

Exhibit List

In The Matter Of ZDO 288: Zoning and Development Ordinance Amendments Related to Utility Facilities

<i>Ex. No.</i>	<i>Date Received</i>	<i>Author or source</i>	<i>Subject & Date of document (if different than date received)</i>
1	03/04/24	Planning Staff	Notices: DLCD; CPOs, Agencies, and Interested Parties; newspaper; Utility Providers
2	03/26/24	Vanderburgh	Testimony with concern regarding PGE's Tonquin Rd Project 04/01/24
3	03/26/24	Bartholomew	Testimony in opposition that would allow PGE's Tonquin Rd Project without a conditional use permit 04/01/24
4	03/27/24	Bresee	Testimony in opposition to policy change that would circumvent safety oversight for PGE's Stafford Rd Project 04/01/24
5	03/27/24	Schaaf	Testimony regarding concern over reduced public engagement and oversight and criteria for review 04/01/24
6	03/28/24	Beavercreek Hamlet	CPO comments regarding existing right-of-way, underground utility facilities, and conditional use process 04/01/24
7	03/28/24	Wagner	Testimony in opposition to PGE's Tonquin Rd Project 04/01/24
8	03/29/24	Darrow	Testimony in opposition to PGE's Tonquin Rd Project 04/01/24
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* Exhibits received prior to or during hearing
 ** Exhibits received during open record after hearing
 *** Oversize exhibits



Notice of Land Use Public Hearings for Community Planning Organizations, Hamlets, and Other Interested Parties

Subject: Ordinance ZDO-288, Zoning & Development Ordinance (ZDO) Amendments Related to Utility Facilities

Notice Date: March 4, 2024

Contact: Joy Fields, Principal Planner
150 Beaver Creek Road, Oregon City, OR 97045
Phone: 503-742-4510
Email: jfields@clackamas.us

It has recently been determined that the county's ZDO likely requires a conditional use permit for most utility facilities, even underground utility lines and even in road rights-of-way where utility lines commonly are developed. Historically, utility facilities inside road rights-of-way have proceeded through a utility permit process without review and analysis by Planning and Zoning. Given the new awareness of the scope of the needed land use review and the significant number of annual utility permits in road rights-of-way, a practical difficulty exists in administering the ZDO in its current form. From a policy perspective, many of these permits likely do not warrant review through a land use application. In addition, it may be appropriate for some utility facilities outside road rights-of-way to be permitted outright.

Although the scope of the amendments may be narrowed during public hearing review, key elements of the initial proposal, discussed in more detail below, would:

- Adopt a comprehensive definition of utility facility
- Allow utility facilities inside road rights-of-way as an outright permitted use
- Allow utility lines both inside and outside road rights-of-way, both underground and overhead, as an outright permitted use
- Clarify the types of utility lines that, in most cases, must be underground

The Planning Commission and Board of County Commissioners (BCC) have scheduled hearings to receive testimony from the public and other interested parties on the proposed amendments. Because the amendments may affect your community or area of interest, we are giving you and your organization advance notice of the opportunity to review and comment on them before or at the public hearings.

Additional background information and the full text of the proposed amendments is available online at www.clackamas.us/planning/zdo288, by contacting Joy Fields directly at the number or email listed above, or by contacting Planning & Zoning at 503-742-4500 or zoninginfo@clackamas.us.

Public Hearings and Testimony

Interested parties are welcome to provide testimony in advance of or at the hearings listed below. Planning Commission public hearings are held virtually using the Zoom platform. Board of County Commissioners public hearings are held both virtually using the Zoom platform and in person. One week before the hearing dates, a Zoom link to the public hearing and details on how to observe and testify will be posted at the hearing web address.

Public Hearing Dates and Times:

Planning Commission: Monday, April 8, 2024, 6:30 p.m.

www.clackamas.us/planning/planning-commission

Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m.

Public Services Building, 4th Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045

www.clackamas.us/meetings/bcc/landuse

Written testimony may be submitted before the hearings to Joy Fields at jfields@clackamas.us or 150 Beaver Creek Road, Oregon City, OR 97045.

- Written testimony received by 4 p.m., Thursday, March 28, 2024, will be included in the information packet provided to the Planning Commission one week before its scheduled hearing; written testimony received after that time and before 8 a.m., Monday, April 8, 2024, will be emailed to the Planning Commission before the hearing.
- Written testimony received by 4 p.m., Monday, June 3, 2024, will be included in the information packet provided to the Board of County Commissioners (BCC) one week before its scheduled hearing; written testimony received after that time and before 4 p.m., Tuesday, June 11, 2024, will be emailed to the BCC before the hearing.

Interested parties who want to present **verbal testimony** at either hearing will be asked to sign up and/or indicate their interest in testifying at the beginning of the hearing.

Proposed Amendments

Ordinance ZDO-288 proposes the following key amendments to ZDO provisions related to utility facilities. Refer to the drafts of the proposed amendments to review the full scope of the proposal.

1. **Adopt a definition of utility facility.** Currently, the ZDO defines public utility and limits it to utilities regulated by the Public Utility Commission under Oregon Revised Statutes chapter 757, as well as any utility that provides electrical energy directly to consumers. The ZDO also separately defines hydroelectric facilities. There are also code references to telephone exchanges and water, stormwater, and sanitary sewer facilities. In addition, the ZDO has a separate “government uses” category that provides a pathway for *some* utilities. Finally, the ZDO provides for “similar use” determinations in many zones through an additional layer of land use review. However, utility facilities are not referred to consistently across zones, and the overarching definition of public utility that applies in all zones is not sufficiently comprehensive to address the full range of what is typically considered to be a utility.
2. **Adopt definitions of utility line and utility service line.** These definitions are intended to allow these types of utility facilities to be regulated differently.
3. **Repeal definitions of hydroelectric facility, public utility and public water system.** These facilities will be encompassed by the new definition of utility facility.

4. **Revise the definition of right-of-way.** The intent is to more accurately define the term. As it pertains to utility facilities, the term is proposed for use in distinguishing utility facilities to be regulated differently.
5. **Move definition of small power production facility.** This use is singled out only in the Rural Industrial District, so the definition is proposed to be relocated to Section 604, which regulates the RI zone.
6. **Specify that utility service lines are an accessory use in all zones.**
7. **Allow utility facilities inside road rights-of-way as an outright permitted use in all residential, commercial, industrial and open space zones.**
8. **Allow utility lines both inside and outside road rights-of-way, both underground and overhead, as an outright permitted use in all residential, commercial, industrial and open space zones.**
9. **Allow certain utility facilities as a conditional use in certain commercial zones.** In some commercial zones, some utility facilities require a similar use determination or are prohibited. The proposal is to allow most utility facilities as a conditional use, except as enumerated in items 6 through 8, above. Refer to the drafts of the proposed amendments for greater detail.
10. **Clarify the types of utility lines that, in most cases, must be underground.** Section 1006 of the ZDO, which applies to development, including institutional uses such as utility facilities, includes the following standard:

All development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be installed underground.

Arguably, the requirement applies only to utility facilities that have a need for other utilities' services (e.g., a sewer pump station that requires electrical service), not utility facilities that provide service to others (e.g., an electric transmission line). Alternatively, a utility provider that proposes to establish an aboveground utility facility may be able to "prohibit" itself from an underground installation. However, it could also be argued that the requirement applies to all utility facilities and that "prohibited" requires something more substantial than a simple choice on the utility's part.

Applying the underground installation standard to major utility lines, rather than just on-site service lines, potentially could result in substantially increased costs for utilities and ultimately ratepayers. The proposal is to limit the requirement for underground utilities to service lines rather than larger lines, such as distribution and transmission lines.

11. **Exempt utility cabinets that comply with Section 830, utility facilities in road rights-of-way and utility lines from the development standards in Section 1000 and from the requirement to file a Design Review application.**

Additional Information and Staff Report

For general Planning & Zoning information:

www.clackamas.us/planning

For additional information about ZDO-288 and its public hearings (and for a copy of the staff report available Monday, April 1, 2024):

www.clackamas.us/planning/zdo288

or

Joy Fields-742-4510, jfields@clackamas.us

or

Planning & Zoning Customer Service, 503-742-4500, zoninginfo@clackamas.us

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод? |翻译或口译 ? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

**NOTICE OF PUBLIC HEARINGS SCHEDULED ON PROPOSED
CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE AMENDMENTS**

The Clackamas County Planning Commission and Board of County Commissioners will hold public hearings to consider amendments to the County’s Zoning and Development Ordinance (ZDO). The amendments, included in Ordinance ZDO-288, are proposed to adopt revised and new definitions related to utility facilities; allow utility facilities inside rights-of-way, and utility lines outside rights-of-way, as primary uses in most zones; and clarify the types of utility lines that may be required to be underground.

Draft amendments are available at: <https://www.clackamas.us/planning/zdo-288>

Interested parties are welcome to provide testimony in advance of or at the hearings listed below. Planning Commission public hearings are held virtually using the Zoom platform. Board of County Commissioners public hearings are held both virtually using the Zoom platform and in person. One week before the hearing dates, a Zoom link to the public hearing and details on how to observe and testify will be posted at the hearing web address.

Planning Commission Public Hearing

6:30 p.m., Monday, April 8, 2024

www.clackamas.us/planning/planning-commission

Board of County Commissioners Public Hearing

10:00 a.m., Wednesday, June 12, 2024

Public Services Building, 4th Floor Board Hearing Room,
2051 Kaen Rd, Oregon City, OR 97045

www.clackamas.us/meetings/bcc/landuse

For more information: Joy Fields, 503-742-4510 or jfields@clackamas.us

Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:22 PM
To: Patrick Sisul
Subject: Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
 - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.; www.clackamas.us/planning/planning-commission
 - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4th Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; www.clackamas.us/meetings/bcc/landuse
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at jfields@clackamas.us or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

Joy Fields, Principal Planner, AICP

Clackamas County Transportation & Development

Planning and Zoning Division

150 Beavercreek Road

Oregon City, Oregon 97045

503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off

www.clackamas.us

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The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



CLICK A SMILEY

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:38 PM
To: bruce.hellebuyck@puc.oregon.gov; jp.batmale@puc.oregon.gov; Julie.Hernandez@pgn.com; govtcampsanitary@gmail.com; customersupport@canbyutility.org; tjannsen@sunrisewater.com; sarah.santner@portlandoregon.gov; devrev@portlandoregon.gov; mikepersons23@yahoo.com
Subject: Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

As a utility provider, or a contractor who regularly works with utility providers, we hope that you will take an opportunity to review the [draft amendments](#). We welcome your feedback on the proposed amendments and have identified two channels to best provide it.

1. For policy-related input, consider participating in the upcoming public hearing process by submitting written testimony in advance or providing verbal testimony during the hearings:
 - o Planning Commission: Monday, April 8, 2024, 6:30 p.m.
www.clackamas.us/planning/planning-commission
 - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4th Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; www.clackamas.us/meetings/bcc/landuse
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at jfields@clackamas.us or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

These proposed amendments are being considered because the County has recently come to understand that the ZDO seems to require a conditional use permit, or an alteration of a nonconforming use, for most new or modified utility facilities outside agriculture and forest zones. With the exception of individual service lines, this applies even to underground utility lines and even within road rights-of-way and public utility easements.

As part of these proposed amendments, we are considering adding and revising utility-related definitions in the ZDO, which would then link to the review process for these types of facilities. The overall goal is to determine which types of facilities, in which locations, merit land use review and which may be allowed outright. There are no changes proposed to how utilities are regulated in agriculture and forest zones, which are governed by state land use law, or to requirements for utility permitting in environmentally sensitive or hazard area overlay zones.

Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

Joy Fields, Principal Planner, AICP

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This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:27 PM
To: 'Curt McLeod'
Subject: Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

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Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:29 PM
To: tina.tippin@pgn.com; 'Chip Bloomer'
Subject: Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

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Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:33 PM
To: Morse, Steven (Contractor); Cross, Chanda; Mckenzie, Michael
Subject: Potential Zoning Amendments for Utility Facilities

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Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:40 PM
To: Chris Alexander (BoringWater@BoringWater.com)
Subject: Potential Zoning Amendments for Utility Facilities

Good afternoon,

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Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:41 PM
To: 'hydraengineering@yahoo.com'
Subject: Potential Zoning Amendments for Utility Facilities

Good afternoon,

Clackamas County is considering amendments to the Zoning and Development Ordinance (ZDO) that would change how certain utility facilities are reviewed for land use compliance in unincorporated areas of Clackamas County.

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www.clackamas.us/planning/planning-commission
 - o Board of County Commissioners: Wednesday, June 12, 2024, 10:00 a.m. Public Services Building, 4th Floor Board Hearing Room, 2051 Kaen Rd, Oregon City, OR 97045; www.clackamas.us/meetings/bcc/landuse
2. For technical questions or suggestions, reach out to Principal Planner Joy Fields at jfields@clackamas.us or 503-742-4510. As an example, do the proposed definitions make sense? Are they complete or are there gaps?

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Thank you for your time and partnership in ensuring that the amendments, if adopted, will be clear, comprehensive and serve the residents and businesses of Clackamas County well.

Sincerely,

Joy Fields, Principal Planner, AICP

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Planning and Zoning Division
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Oregon City, Oregon 97045
503.742.4510

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Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:43 PM
To: 'asteele@crwater.com'
Subject: Potential Zoning Amendments for Utility Facilities

Good afternoon,

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Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:44 PM
To: 'ctaylor@crwater.com'
Subject: Potential Zoning Amendments for Utility Facilities

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Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:44 PM
To: 'bh@coltonwater.org'
Subject: Potential Zoning Amendments for Utility Facilities

Good afternoon,

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Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:47 PM
To: Fields, Joy
Subject: Potential Zoning Amendments for Utility Facilities

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Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:49 PM
To: 'info@palatinehillwaterdistrict.com'
Subject: Potential Zoning Amendments for Utility Facilities

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Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:49 PM
To: 'margebraker@comcast.net'
Subject: Potential Zoning Amendments for Utility Facilities

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Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:50 PM
To: 'office@lakegrovewater.com'
Subject: Potential Zoning Amendments for Utility Facilities

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Fields, Joy

From: Fields, Joy
Sent: Friday, March 8, 2024 2:50 PM
To: 'kmccaleb@ci.oswego.or.us'
Subject: Potential Zoning Amendments for Utility Facilities

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Fields, Joy

From: Susan Vandenburg <vandymadre@hotmail.com>
Sent: Tuesday, March 26, 2024 5:57 PM
To: Fields, Joy
Subject: ZDO-288
Attachments: IMG_2210.JPG; IMG_2445.JPG; IMG_2446.JPG; IMG_2447.JPG; IMG_2449.JPG; IMG_2181.JPG

Warning: External email. Be cautious opening attachments and links.

TO: Joy Fields,

I'm forwarding to you this letter with attachments that I recently sent to the Clackamas County Commissioners regarding our objections to PGE's Tonquin Rd. project on Stafford Road. I understand there are meetings coming up which are accepting written public comment on this project.

Susan Vandenburg

From: Susan Vandenburg <vandymadre@hotmail.com>
Sent: Sunday, March 24, 2024 1:56 PM
To: tootiesmith@clackamas.us <tootiesmith@clackamas.us>; psavas@clackamas.us <psavas@clackamas.us>; marthaschrader@clackamas.us <marthaschrader@clackamas.us>; markshull@clackamas.us <markshull@clackamas.us>; benwest@clackamas.us <benwest@clackamas.us>
Subject: PGE/Stafford Road Project

Dear Commissioner Smith, Schrader, Shull, Savas, and West,

My husband and I attended the Clackamas County Board of Commissioners meeting on Wednesday, March 14 in support of the Save Stafford Road group. Although we did not speak at the meeting, we wanted to follow up with the commissioners and voice our concerns to you about PGE's Tonquin project, and how it will affect our property on Stafford Road.

I have attached some photos to provide you some visuals of our property.

Our home was built in 1976 and we have lived here for 29 years. One of the main reasons for moving to this location was for the view the property provided. We have a magnificent view north and west. The house was situated, as you can see from the aerial view, to take advantage of the view. The sunsets are amazing and on clear days we can see Mt. St. Helens. There are pastures surrounding the house on all

sides. In our younger years, we had horses and cows that grazed. Now, without livestock, the fields are left as is and mowed once a year.

On the aerial photo attached, the yellow lines indicate our property boundary. The blue line is the area PGE wants as an easement. So you get an idea of how this will affect us, I have numbered the following areas.

#1. Red line - the fence that surrounds our back yard.

#2. Green Line - The corner of the back yard fence to our fence along Stafford is 95' away. You can see that the portion PGE wants for an easement (the wide blue line) is at least $\frac{1}{4}$ of that width.

#3. Our deck and back yard – where we spend most of the time Spring through Fall.

#4. Out master bedroom upstairs and our living/dining room downstairs.

#5 – Red X's - 4 existing power poles. You can see from the photos I'm enclosing that the current poles are below the visual tree line across the road. And, though unattractive, they do not affect the view that much.

In the other photos I am including you can see the existing 40' power poles along the road. The new poles will be 100' - more than twice the current height - with many more lines going across the sky. Imagine what that will do to our view. These lines will extend across the entire front of our house, outside living area and view.

So, considering how very close these higher voltage power lines will be to our home and main living areas, these are our main concerns:

- Fire hazard. As pointed out in the county meeting, this area is not equipped to handle a grass fire. We are on wells. If the power goes out, we have no water. From mid summer until winter, our house is surrounded by dry grass. You can see this from the aerial photo. And it isn't just us – our direct neighbors are also surrounded by pasture grass.

- Noise from higher voltage power lines. As stated in the meeting by the PGE representative, noise could be heard particularly in wet weather and fog. Which, as you are well aware, we have a lot .

- Finally, the loss of property value. Based on Redfin and Zillow, our house is currently listed as around \$1,525,440 - \$1,552,200. According to the realtor that spoke at the meeting, and also from what I have seen on line from other articles, powers lines like what PGE is proposing could reduce our property value by 30-40%. Being generous, if you take the lesser value above x 30%, that would be a minimum reduction in value of \$457,632! For the easement that PGE wants, they offered us \$40,356. That is a very hard hit to absorb when you consider that we are both in our mid 70's and are looking to this property to supply a major portion of funds for any move we will need to make as we continue to age.

Now, as to the offer PGE made to us. Again, we have 4 power poles that run across the front of our property. Their easement document is very open ended. The pertinent wording to us is:

“Said Easement and right of way shall be for the following purposes: the non-exclusive, perpetual right to enter upon and to construct, maintain, repair, replace (of initial or any size), operate and patrol, electric

power lines, including the right to install such poles, wires, cables, guys and support as are necessary thereto, together with the present and future right to clear said right of way, without Grantee (PGE) paying compensation, as necessary to accomplish the above purpose and as Grantee deems necessary to comply with state or federal regulations. Solely to the extent necessary to exercise its rights under the Easement, Grantee (PGE) has ingress and egress rights over and across the Property and Grantors adjoining property interests, in connection with or related to all or any portion of the foregoing.”

To us, this would give PGE opened ended access to our property 65-70 feet from our bedroom, our deck and our main living areas. When they talk about ingress and egress, that means their trucks will have the right to cross our property to maintain these lines at any time. They mention “construct” and they also mention “any size pole” is allowed. This is all way too open ended and will be very detrimental to our daily lives and the value of this property.

If this project goes through, we truly believe we would lose up to 40% of our property value and probably have a difficult time even selling it. I ask you, would you buy a home with high voltage wires running across the view from your main living areas and yard?

We sincerely hope you will take into consideration all the homeowners who will be adversely affected by putting these lines along Stafford Road. My many objections to these power lines and poles are similar to all the other homeowners who are part of the Save Stafford Road group-- extreme property destruction of our beautiful road, devaluation of property values, increased fire hazard and EMF risks.

We would like to see PGE determine an alternative route, such as along I-5 as was mentioned at the meeting. If they are unwilling to do this, we implore the county to deny a land use permit for the Stafford Road expansion.

Thank you for taking time to read our letter and look at the photos.

Sincerely,

Susan and Mike Vandenburg
21892 SW Stafford Road













Fields, Joy

From: Kelly Bartholomew <kellybartholomew@wavecable.com>
Sent: Tuesday, March 26, 2024 8:04 PM
To: Fields, Joy
Subject: for the ZDO-288 Planning meeting

Warning: External email. Be cautious opening attachments and links.

I am a member of the “Save Stafford Road“ group of citizens opposed to PGE’s Tonquin project. We understand that the County is looking at proposed land use policy changes that would potentially bypass the current Conditional Use Permit (CUP) requirement. We strongly oppose any amendments that would allow PGE to Proceed with the Tonquin project without a CUP. Specifically, we would like to point out that the Tonquin project is NOT simply “upgrading existing powerlines“ along Stafford Road. This project involves many more issues that should require a standard CUP:

1. **SAFETY FOR CHILDREN:** The Tonquin project would place high voltage power lines directly above hundreds of homes, school kids waiting for busses and one large church gym (with hundreds of kids in it daily). HIGH VOLTAGE POWER LINES SHOULD NOT BE PLACED IN RESIDENTIAL NEIGHBORHOODS OVER HOMES!
2. **IMPACT ON LOCAL BUSINESSES AND FARMING:** Stafford Road is part of the public “Farmlandia” farm loop. Many people from Portland come to this area for the “rural experience” of visiting the local farms. Driving through chopped down trees and 100ft power lines is not a great rural experience. Has the financial impact on the local farmers been assessed?
3. **IMPACT ON COMMUNITY:** The Stafford triangle is the only remaining “rural” area between three cities. Most longtime residents of Stafford have seen a plethora of wildlife living in the old growth trees along Stafford Road, including red tailed hawks, bald eagles and American kestrels. The Tonquin Project would require removing hundreds of old growth trees on the properties of homeowners along Stafford Road. Replacement of these old trees with small shrubs -as proposed by PGE-is hardly compensatory. Additionally, many of these trees are the only barrier between the increasingly busy rural byway of Stafford Road and the homes along that road.
4. **DECREASE IN COUNTY PROPERTY TAX REVENUE:** most properties in the Stafford area (zoned for 6 acre plots) are over \$1M. The proposed Tonquin project would result in significantly reduced property values and thus, decreased revenue for the County.
5. **SAFETY AND FIRE RISK:** As you know, the area along Stafford Road is designated “unincorporated Clackamas County”. Hence, there are no fire hydrants. Most homes have well water so when there is no power, there is no water (well pump requires power). Last summer, our shop burned down. Police and fire had to close Stafford Road and shuttle water trucks for 12 hours to contain and put out the fire. These risks are exponentially increased by the deadly combination of high voltage power lines, climate change, severe heat and summer dry spells. How does PGE plan to mitigate the exponential increase in fire risk with high voltage power lines over residential areas? I suspect the Lahaina fire victims wish they had asked these questions before it was too late.
6. **ACCIDENTS:** There are automobile accidents on this road nearly every month. They typically involve cars and trucks crashing into power lines. Three people were killed last week in Portland from a downed power line and subsequent fire. High voltage lines increase the risk of fire from automobile accidents.

7. **PROPERTY CONDEMNATION:** most Stafford area residents are opposed to this project. Hence, proceeding with the project would require many properties along Stafford Road to be condemned. I have 2 neighbors who are over 80 years old and have lived here for over 30 years. This proposed line would place a giant hundred foot powerline directly over their houses.
8. **COUNTY RESPONSIBILITY:** PGE has repeatedly been cited for safety violations over many years. PLEASE do not give them open season to destroy our neighborhoods and put people in danger. It is the responsibility of our Clackamas County public representatives to ensure transparency and accountability in land use regulatory matters. Making policy amendments to placate PGE and bypass public accountability is not in the best interest of the County or the citizens who place great trust in you.

We urge Clackamas County Planning Committee and Board Members to please look carefully at any regulatory amendments that are made with regard to PGE. We recognize the need to lessen the red tape but this needs to be adequately balanced with the rights of citizens. Given all the issues at stake, the Tonquin project requires a much more in-depth review of its safety and necessity.

Thank you for your consideration of this important matter.

Sincerely,

Kelly Bartholomew

Fields, Joy

From: James Bresee <jbres001@gmail.com>
Sent: Wednesday, March 27, 2024 7:06 AM
To: Fields, Joy
Subject: ZDO-288 Planning meeting

Warning: External email. Be cautious opening attachments and links.

Joy,

I am writing today to express my **profound concern** and disappointment at the project being developed along Stafford Road by PGE. And particularly at the proposed change to policy that would allow PGE to circumvent critical safety oversight.

As I am sure you are aware, this project represents a disfiguring and invasive assault on our community. The Stafford community is a precious jewel of natural beauty, a lovely oasis in the otherwise expanding Suburban sprawl around Portland. The Stafford area represents what is cherished among Oregonians: Natural green space; **"Keep Oregon Green"**

Running 100 foot tall **transmission lines** along Stafford will be carving a permanent scar through the heart of the community and endangering the lives and lifestyle of those that live there.

It is appalling that in the wake of the horrific events in Hawaii and destructive fires in our own state, that Clackamas County would be willing to allow high voltage transmission power lines directly *over* people's homes. The climate is changing. Our summers are long and dry and hot. Ice storms are not uncommon in the winter. And downed high voltage power lines represent a *significant* threat. That is why these lines typically run **well away from neighborhoods and communities**.

I understand fully this is a PGE project and not a county project. But the county has a legal and moral obligation to **protect the citizens when large companies overstep and put the citizens at risk**. That is a fundamental role of government: To protect the citizens. Adopting the ZDO-288 Policy changes would give large for-profit companies unrestricted power to endanger our lives and compromise our lifestyle without appropriate oversight. It's simple: PGE wants these dangerous and disfiguring transmission

lines on Stafford Road because it is the least expensive option for them. **Why is PGE's bottom line more important than the lives and lifestyle of Clackamas County families?**

This project is *not* a modification or enhancement of existing lines. This project is the installation of **new** transmission lines, and as such, are subject to review under multiple Oregon statutes. That is *exactly* why we need the Public Utility Commission and the existing government approval process: To protect families and communities from harm. Changing policy now, with this grotesque project pending, would be abdicating your responsibility to keep us safe.

I am not asking that you use any authority to block this project. But I am asking you to think about what this will do to the community and the lives that are being put at risk. Where else are 100 foot high voltage transmission lines adjacent to populated areas? PGE advocates running lines underground to reduce the risk of fire by 99%. While more lines are being buried to protect homes and lives, why would we allow new higher voltage lines to be placed so close to so many families? Why are we being put at risk instead of PGE finding a better, safer solution?

And why *exactly now* to change the ZDO-288 Policy? Could it be that this specific policy change at **this very moment** is designed to help PGE circumvent protections? It might be a helpful policy change with some modifications, but why not wait until the link between the policy change and PGE's project isn't quite so suspect?

I appreciate your time.

Thanks,

James

--

James Bresee, M.D.
Attending Urologist
Northwest Urology

9135 SW Barnes Rd, Suite 663
Portland, OR 97225

March 27, 2024

To: Planning and Zoning Division
150 Beaver Creek Rd.
Oregon City, OR 97045

Fr: Ron Schaaf
21929 SW Stafford Rd.
Tualatin, OR 97062
ronschaaf@gmail.com

Subject: Concerns Regarding the Proposed Amendments to the ZDO (ZDO-288)

Dear Members of the Planning and Zoning Division,

I am writing to you as a concerned citizen of our community regarding the proposed amendments to the Zoning and Development Ordinance, specifically ZDO-288, which pertain to the regulation of utility facilities, including underground utility lines within road rights-of-way. While I understand the practical difficulties and administrative burdens that the current ZDO presents, I am deeply concerned that these amendments could potentially undermine the democratic process by limiting public oversight and input on public works projects.

The existing process, which requires a conditional use permit for most utility facilities, serves as a critical mechanism for community engagement and oversight. It ensures that the residents have a voice in developments that directly affect our local environment, safety, and quality of life. The move to streamline the process, while practical on the surface, raises concerns about the transparency of utility projects and the potential for these projects to proceed without adequate public scrutiny.

I fear that the proposed changes could set a precedent for circumventing the established channels through which citizens voice their concerns and contribute to the decision-making process. The ability of residents to engage in dialogue about the development and maintenance of infrastructure is paramount to the health and wellbeing of our community. We must not sacrifice this for the sake of administrative convenience.

Moreover, while some utility facilities may not warrant review through a land use application, it is crucial that any amendments to the ZDO clearly define which projects qualify for this exemption. Without rigorous criteria, there is a risk that the amendment could be exploited to bypass necessary environmental and community impact assessments for more significant and potentially disruptive projects.

Therefore, I urge the Planning and Zoning Division to consider the following before proceeding with the amendments to the ZDO:

1. Implement a transparent and inclusive process that actively involves community members in discussions about the proposed changes.
2. Establish clear, strict criteria for which types of utility facilities can be exempted from the conditional use permit requirement.
3. Ensure that any exemptions to the permit process do not compromise environmental protections, public safety, and the overall wellbeing of the community.
4. Provide avenues for public comment and review on utility projects that could have significant impacts on the community, even if they fall within the proposed exemptions.

Our community thrives when its members are engaged and involved in shaping its future. Let us not erode this foundation by diminishing the public's role in overseeing the development and maintenance of essential infrastructure. I appreciate your attention to these concerns and look forward to seeing how the Planning and Zoning Division navigates these complex issues with the community's best interests at heart.

Sincerely,

Ron Schaaf



The Hamlet of
BEAVERCREEK

PO Box 51 • Beaver Creek • Oregon • 97004

Serving the communities of Beaver Creek, Carus, Fishers Corner, and Echo Dell

March 28, 2024

Joy Fields, Principal Planner, Planning Department, Clackamas County
Clackamas County Planning Commission
Clackamas County Board of County Commissioners
150 Beaver Creek Road
Oregon City OR 97004

RE: Ordinance ZDO-288, Zoning & Development Ordinance (ZDO) Amendments Related to Utility Facilities

Dear Ms. Fields, Planning Commission, and Board of County Commissioners:

Thank you for this opportunity to provide input on the above listed Ordinance Amendments.

The Board and citizens of The Hamlet of Beaver Creek met March 27th and discussed the amendment proposals and are providing the following input:

- We clearly understand the need to revise the definition of “utility facility” and are supportive of a more inclusive and consistent definition.
- We are supportive of allowing utility facilities and lines inside “existing” rights-of-way as an outright permitted use. Beaver Creek is a rural community and frequently experiences outages as the result of storms. Coupled with global warming, wildfires, and ice storms, we want to send a **strong** message that any utilities placed above ground should only be considered if there is a reasonable explanation as to why it cannot be placed under ground.
- We are in support of allowing utility facilities and lines outside of rights-of-way by **Conditional Use Permit only**. Citizen involvement should be encouraged when utilities are being considered outside of rights-of-way.

Our Vice-Chair and one of our Co-Secretaries were not involved in this advisory letter as one Chairs the Board of a local utility and the other is employed by a regional power utility.

Thank you for providing this opportunity to participate in the Clackamas County land use process.

The Board and Citizens of The Hamlet of Beaver Creek

Fields, Joy

From: Edward Wagner <edawagner@gmail.com>
Sent: Thursday, March 28, 2024 1:15 PM
To: Fields, Joy
Cc: Jennifer Hughes
Subject: PGE Tonquin Project for ZDO-288 Packet Inclusion

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Ms. Fields,

By now I would guess the Board of Commissioners and Planning Department are fully aware of our Save Stafford Road organization and the significant opposition to the planned replacement of the existing 40' wood power poles and distribution lines with 100' metal distribution and transmission lines from the Rosemont Substation down Stafford Road, across the I 205 freeway and continued on Stafford to the connection point at SW 65th. Our organization has focused primarily on the effects from I 205 to the SW 65th connection point. As indicated by the PGE representative at the March 14th Board meeting, this section is essentially about 4 miles but is mostly focused on the approximately 38 properties from the Athey Creek Church to the SW 65th connection point which is about 2 miles. Our organization currently has over 100 members of which 50 are part of our legal Save Stafford Road group, not all living on Stafford Road. Of these 50, PGE in April and May of last year made courtesy offers for easement considerations to about 38 homeowners (in this 2 mile stretch) and of these 38, 20 have indicated they would challenge condemnation if it came to that. I realize condemnation is potentially consequential to the PUC and not necessarily the county, but I feel it is important for the county to be informed as to our community opposition.

I think it is very important for the county to understand some of the other factors in our strong stance against this development. First, PGE had been planning the Tonquin project for over 2 years prior to informing all of us of their plans by submitting letters of easement requirements and offers that were quite frankly offensive. They hired a third party to communicate with each homeowner who was not very well informed about the impact on each property. Many of our homeowners tried to get an audience with PGE directly but essentially they were only interested in discussing negotiated compensation and were not receptive to group meetings with our organization. In June, July and early August PGE essentially side stepped any effort on our part to answer our questions. In mid August, one of our homeowners finally through the third party got confirmation that PGE would show up and we made it very clear there would be other homeowners so we could ask questions. On that day, there were about 30 homeowners (many who took time off from work) to meet with a Tonquin management team of 4 including the Project Manager. Unfortunately when the PGE team arrived, they saw a number of cars and instead of stopping or even texting the homeowner, they just drove off. At a later Stafford Hamlet zoom meeting I asked why they didn't meet their commitment to the meeting; they just indicated they felt like we would be ganging up on them.

Subsequently to this failed meeting, PGE put together two meetings in late September ostensibly to allow the public finally to engage with the project team and ask the questions that we all were concerned about. We had about 60 - 70 of our community arrive at the meeting but instead of a group opportunity, PGE segregated into about 6 or 7 ministations with each having its own subject. This was extremely frustrating as there was no ability for all of us to ask and get answered the general questions we all had. We all came away feeling that PGE purposely created a divide and conquer approach and most of us left feeling we didn't get the questions answered. I know myself personally asked the project manager point blank if PGE has secured all the permits

required and he said yes, which definitly was not true as I had been tracking the application UP100323 and it was still in lobby.

Our biggest question since last April is what other routes did PGE consider and what were the cost differentials? Even at the March 14th meeting when the PGE representative presented a slide of the "other" considered routes, he essentially glossed over the other options and did not identify them. We still to this day have no idea what other options are possible.

All of my previous comments may be superfluous to the responsibility of the planning department. The real issues comes down to whether PGE can demonstrate if it meets or doesn't meet Zoning and Development Ordinance 1206 - Nonconforming Uses and Vested Rights and in particular 1206.07 Alterations. 1206.07 A. Alterations if required by law - The only rationale PGE has ever given our community for this expansion is for redundancy purposes and not necessity. So we don't see how this would fall into the lawful requirement for such changes. 1206.07 B 1 Alterations Not Required by Law - specifically says "have no greater adverse impact to the neighborhood that the existing structure" - I don't know how anyone in good conscience could ever say that replacing 40' pole and lines with 100' industrial poles and high voltage lines wouldn't have a gross adverse impact on the neighborhood.

Many of our homeowners over the past many months have submitted letters to the Board of Commissioners and now I suspect to the planning committee as well. The aesthetics will be destroyed, trees that help absorb carbon emissions for a road that is becoming a freeway bypass will be gone, many homes with beautiful views of the west will be destroyed with 100' power poles and lines, property values will plummet along with collected clackamas taxes, and most importantly, the fire danger with twice as many power lines will increase significantly.

In all due conscience, it is hard to understand how in this day and age of extreme weather conditions that such a project would even be considered out of hand. Utility companies make 60% of their rate increases by capital infrastructure. Over the past two years, PGE has already been granted a total of 40% rate increases. This Tonquin project will most undoubtedly be submitted to the PUC and we will see all of our rates increase again. Save Stafford Road is seeking a clear decision by the planning committee to reject the Tonquin permit application for the changes to Stafford Road.

Respectfully

Ed Wagner

VP Save Stafford Road

Fields, Joy

From: Shannon Darrow <Sdarrow@protonmail.com>
Sent: Friday, March 29, 2024 6:32 AM
To: Fields, Joy
Subject: For the ZDO-288 Planning Meeting

Warning: External email. Be cautious opening attachments and links.

Dear Planning Committee,

As a resident of Tualatin and someone that lives ON Stafford Road, potentially and directly affected by the unnecessary proposed PGE Tonquin project, I want to condemn the unsettling way in which it appears PGE is trying to change our zoning, so that they avoid certain processes and procedures that would arguably expose their project as unnecessary and/or devastating to our community. Allowing PGE to circumvent the need for a CUP would be egregious and irresponsible to all the homeowners and business owners who will be affected by this massive change to our environment through this project.

It would behoove you to dive deeper into this issue in order to fully comprehend the level of impact to the residential properties geographically speaking, the SIGNIFICANT devaluation of the residential properties involved which would be a huge loss in property taxes overtime, the frightening fire hazards since we are in unincorporated Tualatin which has NO FIRE HYDRANTS along the road, substantial change to the environment, the impact to the wildlife in the area, the kids that will stand under these wires as they wait for a bus, the school district employees who will sit for hours under these wires at their place employment, the family's impacted by these 100' tall steel poles that will now run through their long running family businesses, farms, stores, vineyards, etc., potentially putting many our of business This could be responsible for changing what is left of a beautiful serene sub-rural area that is such a huge part of this community.

I live in a little old farmhouse that was built in 1900. That fact alone makes this a special place. So many of the people around me have similar stories of how this area came to be and can point to generations of families still in this area keeping the history alive. A drastic change to this area should be considered incredibly problematic and I would think the desire to retain even small parts of Oregon's history would be important.

From what we have been able to gather the project does not appear to be necessary for our road as the ONLY place this can be done. This is a gutting of a community right down the middle and a change to the environment forever. This is also not something that will serve the people that it is going to disrupt. It is a means to increase and usurp profits by creating more infrastructure to divert the power they take from the source so they meet the criteria for a profit increase. PGE has already raised everyone's prices recently, this will only them greater opportunity for increased rates.

I urge you to speak to our community. I urge you to put yourself in our shoes. I urge you to come to my house or any other person's on this road. Please do not let this happen. This is an obvious overreach by a bully and you have the ability to stop it. There are alternatives for PGE and those should be seriously considered.

Please listen to us. There are not a lot of positives right now in this crazy world as it relates to governing bodies making good lasting decisions. This is a great opportunity to do the right thing. If there is no way to stop this overall, please make them put the wires underground in our area.

Thank you so much for your time and consideration on this matter.

Respectfully,

