,500 or more within UGB
- ☐ Urban Reserve amendment to add over 50 acres by a city with population 2,500 or more within UGB
- ☐ Urban Reserve designation or amendment by a city with population less than 2,500 within UGB
- ☐ Urban Reserve amendment by Metro
- ☐ Urban Reserve Other
- ☐ Annexation
- ☐ Other
- ☐ Periodic Review Task

Summary of Proposed Change: Portland General Electric Company (PGE) proposes a Legislative Zoning Code Text Amendment to Section 17.29.030 E. of the Oregon City Municipal Code to recognize its existing Operations Center as a Conditional Use in the Mixed Use Corridor (MUC-1) District, including the outdoor storage and maintenance activities that are a part of that use. The Code Amendment would allow PGE to apply for a Conditional Use Permit to improve and expand the Operations Center. An application for a Conditional Use Permit would follow adoption of the Code Amendment.

An exception to a statewide planning goal is proposed: No

Goals Subject to Exception:

Total Acres: 12.23

Locations:**Contacts:**

Peter Walter

Documents:

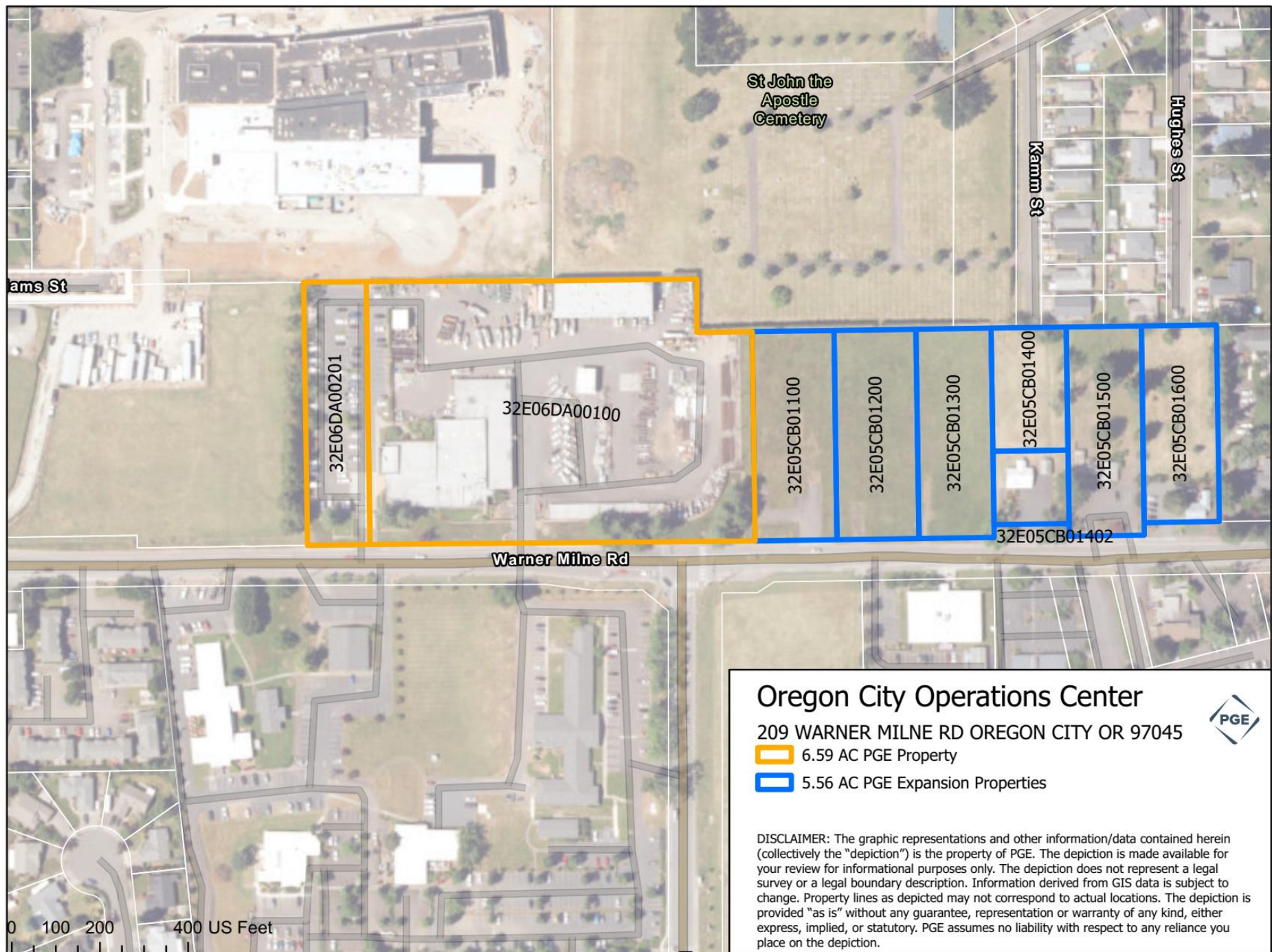
Uploaded	Document Name
09/14/2023	Proposal_Legislative Narrative_2023-09-14_12-44-06.pdf
09/14/2023	Proposal_Aerial of taxlots_2023-09-14_12-44-14.pdf
09/14/2023	Proposal_Land Use app_2023-09-14_12-44-21.pdf
09/14/2023	Proposal_OC2040 Comp Plan Goals and Policies for PGE Expansion_2023-09-14_12-44-30.docx
09/14/2023	Proposal_Tax Maps_2023-09-14_12-44-45.pdf
10/03/2023	Revision_Operations Center Code Amend Narrative 10-2-23 Final_2023-10-03_09-18-19.docx



NOTICE OF PLANNING COMMISSION PUBLIC HEARING

HEARING DATE:	On Monday, November 13, 2023 the City of Oregon City Planning Commission will conduct a public hearing at 7:00 p.m. in the Commission Chambers at the Robert Libke Public Safety Building, 1234 Linn Avenue, Oregon City 97045 and virtually on the following Legislative Application. Any interested party may testify at the public hearings or submit written testimony at or prior to the close of the hearing. Please contact planning@orc.org to provide virtual testimony. The meeting may be viewed live at www.youtube.com/user/CityofOregonCity . Written comments must be received by the Planning Division by 4pm on November 1 st , 2023 to be included in the staff report. Written comments received after that date will be provided to the Commission but may not be included in the staff report. The agenda and associated report will be posted at www.orcity.org/meetings one week prior to the meeting. The City Commission hearing date for this application will be scheduled once the Planning Commission reaches a formal recommendation.	
FILE NUMBERS:	GLUA 21-00029 and LEG 23-00001: Legislative Zoning Code Text Amendment	
APPLICANT:	Portland General Electric (PGE)	
PROPOSAL:	PGE proposes a Legislative Code Text Amendment to Chapter 17.29 – <i>Mixed Use Corridor</i> , Section 17.29.030 E. of the Oregon City Municipal Code (OCDC) to recognize its existing Operations Center as a Conditional Use in the MUC-1 District, including the outdoor storage and maintenance activities that are a part of that use. The Code Amendment would allow PGE to apply for a Conditional Use Permit to improve and expand the Operations Center. An application for a Conditional Use Permit would follow adoption of the Code Amendment.	
WEBPAGE:	https://oregoncity.teamunicode.com/communitydevelopment/project/glua-23-00029-leg-23-00001	
LOCATION:	289 Warner Milne Rd (3-2E-05CB-01500), No Address (3-2E-06DA-00201), 279 Warner Milne Rd (3-2E-05CB-01402), 301 Warner Milne Rd (3-2E-05CB-01600), 209 Warner Milner Rd (3-2E-05CB-01100), No Address (3-2E-05CB-01300), 1155 Warner Milne Rd (3-2E-05CB-01400), No Address (3-2E-05CB-01200), No Address (3-2E-06DA-00100)	
STAFF CONTACT:	Pete Walter, Planning Manager, Ph: (503) 496-1562 Email: pwalter@orc.org	
NEIGHBORHOOD ASSOC. / CPOs:	Elyville	Date of Meeting: 5/9/2023
CRITERIA:	Oregon City Municipal Code (OCMC) OCMC 17.50 <i>Administration and Procedures</i> , OCMC 17.68 <i>Zoning Changes and Amendments</i> , the <i>Oregon City Comprehensive Plan (2004)</i> , and <i>Statewide Land Use Planning Goals</i> .	
For tips on submitting public comments, please visit www.orcity.org/planning/how-do-i and click on “How do I Make the Most Effective Comments on Development Applications?”. Please do not hesitate to give us a call to learn more about the development process.		

This legislative application is subject to the Administration and Procedures section of the Oregon City Code set forth in Chapter 17.50. The application and all supporting documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 695 Warner Parrott Road, during regular business days, 9am-4pm Monday thru Friday. Copies of these materials may be obtained for a reasonable cost. The staff report, with all the applicable approval criteria, will also be available for inspection seven days prior to the hearing. Any interested party may testify at the public hearing and/or submit written testimony at or prior to the close. Notice of the decision shall be sent to all persons submitting comments and providing a return address. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 the City Commission’s Rules of Procedure.



City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

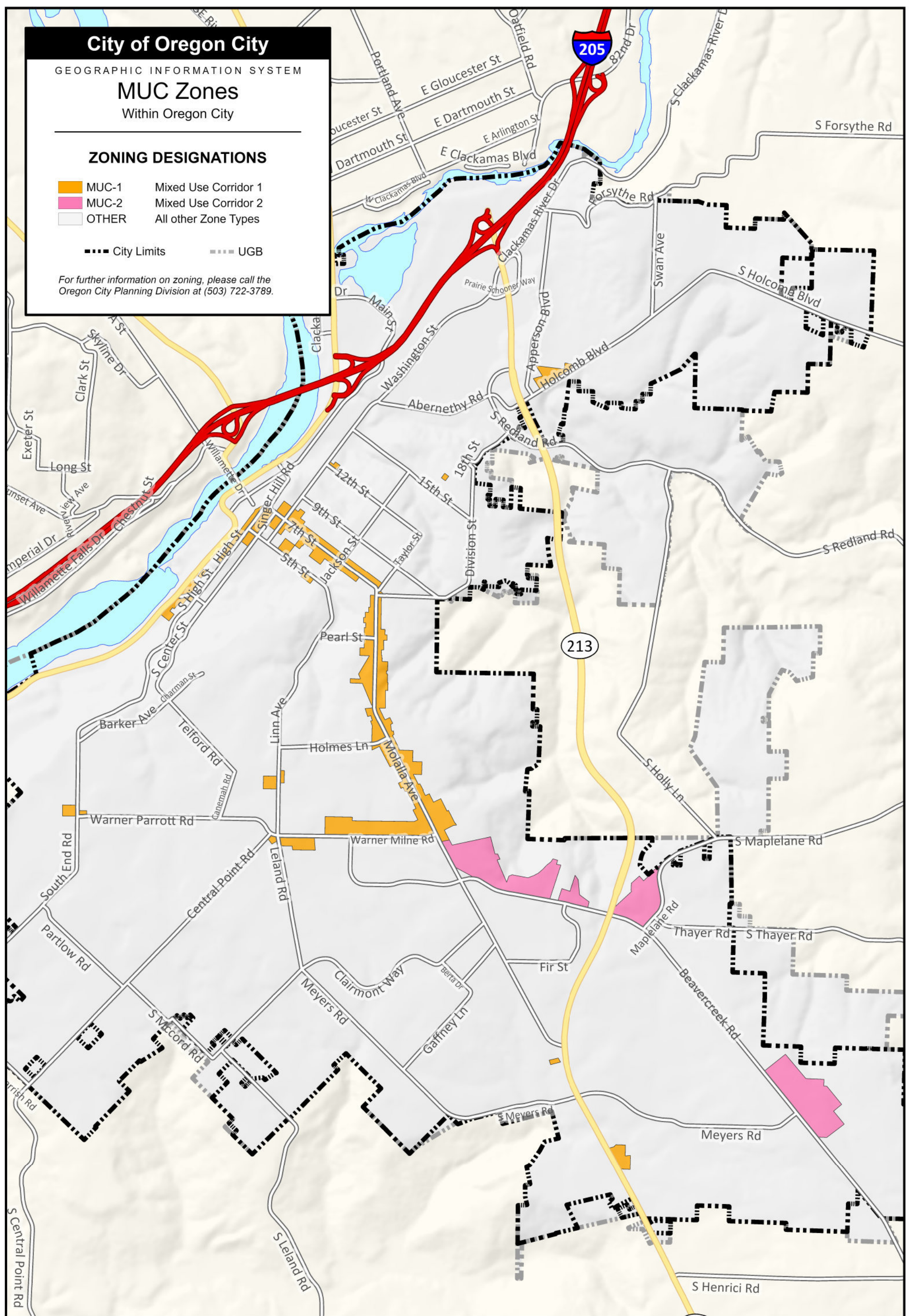
MUC Zones

Within Oregon City

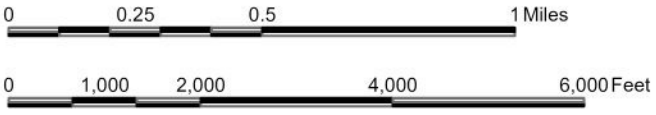
ZONING DESIGNATIONS

- MUC-1 Mixed Use Corridor 1
- MUC-2 Mixed Use Corridor 2
- OTHER All other Zone Types
- City Limits
- UGB

For further information on zoning, please call the Oregon City Planning Division at (503) 722-3789.



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.



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www.oregoncity.org



Plot date: November 3, 2023
Plot name: Zoning - MUC only - 11x17P - 20231103.pdf
Map name: Zoning Map.aprxZoning Map - MUC only - 11x17P