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Date: September 24, 2026

To: Joe Turner, Hearing Officer

From: Sean Conrad, Planning Manager

Re: Response to open record letters - Meadowlark Energy Storage LLC, Conditional Use Permit/Site Plan Review, File 785-26-000057-PLNG

Following the public hearing on September 10, 2026, the city received three comments during the open public record. The comments were sent from VF Law (representing Meadowlark Energy Storage LLC), Portland General Electric, and Davis Wright Tremaine LLP (representing TUAL bn LLC). Staff has addressed each of the letters for your consideration with a summary of staff's overall response and recommended changes to conditions B.2 and B.3 at the end of this memo.

Response to VF Law letter dated September 17, 2026

Staff concurs with Meadowlark's intent of establishing landscaping along SW Langer Farms Parkway. As noted in the staff report, page 14, the driveway varies in distance from the adjacent sidewalk, with distances between 4 feet to approximately 15 feet. Staff also concurs that during a meeting with the applicant and PGE, city staff suggested the total amount of landscaping along SW Langer Farms Parkway equal 15,000 square feet. However, there are several statements in the letter that staff disagree with. These are as follows:

On page 3 of the letter it notes that conditions of approval must relate to the impacts of the proposed development, not the impact of a prior development. The letter states, "The staff report concedes that the concern that staff raises is not the presence of three new 55-foot-tall poles located along existing poles that are much taller. Rather, staff is focused on the "harsh visual condition of the substation site from those travelling along SW Langer Farms Parkway." Staff expressed concerns that motorists traveling on SW Langer Farms Parkway view the sub-station as being visually unappealing."

This statement is incorrect. The finding on pages 11 and 12 of the staff report address conditional use permit review criteria C.4. Criteria C.4 states:

Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole are sufficiently mitigated by the conditions proposed.

The findings states that the riser poles are exceeding the maximum height of 50 feet and to mitigate this height increase, staff is recommending landscaping along the frontage of the project site. The landscaping will provide a partial visual screen between the public right-of-way and the new poles that exceed the height of the zone as the public travels along the roadway.

Staff's statement that the current state of the substation creates a harsh visual condition is based on the current conditions of the substation site. The code requires the following consideration when reviewing a conditional use permit:

Section 16.82.020.D. Additional Conditions

In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. These conditions may include but are not limited to the following:

- 4. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.*

The staff discussion under this code section notes the project scope, which includes the installation of three riser poles at a height exceeding the maximum height limit of the zone. The discussion then addresses the current state of the adjacent street, SW Langer Farms Parkway, and current development within the substation site as viewed from SW Langer Farms Parkway. Staff concludes the current development on the substation site and lack of landscaping along SW Langer Farms Parkway creates the harsh visual condition, further reinforcing the need for landscaping to address the three riser poles under review for a conditional use permit. If the substation site included a robust amount of landscaping, staff would have noted that in the discussion and recommended a modified landscaping condition or possibly no landscaping condition at all. However, that is not the case and to address this code section, landscaping was recommended.

Staff would like to clarify the following statement found at the top of page 4 of the letter. The letter states, "As PGE notes and our photos confirm, the existing corridor between the sidewalk and the substation perimeter fence is in places narrower than 20 feet. For this reason, the landscape strip and relocation of the driveway is not feasible in the manner that Condition B.2 contemplates."

The area on the substation site recommended for landscaping under condition B.2 is located along the substation's east side. Here, the distance between the substation perimeter fence and the sidewalk is approximately 45 feet. This distance is fairly consistent until the northeast corner of the substation's security fencing. At this point the distance between the fencing and sidewalk widens to sections exceeding 200 feet. The northwest corner of the substation's fencing is within 20 feet of the sidewalk, however, this area is outside the scope of review for this permit application. Staff presented a graphic

during staff's presentation at the public hearing that clarified the extent of landscaping required under condition B.2. (See Attachment A).

Regarding recommended condition B.3, the staff report cites the general requirements for all areas intended to be used for off-street parking and loading, section 16.94.010. Subsection G identifies the appropriate surface material for off-street parking and loading areas. The current state of the existing gravel driveway does not meet these standards.

The applicant's project narrative, Meadowlark Transmission Line Narrative May 2026, section 1.6, Operations and Maintenance Activities, states that typical maintenance activities that will occur on the site include occasional repair and maintenance of the riser poles.

As noted on page 16 of the staff report, "The PGE substation has an existing driveway entrance from SW Langer Farms Parkway located approximately 700 feet south of the riser pole location. The Grading and Erosion Control Plan (Drawing Number ND-20004) identifies the existing site entrance and the existing gravel driveway that runs parallel to SW Langer Farms Parkway as the site access for the construction and on-going maintenance of the riser poles and associated security fencing. As discussed above under section 16.94.010.G, the existing gravel driveway will need to be surfaced with asphalt, concrete or a durable pervious surface." This condition was placed on the project based on the applicant's intentions to use the existing driveway for construction and on-going maintenance of the riser poles.

The staff report makes clear under the finding on page 16 stating, "As part of the site plan review of the project, deficiencies in the code are identified and conditions included to bring those deficiencies into compliance with development standards of the Sherwood Zoning and Community Development Code. The existing gravel driveway does not meet the surface standards of this code section. Therefore, staff recommends a condition to bring the portion of the existing gravel driveway, from the entrance/exit on SW Langer Farms Parkway to the location of the three riser poles, up to current surface standards which requires asphalt, concrete or a durable pervious surface."

The letter from VF Law states on page 5, "While there is perhaps an occasional need to be able to park one vehicle near the three poles for inspection and maintenance purposes, the required "parking and loading area" space needed for such purpose is quite small (perhaps 10 x 25 ft)." The zoning code does not differentiate the driveway surface requirements (paved or graveled) with the associated intensity of use only that the driveway be improved with a permanent hard surface such as asphalt, concrete, or a durable pervious surface.

Furthermore, section 16.96.060.A.2 (Minimum Non-Residential Vehicle Circulation Standards) requires industrial developments to have improved hard surfaced driveways. This code section generally applies to parking areas with one or more parking spaces. Staff did not cite this code section in the staff report as the limited use of the substation's driveway would not create the need for a paved parking space. The lack of a required off-street parking space does not negate the need for surface improvements under section 16.94.010.G.

The requirement to move the existing gravel driveway is based on two underlaying code sections, section 16.140.040 (Visual Corridors) and section 16.92.030.A.2.a (Site Area Landscaping and Perimeter Screening Standards). Both of these standards require a minimum 10-foot wide landscape strip. Section 16.140.040 requires a visual corridor landscape strip of 10 feet along collector streets. Southwest Langer Farms Parkway is designated a collector street in the city's transportation system plan, Figure 17 – Street Functional Classification. The previous transportation system plan adopted in 2005, Figure 8-1 – Functional Class, also designates SW Langer Farms Parkway as a collector street.

Section 16.92.030.A.2.a requires a minimum 10 foot wide landscaped strip comprised of trees, shrubs and ground cover between off-street parking, loading and vehicle use areas on separate, abutting, or adjacent properties. Based on the location of the driveway, the abutting property is the right-of-way for SW Langer Farms Parkway. Included with the site plan review portion of the project, deficiencies in the code are identified and conditions included to bring those deficiencies into compliance with the development code. This is mentioned on page 16 of the staff report.

Response to Portland General Electric letter dated September 17, 2026

Staff agrees with PGE that the substation's security protections are necessary to support the safe, reliable, and resilient operation of the electrical system. PGE states that the substation operates within a mandatory and enforceable federal reliability and security framework and cites the Federal Energy Regulatory Commission (FERC) regulations and the North American Electrical Reliability Corporation (NERC). It is staff's understanding that PGE opposes the proposed landscape condition, specifically the requirement to move the existing driveway to allow a minimum 20-foot landscape strip, based on these federal requirements.

The letter lacks specific details and citations of FERC or NERC requirements that prohibit landscaping at a substation site. In addition, the letter does not directly address how a recommended landscape strip over 30 feet from the substation's security fence impedes the security infrastructure at the substation site.

For some perspective, two substations within the City of Portland, one operated by Pacific Power and Light Company (Attachment B) and the other by PGE (Attachment C), include landscaping along the perimeter security fencing. Street views of both these substations show a variety of trees, bushes and ground cover between the adjacent sidewalk and the substation's security fence.

The letter is unclear regarding the relocation of the gravel driveway (noted as access road in the letter) and why it must remain in its current location. The letter identifies a 25 foot security buffer as a necessary feature of the site. The current location of the gravel driveway is located outside of the 25 foot security buffer for a distance of approximately 700 feet. At this point, the driveway turns north and comes within approximately 12 feet of the security fence. Staff notes that the existing conditions on the site appear to contradict the stated security requirements. The letter does not specifically identify other potential obstructions or specific security concerns other than stating that moving the driveway would be inconsistent with federally required obligations and industry best practices for critical infrastructure.

With the limited amount of specific security and safety information, staff is recommending the driveway be relocated to accommodate the recommended landscaping along the sidewalk. However, based on the concerns submitted by PGE, staff is recommended a revision to the landscaping condition, condition B.2. Further discussion of this change is under the Summary portion of this letter.

Response to Davis Wright Tremaine letter dated September 17, 2026

Staff is unaware, based on the letters from PGE and VF Law, how the recommended conditions to landscape and move a gravel driveway and surface the driveway in accordance with City of Sherwood standards, prevents the implementation of an interconnection agreement between PGE and Meadowlark.

PGE states in their letter that they could be amenable to landscaping on the substation site. The letter received from VF Law states, "Meadowlark is willing to achieve the city's screening objectives under Section SZCDC 16.82020.D(4) in a manner consistent with PGE's requirements. This would include screening the riser pole enclosure in a manner that complies with PGE standards, keeping trees and shrubs outside a 25 ft clear zone from the substation perimeter fence, and using low-growth and low-fuel species within the corridor."

Staff recognizes the importance of the PGE substation site. To that end, nothing in the letters from PGE or VF Law clarifies specifically how the introduction of landscaping along the perimeter of the site and the slight locational change and resurfacing of an access driveway could interfere with PGE's ability to maintain appropriate visibility, inspection capabilities, maintenance access, physical security measures, and operational flexibility at the site.

Summary

The scope of the project submitted by Meadowlark Energy Storage LLC under project file number 785-26-000057-PLNG requires a conditional use permit and site plan review permit. There is inherent discretion in the conditional use permit review portion of the project to increase the riser pole heights above 50 feet. Staff found to adequately address the increase in height additional screening in the form of landscaping was appropriate and recommended condition B.2 in the staff report.

Based on conversations with representative from PGE and VF Law and their subsequent letters submitted in the open record portion of the hearing, staff is recommending the following modifications to condition B.2:

Submit a landscape and irrigation plan to city staff for review and approval. The landscape plan shall include a minimum ~~20~~ 10 foot wide landscape area between the sidewalk along SW Langer Farms Parkway and the access driveway/riser pole location for a total landscape area of 15,000 square feet. The width of the landscaping and types of planting may be modified if aerial and/or underground utilities limit or prohibit landscaping. The landscape plan shall provide for a combination of ground cover, bushes and trees to create a continuous visual landscape corridor.

Tree density and spacing shall meet the parameters detailed under Section 16.140.060.A.4, to ensure that sufficient visual impact is minimized. The irrigation plan shall be designed in accordance with section 16.92.040.C.

(Note: The driveway along SW Langer Farms Parkway will need to be relocated to accommodate the minimum amount of required landscaping. In some locations, the width of the landscape strip will need to exceed 10 ft. to reach the required 15,000 square feet)

The recommended updates to condition B.2 will require an approximate 300 foot portion of the driveway to be relocated between 1 and 6 feet further from the sidewalk. As mentioned in staff's response to PGE's letter, it is unclear why moving the existing driveway on the substation site will create a security and/or safety issue based on the information contained in the letter. However, the updates to condition B.2 will permit the majority of the driveway to remain in place with the landscaping between the driveway and sidewalk counting towards the required total amount of 15,000 square feet (see Attachment D). The intent of the condition would be to place a wider landscape area between the sidewalk and riser pole/security fence location in an area of the substation site that can accommodate the wider landscape area instead of a uniform 10 foot wide landscape strip.

Maintaining a minimum 10 foot wide landscape strip along the sidewalk for a distance of approximately 700 feet will be consistent with the visual corridor requirements (section 16.140.040) and site area landscaping and perimeter screening standards (section 16.92.030.A.2.a) mentioned in this letter.

Staff is recommending minor changes to condition B.3 based on a discussion with PGE staff. Condition B.3 should be revised to read as follows:

The applicant shall provide city staff with a plan to bring the existing gravel driveway, from its location off of the entrance/exit driveway on SW Langer Farms Parkway to the location of the three riser poles, to the surface standards required in section 16.94.010.G.

Including the minor changes clarifies the extent of the surface improvements for the existing driveway. The surface improvements do not include the driveway apron or the portion of the driveway leading to the substation's entrance gate.

As previously noted, the project scope includes a site plan review permit. Section 16.90.020.D.1 requires proposed developments subject to site plan review to meet applicable zoning district standards. This includes the community design standards under the code which require driveways to be improved with a permanent hard surface.

The VF Law letter notes the surface of the access road is something in the nature of a "chip seal" surface. Based on the photos provided with the letter, the surface is not chip sealed. Section 16.94.010.G requires a permanent hard surface with the code clarifying what type of permanent hard surface is acceptable: asphalt, concrete or a durable pervious surface. The existing gravel driveway surface being something in the nature of a "chip seal" is not a surface standard allowed under section

16.94.010.G or a surface staff has accepted in past developments as a permanent hard surface on industrial zoned land. Therefore, staff recommends keeping condition B.3, as amended.

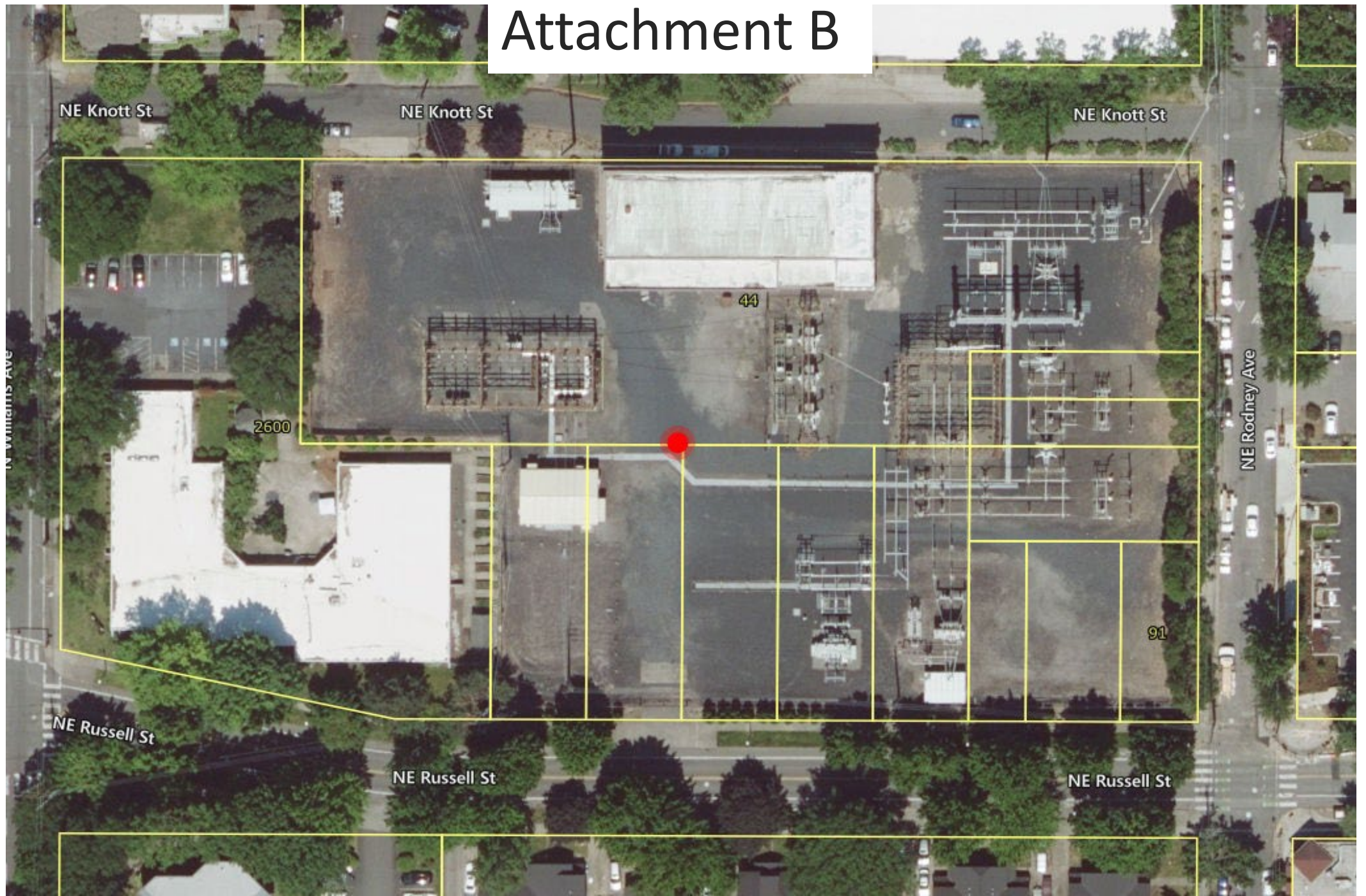
Attachments

Attachment A

Landscaping Requirement



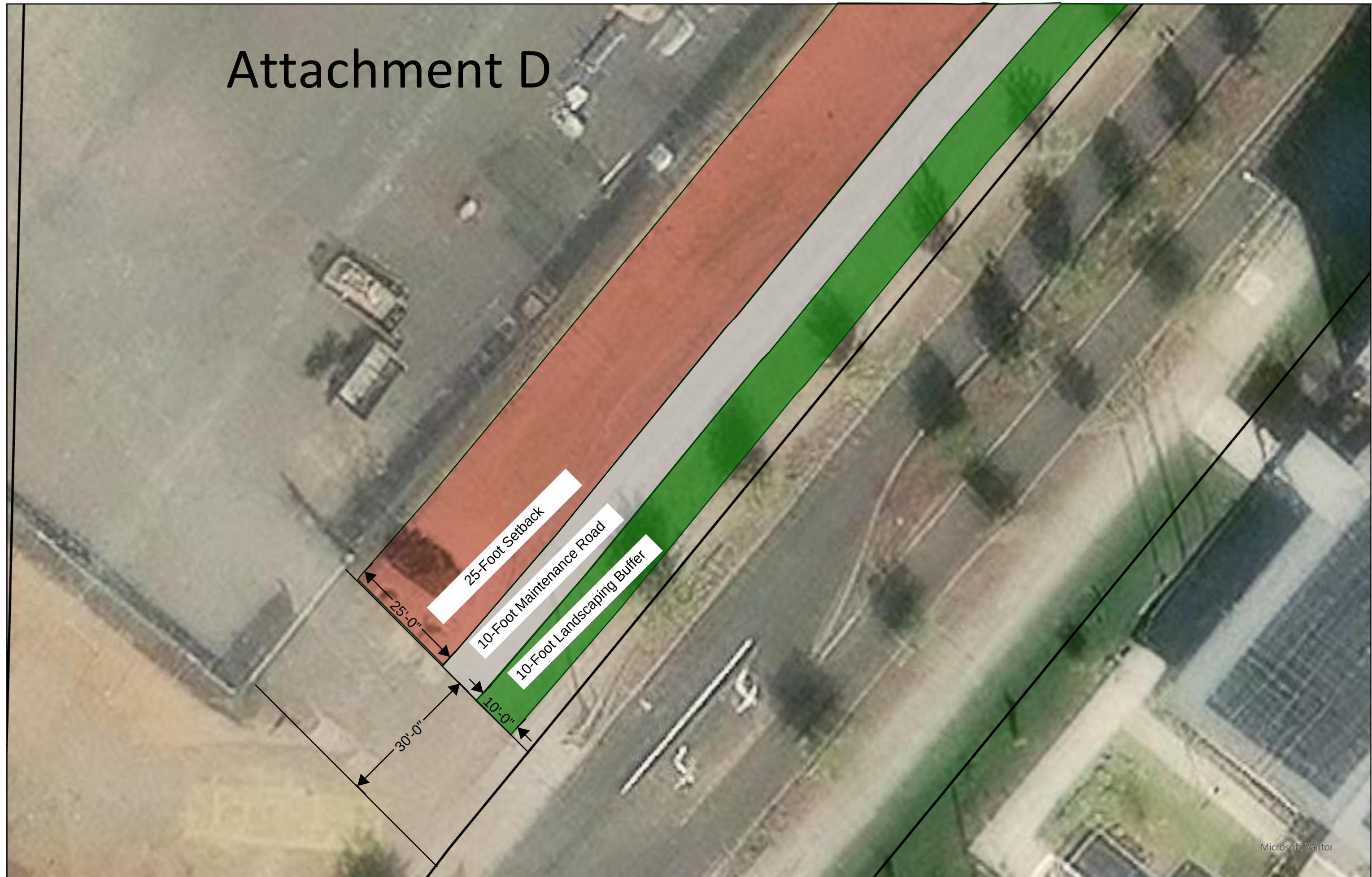
Attachment B



Attachment C



Attachment D



Meadowlark Buffer Analysis
LU 2026-006 CUP-SPR (785-26-000057- PLNG)

0 25 50 Feet

