CITY OF SHERWOOD
November 12, 2026
STAFF REPORT

NOTTINGHAM
CONDITIONAL USE PERMIT/SITE PLAN REVIEW
785-26-000087-PLNG

To: City of Sherwood Hearings Officer

From: Sean Conrad, Planning Manager

Pre-App Meeting:	July 23, 2026
App. Submitted:	September 3, 2026
App. Complete:	October 9, 2026
Hearing Date:	November 19, 2026
120-Day Deadline:	February 5, 2027

PROPOSAL: A request for a Type III Conditional Use Permit and Type II Site Plan Review Permit to allow the following:

- Replacing up to five existing wood utility poles (approximately 60 feet in height) with steel monopoles up to 140 feet in height (less than 200 feet) to accommodate co-location of an existing 115-kV utility line and a new 230-kV gen-tie line; and,
- Interconnecting the utility lines to the existing PGE-owned Sherwood Substation at the PGE defined point of interconnection within the northwest quadrant of the substation.

Staff Recommendation: Staff recommends conditional approval of the application, requiring the 230 kV gen-tie line and poles to be placed underground within Sherwood city limits, with the exception of any required riser poles on the PGE substation site, up to a 100 ft height limit. Staff finds that undergrounding better supports the City's gateway and community character goals, avoids potential avian impacts near the Tualatin River National Wildlife Refuge, and is more consistent with policies related to wildlife habitat stewardship, coordinated growth, and underground utilities. The staff report further finds that limited above-ground infrastructure, over the height limit of the zone (50 ft.) may be necessary at the point of interconnection with the PGE Sherwood Substation and that riser poles can be accommodated with appropriate landscaping and mitigation measures.

I. BACKGROUND

A. Applicant:
TUAL bn LLC
Attn: Todd Ellwood
151 Flager Drive, Suite P200
West Palm Beach, FL

Owner:
Portland General Electric Co.
Attn: Laura Bishop
121 SW Salmon Street
Portland, OR 97204

B. Location: 20655 SW Langer Farms Parkway. The scope of work will be on the east, north, and south sides of SW Langer Farms Parkway, approximately ¼ mile east of the intersection of SW Langer Farms Parkway and Pacific Highway W (Washington County Assessors and Tax Lot Numbers: 2S129A001650/2S129A001651, 2S129B001800).

C. Review Type: Type III Conditional Use Permit/Type II Site Plan Review

D. Public Notice: Notice of the application was provided in accordance with section 16.72.020 of the Sherwood Zoning and Community Development Code (SZCDC) as follows: initial notice was mailed to property owners within 1,000 feet, distributed in five (5) locations throughout the City and posted on the property on or before October 30, 2026. Notice of the application was published in a local newspaper (The Times) on October 30, 2026, and November 13, 2026.

E. Review Criteria: Sherwood Zoning and Community Development Code: Chapter 16.70 – General Provisions; Chapter 16.72 – Procedures for Processing Development Permits; Chapter 16.31 – Industrial Land Use Districts; Chapter 16.58 – Vision Clearance and Fence Standards; Chapter 16.82 – Conditional Uses; Chapter 16.90 - Site Plan Review; Chapter 16.94 – Off-Street Parking and Loading; Chapter 16.96 - On-Site Circulation; Chapter 16.98 – On-Site Storage; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers; Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.140 – Parks, Trees, and Open Spaces; Chapter 16.144 – Noise; Chapter 16.146 – Vibrations; Chapter – 16.148 Air Quality; Chapter 16.150 – Odors; Chapter – 15.152 – Heat and Glare.

F. Background of proposal:
In May of 2025, Washington County approved a permit (Case file number L2400314-SU/D) to establish a battery energy storage system facility on a project site approximately 75 acres in size and located just outside of the city limits of Sherwood. The parcel is located north of the Home Depot site, located at 20260 SW Pacific Highway.

The proposed project within the City of Sherwood will allow the approved battery energy storage system facility to connect to the existing Portland General Electric (PGE) Sherwood substation. The proposed scope of work within the City of Sherwood includes replacing existing PGE poles at approximately 60 feet tall with five new metal monopoles up to 140 feet tall, to accommodate approximately 1,200 feet of 230 kilovolt (kV) generation tie (gen-tie) line along with PGE's existing 115 kV line. The proposed gen-tie interconnection will allow the approved battery energy storage system facility to provide service to the regional electric grid by receiving energy (charging) from the Sherwood substation, storing energy on the site, and then later delivering energy (discharging) back to the point of interconnection when needed.

G. Existing Conditions: The subject parcel is currently developed with a Portland General Electric substation.

H. Surrounding Land Uses and Zoning:
- West: Vacant - Office Commercial – OC
- South: Storage facility - General Commercial – GC / Light Industrial - LI
- East: PGE administration office - Light Industrial – LI / Exclusive Farm Use District (Washington County)
- North: Commercial development - Light Industrial – LI

I. Current Zoning: Light Industrial – LI

II. AFFECTED AGENCY AND PUBLIC COMMENTS

A. Notice of the application and request for comments was sent to affected agencies via email on October 14, 2026. A full list of the agencies / staff receiving the routing email is included as **Attachment E**. The following responses were received:

1. City of Sherwood Engineering Department: The Sherwood Engineering Department provided comments dated November 5, 2026. Comments are included in the Division VI - Public Infrastructure section of this report and are included as **Attachment B.** Comments are regarding Transportation and Grading and Erosion Control.

2. Clean Water Services (CWS): A CWS memorandum dated November 2, 2026, stated that a CWS Storm Water Connection Permit Authorization must

be obtained. Comments are included in the Division IV – Staff Recommendation and Conditions of Approval section of this report and are included as **Attachment C.**

3. Pride Disposal: Correspondence, dated September 9, 2026, indicated that Pride Disposal did not have any comments/concerns regarding the proposal due to the lack of garbage needs in the city. This correspondence is included under **Attachment D.**

4. Tualatin Valley Fire and Rescue: Correspondence, dated August 26, 2026, indicated that the scope of work with the city limits does not rise to the level that requires review from the fire department. This correspondence is included under **Attachment F**.

5. Portland General Electric: Correspondence, dated September 30, 2026, references a PGE security letter. This letter is included with the email correspondence under **Attachment I**.

6. BPA: Correspondence, dated October 14, 2026, references a BPA easement southwest of the project site. The email correspondence is included under **Attachment J**.

B. Public Comments
The Planning Department received five public comments at the time of writing this staff report. Comments from the community are welcome up to the close of the public hearing. The public comment is included under **Attachment G**.

III. APPLICABLE CODE PROVISIONS

Note – three asterisks (***) Indicates code has been omitted because it is not applicable.

Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS
16.72.010 - Generally

A. Classifications. Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all ministerial, administrative, and quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

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3. Type II
The following quasi-judicial actions shall be subject to a Type II review process:

c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area

4. Type III.
The following quasi-judicial actions shall be subject to a Type III review process:

a. Conditional Uses.

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B. Hearing and Appeal Authority

1. The Hearing and Appeal Authorities shall be as follows:

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d. The Type III Hearing Authority is the Hearings Officer, and the Appeal Authority is the Planning Commission.

1) The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

2) Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.

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FINDING: Consistent with Sherwood's Zoning and Community Development Code, the application is categorized under a Type II Site Plan Review and Type III Conditional Use Permit (CUP). The applications are being processed together pursuant to SMC 16.72.010(B)(3).

The applicant is requesting to install up to five utility poles over 50-feet in height which requires a conditional use permit pursuant to SMC 16.62.020. A Type II Site Plan Review is required for changes to the PGE substation site and ground disturbance along the transmission corridor to implement standards under Division V Community Design (vehicle access, loading, etc.) and Division VIII Environmental Resources (trees, wetlands, etc.)

An initial hearing before the designated Hearings Officer is scheduled for November 19, 2026, following public notice in accordance with Sections 16.72.020 through 16.72.080. Any person who testifies before the Hearings Officer or submits written comments prior to the close of the record may appeal the Hearings Officers decision.

As presented, these criterions are met.

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS
16.31.010 – Purpose

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C. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission..

16.31.020 – Uses

Uses	LI
Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards	**P**

FINDING: The proposed use of the PGE substation site includes the installation of up to four utility poles to accommodate a 230kV high voltage transmission line in addition to 115 kV lines for PGE. Across the street from the PGE substation site the land is also owned by PGE, addressed as 20680 SW Langer Farms Parkway. Here, the applicant is requesting to install one utility pole within city limits. The poles are part of a continued overhead powerline connecting the battery energy storage facility, located outside the city limits of Sherwood, to the PGE substation.

Public and private utility structures, including electric substations, are a permitted use in the LI zoning district, however, structures exceeding the height limit of the zone require a conditional use permit.

The findings above do not relate to the off-site battery energy storage facility, and this report does not address whether battery energy storage systems are a permitted use in the zone or elsewhere in the City.

As presented, this criterion is met.

16.31.030 - Development Standards

B. Development Standards

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

Development Standards by Zone	GI Zone
Lot area – industrial uses:	**20,000 SF**
Lot area - commercial uses (subject to Section 16.31.050):	**20,000 SF**
Lot width at front property line:	**100 ft**
Lot width at building line:	**100 ft**
Front yard setback[11]	**None**
Side yard setback[10]	
Rear yard setback[11]	
Corner lot Street Side[11]	
Height[11]	**50 ft**

[10] When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

[11] Structures located within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

FINDING: The proposed utility poles exceed the maximum height of 50 feet and require a Conditional Use Permit pursuant to Section 16.62.020 of the Sherwood Zoning and Community Development Code. The application requests to replace existing PGE

poles, with a height of approximately 60 feet, and increase the height of the five new utility poles up to 140 feet. The increase in height is allowed per the Sherwood Zoning and Community Development Code section 16.62.020.

No alterations to the existing on-site structures or lot dimensions are proposed with this application. No residential or public parks directly abut the property, nor is the structure located within one hundred (100) feet of a residential zone; therefore, these criteria are satisfied.

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16.31.080 - Floodplain
Except as otherwise provided, Section 16.134.020 shall apply.

FINDING: Based on the City of Sherwood's floodplain mapping, no floodplains are located on or abutting the project site; therefore, this standard is not applicable.

Chapter 16.82 - CONDITIONAL USES
16.82.010 - Generally

A. Authorization

Uses permitted in zoning districts as conditional uses may be established, enlarged, or altered by authorization of the Commission in accordance with the standards and procedures established in this Chapter. If the site or other conditions are found to be inappropriate for the use requested, the Commission or Hearings Officer (cited below as Hearing Authority) may deny the conditional use.

FINDING: The applicant submitted materials requesting approval of a conditional use permit (CUP) for the installation of five utility poles that exceed the maximum height of 50 feet in the LI zoning district. Based on the applicant's request, this code chapter is applicable.

It is worth noting that the applicant's revised narrative, dated October 2026, on page 6, states that the code allows structures over 50 feet in this district through the conditional use process. The above code section states that conditional uses "may be" established. This is important as an applicant can request a conditional use for a particular zone, such as increasing the height, approval of the request is subject to the standards established in Chapter 16.82. Eligibility to request a conditional use does not create an entitlement to approval. The scope of discretion depends on the particular ordinance. *Anderson v. Peden*, 284 Or 313, 587 P2d 59 (1978).

16.82.020 - Permit Approval

A. Hearing Authority Action

1. **The Hearings Authority shall conduct a public hearing pursuant to Chapter 16.72 and take action to approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearings Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan, or the Code. The decision shall include appropriate findings of fact as required by this Section, and an effective date.**
2. **Conditional uses may be approved at the hearing for a larger development (i.e. business campus or industrial park), to include future tenants of such development, if the range of uses allowed as conditional uses are considered, and specifically approved, at the time of original application.**

FINDING: All applicable criterion related to a Type III Conditional Use Permit are addressed throughout this staff report. Additional conditions may be imposed by the Hearings Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan (TSP), or Title 16 – Sherwood Zoning and Community Development Code.

As presented, the above criterion is met.

B. Final Site Plan
Upon approval of a conditional use by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Section 16.90. The final site plan shall include any revisions or other features or conditions required by the Hearing Authority at the time of the approval of the conditional use.

FINDING: The Hearings Officer will conduct a public hearing on November 19, 2026, where the hearing authority will take action to approve, approve with conditions, or deny the application. As required above, prior to the issuance of a building permit, the applicant will be required to update the site plan in accordance with staff's recommendations.

This standard is met.

C. Use Criteria
No conditional use shall be granted unless each of the following is found: (Note: Criteria 7 and 8 under this section are not applicable to the requested conditional use)

1. **All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation facilities, and services, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of**

improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.

FINDING: The proposed location of the utility poles will be accessed via an existing gravel driveway located on the PGE substation site. For the pole proposed across the street from the PGE substation, an existing driveway is located off SW Langer Farms Parkway providing access to the area of the proposed utility pole location. No other public facilities or services are required to accommodate the increased height of the utility poles.

2. **Proposed use conforms to other standards of the applicable zone and is compatible with abutting land uses in regard to noise generation and public safety.**

FINDING: The proposed development of five utility poles exceeding the maximum height of 50 feet conform to the other applicable LI zoning district standards regarding noise generation and public safety. High voltage electric transmission lines can create noise impacts. The applicant has submitted an Electromagnetic Field Study (EMF) dated August 2026. The study concludes the audible noise generated by the high voltage transmission lines is below the allowable maximum daytime and nighttime hours per Oregon Administrative Rules (OAR) section 340-035-0035 – Noise Control Regulations for Industry and Commerce.

3. **The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.**

FINDING: The applicant is proposing five new utility poles at an approximate height of 140 ft. in the Light Industrial zone.

As discussed in the findings below and throughout this, the City finds that the proposed 140 ft. tall poles do not achieve the goals and policies of the Comprehensive Plan or the development code. However, the project can be completed by undergrounding the gen-tie line with the exception of new riser poles in the vicinity of the substation. Where the code requires a conditional use to meet or be consistent with the comprehensive plan, the relevant plan policies operate as approval criteria. *Friends of the Hood River Waterfront v. City of Hood River*, 67 Or LUBA 179 (2013); *Save Our Skyline v. City of Bend*, 48 Or LUBA 192 (2004)."

The unconditioned proposal of five monopoles up to 140 feet tall does not achieve the goals and policies of the Comprehensive Plan, including the gateway and visual-character objectives of the Adams Avenue North Concept Plan and Policies 4.4, 4.6, and 4.10 of the Healthy and Valued Ecosystems chapter. The project can, however, be

approved by undergrounding the gen-tie line within Sherwood city limits, with the exception of limited riser poles (maximum height 100 feet) at the point of interconnection.

Comprehensive Plan and Adopted Policies

Adams Avenue North Concept Plan

The proposed gen-tie facilities are located in the City of Sherwood's Adams Avenue North Concept Plan area, which was adopted as part of the Comprehensive Plan in 2009 via Ordinance 2009-009. The plan identifies this area as an entrance to Sherwood and a major route to Sherwood's historic Old Town district. The plan objectives emphasize gateway identity, attractive development, trails, open space, and coordinated urban development. The plan states "the area serves as an important transportation connection and as an eventual new gateway to the City as people leave the highway and enter the City limits at the north end of the project area."

Since the plan was adopted, SW Langer Farms Parkway was constructed, and the area is now serving as a gateway for visitors and residents from Highway 99W to the City's commercial and civic centers.

Five monopoles up to 140 feet tall and associated overhead conductors would create a substantial and lasting visual feature that cannot be effectively screened through ground-level landscaping. Undergrounding would provide the needed utility connection while avoiding the project's principal adverse visual effect, preserving the corridor's intended gateway character, and reducing conflicts with future urban development.

The City acknowledges the existing above-ground utility infrastructure in the area, however, the existence of those facilities does not support a finding that additional above-ground utility impacts over the height limit of the zone are appropriate. The current condition represents an existing circumstance rather than a desired outcome and the approval criteria should not be interpreted to allow incremental degradation of visual character because similar impacts are already present. Undergrounding utilities would lessen existing visual impacts and is more consistent with the objective of the City's adopted policies for the area.

The absence of an express prohibition on overhead transmission lines does not dispense with the obligation to address applicable comprehensive-plan policies protecting scenic or gateway character. A general finding of overall plan consistency does not cure the need for that analysis. *Save Stafford Road v. Clackamas County*, 352 Or App 770 (2026). Existing above-ground utility infrastructure does not, by itself, establish that additional tall poles are appropriate under the applicable standards. *Citizens for Environmentally Responsible Development v. City of Beaverton*, LUBA No. 2003-076 (Sept. 16, 2003).

In addition to being compatible with a city gateway, undergrounding the gen-tie line would also eliminate avian collision risk from the city segment, providing a better environmental outcome than overhead construction with bird diverters. Accordingly, undergrounding is the design alternative that best advances the City's adopted policies concerning community identity, visual character, coordinated urbanization, natural-resource stewardship, and connected wildlife habitat.

Comprehensive Plan - Governance and Growth Management
Goal 3 – "*Ensure that the rate, amount, type location and cost of new development will preserve and enhance Sherwood's quality of life so that it is accessible to all community members*".

Policy 3.1 – "*Maintain a Comprehensive Plan comprised of coordinated and interrelated components developed with guidance from the community-wide vision so that the consistent implementing tools further the aspirations of the Plan and, subsequently, the vision in day-to-day land use decisions and actions"*

The Adams Avenue North Concept Plan is intended to guide development decisions within the plan area, including on the subject properties. The plan was adopted with guidance from the community and is to be used when implementing the development code and within land use decisions. Since its adoption, the City has implemented the public facilities portion of the plan by construction SW Langer Farms Parkway (previously Adams Ave), connecting Highway 99W to SW Oregon Street.

While the proposed overhead alignment would provide the necessary utility connection, undergrounding would accomplish the same functional purpose while substantially reducing visual impacts, avoiding wildlife impacts associated with overhead conductors, and better integrating utility infrastructure into the area's planned urban development pattern. The City finds that undergrounding the gen-tie line, with the exception of the required riser poles, will better meet Goal 3 and Policy 3.1 of the Governance and Growth Management chapter of the Comprehensive Plan.

Comprehensive Plan – Healthy and Valued Ecosystems
Goal 4 - *"Promote natural resources as a shared and critical community asset by being good stewards of Sherwood's natural resources, ecosystems, and urban forest and protecting and enhancing their function, quality, and diversity."*

Policy 4.4 "*Protect and enhance natural areas including wildlife corridors through a combination of programs that involve development regulations, mitigation of impacts on resource sites, conservation easements, and educational efforts*."

Policy 4.6 *"Support site development and design practices that encourage 'design with nature' by incorporating and promoting natural ecosystem elements, including the planting of native trees and vegetation, minimizing effects on natural resources, and*

avoiding the degradation or loss of wetland, watershed, habitat and ecosystem services."

Policy 4.10 *"Establish, restore, and maintain a network of connected wildlife habitat corridors that facilitate access and movement for species between habitat areas."*

The development project is located near the Tualatin River National Wildlife Refuge, which functions as regional habitat that attracts and supports wildlife populations from well beyond the boundaries of the refuge itself. The refuge and surrounding lands form an interconnected wildlife corridor, providing important habitat connectivity and movement opportunities for species throughout the broader landscape, not just within individual property boundaries. As such, development on neighboring properties have the ability to affect the wildlife corridor and degrade or support its habitat value.

The City finds that undergrounding the portion of the gen-tie line located within Sherwood city limits would more fully implement Comprehensive Plan Policies 4.4, 4.6, and 4.10 than the proposed overhead design. The applicant's materials acknowledge that overhead transmission facilities create potential avian collision risk and therefore propose bird diverters as mitigation to increase conductor visibility and reduce the likelihood of bird strikes.

The applicant's avian collision risk assessment concludes that impacts are expected to be minimal because the project would be located within an existing utility corridor and because birds in the area are already accustomed to overhead electrical facilities. However, the proposed mitigation measures are intended to reduce impacts rather than eliminate them. Undergrounding would avoid the collision hazard entirely within the city segment by removing overhead conductors from the airspace used by birds and other wildlife.

The City's adopted Comprehensive Plan emphasizes protection and enhancement of wildlife corridors, habitat connectivity, and ecosystem functions. While the applicant has demonstrated that the overhead proposal may have limited impacts and has offered low-cost mitigation measures, undergrounding represents a more effective environmental outcome because it avoids the impact source altogether, eliminates avian collision potential within the undergrounded segment, and better maintains unobstructed wildlife movement between habitat areas. Accordingly, the City finds that undergrounding more effectively advances Policy 4.4's direction to protect and enhance wildlife corridors, Policy 4.6's direction to minimize effects on habitat and ecosystem services through design practices that avoid resource impacts, and Policy 4.10's direction to maintain connected wildlife corridors that facilitate access and movement between habitat areas.

<u>Comprehensive Plan – Coordinated and Connected Infrastructure</u>
Goal 4: "*Ensure reliable, safe, affordable and adequate public facilities to meet Sherwood's existing and future needs*."

Goal 5: "*Work with partner agencies to coordinate service delivery including but not limited to stormwater, water, electric, natural gas, broadband, and waste management*"

Policy 5.4 "*Collaborate with governmental and private agencies engaged in climate change and energy conservation efforts and seek ways to expand its role and influence in achieving more efficient use of energy resources by*:

- Developing and implementing an Energy Conservation Plan.

- Ensuring responsive development code and standards that reflect emerging trends for addressing energy and climate change challenges and opportunities."

The applicant's narrative references the goals and policies above to support the proposed transmission improvements. The City agrees that the proposed gen-tie line serves an important public utility function and that the project is intended to improve electrical infrastructure connecting to the regional transmission system. However, neither Goal 4 nor Goal 5 prescribes a specific construction method or requires that electrical facilities be located above ground. Rather, these policies focus on the provision of reliable utility service and coordination with utility providers. Those objectives can be achieved through either overhead or underground facilities. As a result, compliance with Goals 4 and 5 does not depend upon approval of the applicant's preferred overhead design, and the City may consider whether an underground alternative would provide the same utility service while better advancing other Comprehensive Plan objectives related to community character, visual quality, gateway design, wildlife protection, and environmental stewardship.

The City finds that undergrounding the gen-tie line within city limits better implements the Comprehensive Plan when its policies are considered together. Undergrounding would provide the necessary electrical connection while reducing permanent visual impacts in the Adams Avenue gateway area, improving compatibility with future development, avoiding avian collision risk near the Tualatin River National Wildlife Refuge, and supporting the Plan's direction to protect wildlife corridors and minimize effects on natural resources.

The City acknowledges that riser poles or similar transition structures over 50 ft. tall may be necessary to bring the underground line above ground for the final connection to the PGE Sherwood Substation. Concentrating above ground structures near the point of interconnection would substantially reduce the number, height, and geographic extent of aboveground facilities.

This approach would continue to provide reliable and adequate electrical infrastructure while more fully advancing the City's adopted policies concerning community design, visual character, coordinated growth, and environmental stewardship.

Condition B.1: The applicant shall submit updated plans showing the 230kV gen-tie line underground within the City of Sherwood, with the exception the required riser poles within or adjacent to the existing PGE substation, up to a maximum height of 100 ft. The revised plans shall include any associated riser poles to interconnect the gen-tie line with the PGE substation, security fencing, parking space and access driveway.

4. **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.**

FINDING: The City finds that construction of the gen-tie line as an underground facility within Sherwood city limits better satisfies this criterion than the proposed overhead design. Surrounding properties include a mix of industrial and commercial properties, as well as the Tualatin River National Wildlife Refuge. The proposed overhead design would introduce utility poles up to 140 feet in height and associated conductors into a highly visible gateway area identified by the City as an entrance to Sherwood. While the applicant proposes landscaping and bird diverters to mitigate impacts associated with overhead transmission facilities, those measures primarily reduce visual and wildlife impacts rather than avoid them. The resulting visual impacts would be permanent and would affect the character of the surrounding area, including views from public streets, future development sites, and adjacent properties.

Undergrounding the gen-tie line would substantially reduce these impacts by eliminating most of the aboveground transmission facilities within city limits while still allowing the project to connect to the existing PGE Sherwood Substation. Any remaining riser poles or transition structures necessary to complete the final connection could be concentrated near the substation, thereby limiting their visibility and reducing their effect on the surrounding area. Undergrounding would also eliminate avian collision risk associated with overhead lines within the undergrounded segment, an impact the applicant otherwise proposes to mitigate through the installation of bird diverters. The City finds that avoidance of these impacts through undergrounding represents a more effective form of mitigation than landscaping and bird diverters alone.

Accordingly, the City finds that surrounding properties, the neighborhood, and the City would be adversely affected by the proposed development, but that if the gen-tie line is placed underground within city limits, those adverse impacts would be sufficiently mitigated. The utility function of the project would remain intact while visual, wildlife, and community-character impacts would be substantially reduced.

With the recommended condition to place the gen-tie line underground and landscaping condition in place, this criterion is met.

5. **The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.**

FINDING: The proposed utility infrastructure will be located on the PGE substation site. The substation site is approximately 22 acres in size and generally level. There are no topographic or natural features that would prevent the installation of underground utilities or associated riser poles.

6. **The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.**

FINDING: Requiring the placement of the 230kV transmission line underground limits the potential impacts to sensitive wildlife species and the natural environment by reducing the need for additional poles exceeding the 50 foot height limit within the city limits. Staff acknowledges the applicant's proposal to include flight diverters with the proposed overhead transmission line design. However, placing the transmission line underground will further reduce the risk for potential collisions.

With the recommended condition to place the gen-tie line underground condition, this criterion is met.

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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:

1. **Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.**

FINDING: As conditioned, the scope of work proposed on the PGE substation site does not require any increases to the standards listed in this section.

2. **Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.**

FINDING: As conditioned, the revised project does not necessitate improvement on any public facilities. The PGE substation is served by a public street, SW Langer Farms

Parkway. Public Works Engineering staff did not note any required improvements associated with the proposed project.

3. **Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.**

FINDING: The scope of work, as conditioned on the PGE substation site, does not require any increases to the standards listed in this section.

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.**

FINDING: Staff is recommending the proposed 230 kV gen-tie line be installed underground within city limits. Based on the recommended condition to underground the gen-tie line, if any associated riser/utility poles are required to connect the underground gen-tie line to the PGE substation and the riser/utility pole exceeds 50 feet in height the following landscaping conditional is recommended to address the increased height of the riser/utility poles:

Condition B.2: Submit a revised landscape and irrigation plan to city staff for review and approval. The landscape plan shall include a minimum 15,000 square feet of landscaping concentrated within approximately 250 feet (+/-) of the proposed riser poles and outside PGE's 25-foot clear zone. To the extent feasible, the landscaping shall consist of a combination of ground cover, bushes and trees to create a continuous visual landscape buffer. The types of plantings may be modified if aerial and/or underground utilities limit or prohibit specific types of landscaping. The irrigation plan shall be designed in accordance with section 16.92.040.C.

The above recommended condition B.2 is consistent with findings and conditions for a recently approved underground gen-tie project, permit 785-26-000057-PLNG, approved in October of 2026.

The preliminary landscaping plan proposed by the applicant (included under Attachment A, Appendix J in the application materials) includes a continuous 15-foot wide swath of landscaping with a mix of trees, shrubs and ground cover. Staff is recommending a condition, condition B.2, to address the potential height increase of required riser/utility poles on the substation site. The landscaping shown in Appendix J can fulfill a portion of that requirement if the riser/utility poles exceed 50 feet in height, necessitating the condition.

Another project installing underground gen-tie lines, Meadowlark, recently received approval from the city under permit 785-26-000057-PLNG. A condition of approval for that project required landscaping around the riser poles and along a portion of SW Langer Farms Parkway, similar to recommended condition B.2 of this permit. If the

Meadowlark project moves forward, the landscaping required along SW Langer Farms Parkway under condition B.2 may be modified to reflect the landscaping requirements of the Meadowlark project.

5. **Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.**

FINDING: As conditioned, the scope of work proposed on the PGE substation site will require a final site plan. A recommended condition of approval has been added to this permit.

6. **Limiting the number, size, location, height and lighting of signs.**

FINDING: As conditioned, the scope of work on the PGE substation site does not require any signs.

7. **Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.**

FINDING: As conditioned, the scope of work on the PGE substation site does not require any protection or preservation of the items listed in this section.

8. **Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.**

FINDING: As conditioned, the scope of work on the PGE substation site does not require any additional design features to minimize potentially harmful environmental impacts.

9. **Requirements for the design of the project in consideration of the best interests of the surrounding properties.**

FINDING: The Tualatin River National Wildlife Refuge is located to the north and east of the location of the proposed monopoles. The closest property within the refuge is located approximately 1,000 feet east of the PGE substation. The refuge and associated bird habitat is an important feature for the City of Sherwood. The city's logo notes that Sherwood is the home to the Tualatin River National Wildlife Refuge. The value the refuge provides and what it represents to the community was noted during the applicant's neighborhood meeting (Attachment A, Appendix D).

Based on City's adopted Comprehensive Plan policies, the concerns raised from the public related to those policies, and the importance of the refuge to the City of Sherwood, staff recommends the proposed gen-tie line be placed underground for that

portion of the transmission line within city limits. Undergrounding would be in the best interest of the surrounding property, including the wildlife refuge, as it would minimize long-term impacts to sensitive wildlife and wildlife movement.

This criterion is met with Condition B.1.

10. Requirements for the design of the project in consideration of the best interests of the City as a whole.

FINDING: The project site under review is located within the Adams Avenue North Concept Plan area. As mentioned above, the Adams Avenue North Concept Plan is a guide to development of 55.5 acres southeast of Highway 99W and north of Tualatin-Sherwood Road.

The Concept Plan and associated map (Attachment H) include project goals and objectives. One of the objectives is for the area to act as a gateway. The following objective is included in the plan:

> *The area will act as an entrance to Sherwood and eventually a major route to Old Town. The area has the potential to act as a gateway for the community.*

The area around the PGE substation has existing overhead transmission lines serving the substation site. Tall monopoles or lattice towers, generally over 100 feet tall, are associated with the overhead transmission lines. The existing monopoles and lattice towers, while necessary for the substation to operate, create a negative visual impact on the surrounding area. With one of the objectives of the Adams Avenue North Concept Plan to have this area act as an entrance to Sherwood and Old Town, introducing taller monopoles further erodes the intention for this area to act as an entrance feature. Therefore, staff is recommending the gen-tie line be installed underground within the city limits. Placing the gen-tie line underground will permit the battery energy storage facility to operate and interconnect with the substation will mitigate the negative visual impacts associated with tall monopoles in the area.

This criterion is satisfied by Condition B.1.

E. Time Limits
Unless approved under Section 16.82.020.A.2 for a larger development to include future tenants of such development, authorization of a conditional use shall be void after two (2) years or such lesser time as the approval may specify unless substantial construction, in the City's determination, has taken place. The Hearing Authority may extend authorization for an additional period, not to exceed one (1) year, upon a written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

F. Revocation

Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits. Furthermore, if, in the City's determination, a condition or conditions of CUP approval are not or cannot be satisfied, the CUP approval, or building and occupancy permits, shall be revoked.

FINDING: The proposed conditional use is subject to the time limits and revocation standards, as conditioned below:

Condition A.1: Approval and authorization of the conditional use and site plan review shall be valid for only two (2) years from the date of the Notice of Decision (785-26-000087-PLNG), unless substantial construction in the City's determination has taken place. A one (1) year extension may be granted by the City upon written request from the applicant showing adequate cause for such extension.

Condition A.2: Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits. Furthermore, if, in the City's determination, a condition or conditions of CUP approval are not or cannot be satisfied, the CUP approval, or building and occupancy permits, shall be revoked.

As conditioned, these criterions are met.

Chapter 16.90 – SITE PLANNING

16.90.010 - Purpose

Site planning review is intended to:

A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.

B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:

1. **The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.**
2. **Vehicular and pedestrian ways and parking areas.**
3. **Existing or proposed alteration of natural topographic features, vegetation and water-ways.**

16.90.020 Site Plan Review

D. Required Findings

No Site Plan approval will be granted unless each of the following is found:

1. **The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.**

FINDING: As part of the site plan review portion 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. Under this framework, the following code sections are analyzed with associated conditions of approval. These conditions are based on staff's findings under the discretion of the conditional use permit section of the code to recommend the 230 kV gen-tie line be located underground within the city limits of Sherwood.

DIVISION V

16.94.010 General Requirements

G. Surface and Drainage

1.All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.

FINDING: The preliminary landscape plans identify an existing gravel driveway on the east side of the PGE substation site. If the applicant intends to utilize this driveway or an alternative driveway to access the required off-street parking space for on-going maintenance of the gen-tie connection to the substation, the surface of the driveway will need to meet the required surface standards of this code section. Therefore, staff recommends a condition that any driveway serving the off-street parking space meet current surface standards of section 16.94.010.G.

Condition B.1 (Note): The driveway serving the off-street parking space shall meet the surface standards required in section 16.94.010.G.

16.94.020 – Off-Street Parking Standards

A. Generally

The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

FINDING: The application notes that following construction of the gen-tie line the facilities will be remotely monitored and only occasionally visited for inspection and maintenance. Off-street parking is required to accommodate the inspection and maintenance visits. The code provides planning staff with the authority to determine alternate off-street parking requirements. Based on the uses listed in Table 1 of Section

16.94.020.A, staff recommends installing one off-street parking space for maintenance and inspection purposes. Staff based this requirement off the warehouse use category as no category for utility sites is included in the table.

16.96.040 - General Requirements for On-Site Vehicle Circulation

1. **Maintenance. No building permit or other City permit shall be issued until plans for vehicle ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress, or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.**

FINDING: Based on staff's recommendation to underground the 230 kV gen-tie line, the applicant will need to identify the access from SW Langer Farms Parkway to the gen-tie connection point on the PGE substation site. The PGE substation has an existing driveway entrance from SW Langer Farms Parkway. The applicant may choose to use the existing driveway or propose an alternative driveway.

On-going maintenance of the existing access driveway will be the responsibility of the property owner. Violation of the above criteria will result in Code Enforcement action; therefore, these criteria are satisfied.

Condition A.5: The property owner shall be responsible for the maintenance and repair of all on-site vehicle circulation areas located on the subject parcel, pursuant to Chapter 16.96.040.D.

16.96.060 – Minimum Non-Residential Vehicle Circulation Standards
Minimum standards for private, on-site circulation improvements in non-residential developments:

A. Driveways

2.Industrial: Improved hard surfaced driveways are required as follows:

FINDING: The code section above requires industrial developments to have improved hard surfaced driveways serving the associated off-street parking space. As discussed above, the project will require one off-street parking space based on staff's review of section 16.94.020.A. With one off-street parking space required, the driveway serving the parking space must be improved with a hard surface, meeting this code standard.

16.98.020 - Solid Waste and Recycling Storage
All uses shall provide solid waste and recycling storage receptacles which are adequately sized to accommodate all solid waste generated on site. All solid waste and recycling storage areas and receptacles shall be located out of public view. Solid waste and recycling receptacles for multi-family, commercial, industrial, and institutional uses shall be screened by six (6) foot high sight-

obscuring fence or masonry wall and shall be easily accessible to collection vehicles.

FINDING: The proposed project scope within the City of Sherwood will not create any on-going solid waste or recycling needs. Therefore, the above code section is not applicable.

DIVISION VI

Chapter 16.110 - SANITARY SEWERS
Chapter 16.112 - WATER SUPPLY

FINDING: The application was reviewed by City of Sherwood Engineering staff for compliance with applicable criteria, and found no impact, mitigation, or other measures will be required for the proposed project. As presented, the above criteria are met.

Chapter 16.114 - STORM WATER
16.114.010 - Required Improvements
Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement.

FINDING: The application was reviewed by City of Sherwood Engineering staff for compliance with applicable criteria. Staff commented that if the total amount of disturbed area for the project (within city and county) exceeds 1 acre, then a DEQ NPDES 1200CN permit is required. Ground disturbance in excess of 500 square feet requires a city grading and erosion control permit. These comments have been included as recommended conditions of approval.

Clean Water Services staff provided comments in a memo dated November 2, 2026. Their comments state that prior to any work on the site a Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained. Application for CWS Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 19-5 as amended by R&O 19-22, or prior standards as meeting the implementation policy of R&O 18-28. Information to include in the permit is provided in the November 2, 2026, memo. Planning staff has included these comments as a recommended condition of approval.

Condition C.1: Prior to Issuance of a Right-of-Way permit, the subject development shall obtain a DEQ NPDES 1200CN permit if the total amount of disturbed area (city and county) exceeds 1 acre but less than 5 acres or a DEQ NPDES 1200C permit if 5 acres and over.

Condition C.2: Prior to Issuance of a Right-of-Way permit, the subject development shall obtain a Sherwood grading and erosion control permit if the total amount of disturbed area within city limits exceeds 500 square feet.

Condition C.3: Prior to work on the site a Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained.

16.116.010 - Required Improvements
When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

FINDING: Tualatin Valley Fire and Rescue (TVF&R) provided staff with an email comment dated August 26, 2026 (Attachment F). The email, from Jason Arn, Deputy Fire Marshal, stated that the scope of the project within Sherwood does not rise to the level that requires review from TVF&R. Therefore, the above criterion is not applicable.

16.118.030 - Underground Facilities
Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.

FINDING: SZCDC 16.118.040 provides that utility transmission lines operating at fifty thousand (50,000) volts or more may be located above ground. The proposed 230 kV and existing 115 kV lines fall within this exception. The City does not deem the full overhead design acceptable under the residual language of 16.118.030 in light of the CUP criteria and Comprehensive Plan policies. The undergrounding condition rests primarily on SZCDC 16.82.020.C.3, C.4, and C.6 and the additional-conditions authority in 16.82.020.D. The overhead-line exception in SZCDC 16.118.040 does not end the CUP analysis under 16.82.020.C.3, C.4, and C.6. *Save Strafford Road v. Clackamas County*, 352 Or App 770 (2026).

The applicant has provided an Alternatives Analysis report that discusses design options considered for the Gen-Tie line within city limits. The report establishes evaluation criteria and includes a discussion of issues associated with undergrounding the gen-tie line. These include:

- Require a trench or duct-bank system, vaults, transition facilities (dead-end poles and riser), and associated access

- Could create additional conflicts involving utility crossings, required separation, existing foundations, access, and existing or planned subsurface infrastructure
- Emergency repairs would require excavation to repair, potentially causing prolonged outages
- Undergrounding the new 230 kV line would not eliminate the need to make future upgrades to the existing 115 kV overhead system

The Alternative Analysis concludes with the following:

"Alternative overhead routes and an alternative underground route were ruled out because these options fail to preserve or minimize impacts to existing PGE infrastructure. Accordingly, the proposed route best satisfies this criterion because it incorporates the new gen-tie into an existing utility alignment while minimizing unnecessary modifications and conflicts with existing PGE infrastructure, thus minimizing impacts to the system."

The applicant's analysis identifies the preferred route as technically feasible and efficient, but does not identify a specific engineering constraint that makes undergrounding impractical. There is no quantified analysis that underground construction cannot meet electrical capacity, reliability, clearance, access, maintenance, thermal, or interconnection requirements. The analysis also does not include a comparative cost estimate, construction schedule, risk matrix, or utility engineering memorandum demonstrating that the underground option would impose exceptional burdens rather than the additional cost and complexity normally associated with high-voltage underground facilities. Higher cost or greater construction complexity does not establish impracticability. *Malinowski Farm v. Metro*, 38 Or LUBA 633 (2000).

The City has also identified two specific issues raised in the Alternatives Analysis which are misleading or incorrect. First, the Alternative Analysis mentions previously approved Meadowlark gen-tie project, permit number 785-26-000057-PLNG. The Meadowlark project included a 230 kV underground line from their facility just east of the Home Depot to the PGE substation. Once on the substation property, the underground lines connected to the substation via three overhead lines supported by riser poles at approximately 55 feet in height. The Hearings Officer approved permit 785-26-000057-PLNG in October of 2026 finding the underground lines complied with this conditional use permit criteria, in part due to meeting the code requirements for underground utilities under Chapter 16.118 of the Sherwood Zoning and Community Development Code.

The applicant notes in the Alternative Analysis report that if the Nottingham gen-tie were also underground, the two gen-tie lines would have to cross as shown in Figure 1, which would effectively de-rate both BESS projects. This statement is incorrect, as the scope of this project and any associated conditions only apply to that portion of the 230 kV line within the city limits of Sherwood. A review of Figure 1 in the Alternative Analysis report shows the location of the Meadowlark underground gen-tie line and the point where the

Nottingham line enters the city limits to be over 150 feet apart. No crossing would occur between the two lines within the city limits. The line can be above ground outside city limits and underground inside city limits, without ever crossing the Meadowlark line underground.

In regards to the stated concern of “derating” the two projects if in proximity, the record contains no thermal analysis, detailed engineering study, or utility loading information quantifying the extent of any such de-rating, identifying the specific facilities affected, or demonstrating that adequate separation distances or other engineering solutions could not address the issue.

Also of note, Figure 1 shows the Meadowlark gen-tie extending on an overhead line approximately 430 feet from Meadowlark’s riser poles outside the security fence of the PGE substation, to the required point of interconnection with the substation. Moving the Nottingham 230 kV line underground to a point north of the Meadowlark riser pole site would require an approximately 250-foot span of overhead wires to the required point of interconnection shown within the substation on Figure 1, indicating feasibility.

The Alternatives Analysis also identifies a permanent facility under Langer Farms Parkway as an issue with the underground design. However, the City recently approved the above mentioned Meadowlark project for a 230kv underground transmission line under Langer Farms Parkway, demonstrating that the design is feasible and the City is able and willing to approve it.

Based on the lack of specificity in the Alternatives Analysis and identified issues with the arguments made therein, staff is recommending the 230 kV line be placed underground within the city limits of Sherwood. This may require riser poles with a height up to 100 feet and associated security fencing, similar to the Meadowlark project approved one month ago, on the PGE substation site. By undergrounding the 230 kV line, the project would comply with this section of the development code and the conditional use permit criteria.

The policy related findings recommending the transmission line be installed underground can be found in the conditional use permit review section of this report.

With staff’s recommendation in place, the placement of the transmission line underground meets the code section above. Based on the city’s Engineering staff review, they are recommending the following conditions:

Condition A.11: Prior to Installation of underground utilities beneath SW Langer Farms Parkway, the developer shall obtain a right-of-way permit from the Sherwood Engineering Department.

Condition C.4: Prior to installation of underground utilities beneath SW Langer Farms Parkway, the applicant shall secure a right-of-way / utility license agreement from the City of Sherwood.

DIVISION VIII

Chapter 16.144 – NOISE
Chapter 16.146 - VIBRATIONS
Chapter 16.148 - AIR QUALITY
Chapter 16.150 - ODORS
Chapter 16.152 - HEAT AND GLARE

FINDING: Due to the recommended undergrounding of the high voltage transmission line, the scope of the proposal is not anticipated to exceed the standards for noise, vibrations, air quality, odors, and heat and glare. No exception to these standards have been requested. The project, as proposed, meets the above criteria.

Condition A.12: The improvements shall conform to the requirements of Sherwood Zoning and Development Code Sections 16.144 (Noise), 16.146 Vibrations, and 16.152 Heat and Glare. The City may require ongoing proof of compliance with these standards and may pursue code enforcement action if violations exist.

2. **The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.**

FINDING: The proposed work will not require any increase in public service demands. The application notes that construction activities will be limited in scope and duration and will utilize the existing utility corridor, access routes, and service infrastructure. All construction-related debris, demolition materials, and any removed or obsolete equipment will be properly collected, transported, and disposed of or recycled at appropriately licensed facilities in accordance with applicable local, state, and federal regulations. Upon completion of the work, the area will be cleared of construction materials, debris, and temporary equipment, and restored to its pre-construction condition. Because the proposed work does not increase development intensity, occupancy, water demand, wastewater generation, stormwater runoff, solid waste generation, or emergency service demand beyond existing conditions, it can be adequately served by existing public services and facilities consistent with the City's Community Development Plan. Therefore, this criterion is met.

3. **Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other onsite features.**

FINDING: The application states that the applicant has obtained consent from PGE to perform the proposed work on PGE owned property. The applicant will perform the proposed work and upon completion PGE will own, maintain, and operate the upgraded electrical infrastructure. Therefore, this criterion is met.

4. **The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.**

FINDING: The proposed work is on land zoned Light Industrial (LI) and already developed for electric utility infrastructure. There are no significant natural features on the PGE parcels that are of concern for ground disturbance. The applicant completed biological surveys and wetland and waters delineation field investigations to evaluate potential impacts to biological and aquatic resources.

The Biological Resources Report concluded that no regulatory protections relating to state- or federally listed species are applicable to the project area. Clean Water Service (CWS) also determined that the proposed work would not significantly impact the existing or potentially sensitive area(s) found near the site. The CWS Sensitive Area Prescreening Site Assessment and Service Provider Letter are included with the application materials.

5. **For developments that are likely to generate more than 400 average daily trips, or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to traffic impact analysis requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.**

FINDING: The application includes the following statements to address this code section:

The proposed work will not generate more than 400 average daily trips. Construction is expected to require approximately 25–30 workers over a period of approximately three months. Once operational, the facilities will be remotely monitored and only occasionally visited for inspection and maintenance. Therefore, no Traffic Impact Analysis is required.

Based on the applicant's response, this criterion is met.

6. Electric Vehicle Conduits

FINDING: This code section does not apply to the project.

7. The proposed commercial, Multi-Family dwelling, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities…

FINDING: This code section does not apply to the project.

7. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings…

FINDING: This code section does not apply to the project.

8. Driveways that are more than twenty-four (24) feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, preexisting development, or leases, easements, or covenants.

FINDING: This code section does not apply to the project.

REPORT SUMMARY:

Staff is recommending the 230 kV transmission line be placed underground within the city limits of Sherwood. This may require riser poles with a height up to 100 feet and associated security fencing on the PGE substation site. In making this recommendation staff has made the following findings as part of this report:

- Consistent with the findings in a recent approval of another 230 kV gen-tie line associated with permit 785-26-000057-PLNG

- Compliance with Chapter 16.118 of the Sherwood Zoning and Community Development Code requiring underground utilities
- Considering the applicant's Alternative Analysis noting, "undergrounding the gen-tie would reduce certain above-ground visual and wildlife impacts…"
- Based on concerns from the public, the importance of the refuge to the City of Sherwood, and previously approved underground gen-tie connection to the PGE substation,
- Considering the Adams Avenue North Concept Plan objectives for the area as an entrance to Sherwood and Old Town and mitigating the negative visual impacts associated with tall monopoles in the area
- Considering the adopted goals and policies of the Sherwood 2040 Comprehensive Plan

The Site Plan Review portion of this report includes code provisions that will need to be met should planning staff's recommendation to install the 230 kV gen-tie line underground be approved.

IV. STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

Based upon review of the applicant's initial submittal information, review of the code, agency comments and consideration of the applicant's resubmittal, staff recommends conditioning the proposed project to underground the 230kV transmission line. Staff acknowledges additional infrastructure may be required such as riser/utility poles in excess of 50 feet but not more than 100 ft., and security fencing may be required. Recommended conditions have been included to address these infrastructure needs.

Staff finds the proposed site plan does not fully comply with the standards but can be conditioned to comply.

Therefore, staff recommends conditional approval of application 785-26-000087-PLNG subject to the following conditions of approval:

A. General Conditions

1. Approval and authorization of the conditional use and site plan review shall be valid for only two (2) years from the date of the Notice of Decision (785-26-000087-PLNG), unless substantial construction in the City's determination has

taken place. A one (1) year extension may be granted by the City upon written request from the applicant showing adequate cause for such extension.
The project is approved for the following:

- Placing an underground 230kV transmission line
- Installing three riser poles at a maximum height of 100 feet in addition to security fencing

2. Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building permits. Furthermore, if, in the City's determination, a condition or conditions of CUP approval are not or cannot be satisfied, the CUP approval, or building permits, shall be revoked.

3. The property owner(s) shall be responsible for the on-going maintenance of the landscaping.

4. Any change that alters or modifies the approved ingress, egress, or circulation for vehicles, without written approval, will result in Code Enforcement action, pursuant to 16.96.040.A.

5. The property owner(s) shall be responsible for the maintenance and repair of all on-site vehicle circulation areas located on the subject parcel, pursuant to Chapter 16.96.040.D.

6. The property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.

7. This approval does not negate the need to obtain permits, as appropriate from other local, state, or federal agencies, even if not specifically required by this decision.

8. Prior to Approval of a Temporary Use Permit, the developer will need to obtain approval from the Sherwood City Engineer and Sherwood Planning Department for the usage of a temporary construction access from SW Langer Farms Parkway driveway access through the portion of the northeastern subject property that lies within the City of Sherwood.

9. Prior to Approval of a Temporary Use Permit, the developer will need to obtain Washington County approval for that portion of the temporary construction access to be installed within the county.

10. Prior to the Expiration of a Temporary Use Permit, the developer will need to remove the portion of the temporary construction access road located within the City of Sherwood city limits and restore the disturbed area back to original condition meeting the approval of the Sherwood Planning Department.

11. Prior to Installation of underground utilities beneath SW Langer Farms Parkway, the developer shall obtain a right-of-way permit from the Sherwood Engineering Department.

12. The improvements shall conform to the requirements of Sherwood Zoning and Development Code Sections 16.144 (Noise), 16.146 Vibrations, and 16.152 Heat and Glare. The City may require ongoing proof of compliance with these standards and may pursue code enforcement action if violations exist.

B. <u>Prior to issuance of a building permit</u>

1. The applicant shall submit updated plans showing the 230kV gen-tie line underground within the City of Sherwood, with the exception the required riser poles within or adjacent to the existing PGE substation, up to a maximum height of 100 ft. The revised plans shall include any associated riser poles to interconnect the gen-tie line with the PGE substation, security fencing, parking space and access driveway.
   Note: The site plan shall show one off-street parking space designed in accordance with Chapter 16.94 – Off-Street Parking and Loading. The driveway serving the off-street parking space shall meet the surface standards required in section 16.94.010.G.

2. Submit a revised landscape and irrigation plan to city staff for review and approval. The landscape plan shall include a minimum 15,000 square feet of landscaping concentrated within approximately 250 feet (+/-) of the proposed riser poles and outside PGE's 25-foot clear zone. To the extent feasible the landscaping shall consist of a combination of ground cover, bushes and trees to create a continuous visual landscape buffer. The types of plantings may be modified if aerial and/or underground utilities limit or prohibit specific types of landscaping. The irrigation plan shall be designed in accordance with section 16.92.040.C.

C. <u>Prior to issuance of a Right-of-Way permit</u>

1. The development shall obtain a DEQ NPDES 1200CN permit if the total amount of disturbed area (city and county) exceeds 1 acre but less than 5 acres or a DEQ NPDES 1200C permit if 5 acres and over.

2. The subject development shall obtain a Sherwood grading and erosion control permit if the total amount of disturbed area within city limits exceeds 500 square feet.

3. Prior to work on the site a Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained.

4. Prior to installation of underground utilities beneath SW Langer Farms Parkway, the applicant shall secure a right-of-way / utility license agreement from the City of Sherwood.

D. Prior to finalizing the building permit

1. Landscaping and irrigation shall be installed per the approved plan.

2. The driveway serving the gen-tie line shall be improved with a permanent hard surface per section 16.94.010.G.

V. ATTACHMENTS

A. Applicant Submittal and Narrative*
- Appendix A – Land Use Application Form
- Appendix B – Maps and Site Plans
- Appendix C – Ownership Information: Title Report and Statutory Warranty Deed
- Appendix D – Neighborhood Meeting Information
- Appendix E – CWS Pre-screening Form
- Appendix F – Visual Simulations
- Appendix G – EMF Study
- Appendix H – Avian Collision Risk Assessment
- Appendix I – Alternative Analysis
- Appendix J – Preliminary Landscape Plan
- Appendix K – Nottingham BESS CUP and Site Plan Approval
- Appendix L – Revised application narrative
- Appendix M - Revised existing conditions map
- Appendix N – Future Road Connectivity Study

B. City of Sherwood Engineering Memorandum dated November 5, 2026
C. Clean Water Services (CWS) memorandum dated November 2, 2026
D. Pride Disposal Correspondence, dated September 9, 2026
E. Public Notice/Request for Agency Comments
F. Tualatin Valley Fire and Rescue Correspondence dated August 26, 2026
G. Public comments
H. Adams Avenue North Concept Plan and map

I. Portland General Electric Correspondence dated September 30, 2026
J. BPA Correspondence dated October 14, 2026