

CITY of BOARDMAN

Community Development

STAFF REPORT

DATE: January 26, 2022

TO: Applicant Umatilla Electric Cooperative and interested parties

FROM: Barry C. Beyeler, Community Development Director

SUBJECT: LU 22-001 Land Use Appeal of ZP 21-066

File: ZP21 – 066

Applicant: Umatilla Electric Cooperation

Appellant: Jonathan Tallman Managing Member 1st John 2:17, LLC

Project: Olson Rd. 230kv Transmission Line

LU 22-001 - Preliminary Findings

Background

1. Applicant: Umatilla Electric Cooperative.
2. Application Date: The application in File ZP21-031 was submitted on November 2, 2021.
3. Completeness: The application was deemed complete on November 3, 2021.
4. Subject Property: The subject property includes Tax Lots 3205 and 3302 (map 4N 25E S10).
5. Zoning: Commercial/Service Center Subdistrict ("C-SC").
6. Proposed use: The application proposes to install two segments of a 230kV electrical transmission line.
7. Applicable Criteria: Boardman Development Code ("BDC") 2.2, 3.4 and 4.1.400.

Findings

1. The application was submitted on November 2, 2021, and deemed complete the following day, November 3, 2021. The application seeks approval to construct a portion of a 230 kV electrical transmission line. The transmission line will be constructed within an easement owned by the applicant over Tax Lots 3205 and 3302 (map 4N 25E S10).

2. The site is zone Commercial/Service Center subject to BDC 2.2.200. Electrical facilities are listed as a permitted use in BDC Table 2.2.200.B.2. An application for a permitted use in the C-SC zone subject to the city's Type II review procedures.
3. Public Notice was posted on the tax lots #3205 and #3302 of tax map 4N 25E 10, and on-line at the city's webpage on December 2, 2021, and Published in the East Oregonian newspaper on December 3, 2021, for a Type II – Administrative Decision process. Additionally, public notice was mailed to all properties within 250 feet of the subject lots and to interested parties which had interest.
4. As described in the application, the proposed project is needed to reliably provide for electrical growth in the Boardman area. The line will be rated 230kV and integrated into UEC's area grid. As further described in the application, UEC's electrical load in the Boardman area has grown from 62 MW in 2009 to 260 MW in 2019 with forecasted growth to be above 535 MW by the end of 2029. This growth is driving the need for additional transmission facilities. UEC obtained a Certificate of Public Convenience and Necessity for the transmission line from the Oregon Public Utility Commission.
5. The proposed electrical transmission line is a permitted use in the C-SC Zone. BDC 2.2.200(B) states that "the land uses listed in Table 2.2.200B are permitted in the Service Center Sub District, subject to the provisions of this Chapter." Table 2.2.200(B)2.b lists the following as an outright permitted use: "Private utilities (e.g. natural gas, electricity, telephone, cable and similar facilities)." Where a use listed in Table 2.2.200B is subject to any additional standards beyond those in BDC Chapter 2.2.200, the table notes which additional standards apply. For private utilities, no additional standards are listed.
6. The Community Development Director finds that the proposed transmission line is a private utility that provides electrical service. The UEC is a private cooperative organized under ORS Chapter 62 and is registered as such with the Oregon Secretary of State, therefore the transmission line is a "private" utility line.
7. BDC 2.2.200(A) states that "[t]he base standards of the Commercial District apply, except as modified by the standards of this Sub District." Based on the figures and other information in the record provided by the Applicant, the transmission line satisfies applicable base standards of the Commercial District.
8. BDC 2.2.120. Setbacks.

- A. Front yard setbacks. There is not a minimum or maximum front yard setback in the C-SC zone.
 - B. Rear yard setbacks. The rear yard setback is zero (0) for street access lots. Tax lots 3302 and 3305 have street access. Therefore, the required setback is zero.
 - C. Side yard setbacks. There is not minimum side yard setback
- 9. BDC 2.2.130 Lot Coverage. There is no minimum or maximum lot coverage requirement.
 - 10. BDC 2.2.140. Building height. This section establishes a maximum “building” height. The proposed structures are not “buildings,” therefore this criterion does not apply.
 - 11. BDC 2.2.150 Design Standards. This section establishes design standards for “buildings.” The proposed structures are not “buildings,” therefore this criterion does not apply.
 - 12. BDC 2.2.160 Pedestrian amenities. This section applies to an application for a public or institutional building, three or more townhomes, duplex or triplex development, multi-family housing, or a commercial or mixed use building. Because the proposed transmission line and towers are not one of the listed development types, this section does not apply.
 - 13. The Community Development Director finds that there are no other standards in the base zone (BDC Chapter 2.2) that apply to the proposed transmission line. Accordingly, the proposed use complies with the base zone standards.
 - 14. BDC Chapter 3.4 establishes standards for specific public facilities. Section 3.4.500 applies to “utilities” and requires utility lines in a subdivision to be placed underground. The application does not propose a subdivision, therefore this section does not apply. Moreover, the section exempts “high capacity electric lines operating at 50,000 volts or above.” The proposed transmission line operates above 50,000 volts. Accordingly, this section does not apply.
 - 15. Based on the evidence in the record, the Director finds that all of the relevant and applicable criteria and standards in BDC Chapters 2.2 and 3.4 are met. Accordingly, the application in ZP-21-066 is APPROVED.
 - 16. This decision is final unless an appeal is filed with the City Manager within 21 days. BDC 4.1.400.G.
 - 17. On January 5, 2022, 1st John 2:17, LLC, Managing Member Jonathan Tallman filed an appeal to have the Planning Commission hear the decision on ZP 21-066.
 - 18. This hearing will be on the assigned LU 22-001 File, pertaining to the Type II - Administrative decision for ZP 21-066, and will be a Type III – Quasi-Judicial Hearing.