



**MULTNOMAH COUNTY**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.co.multnomah.or.us/landuse>

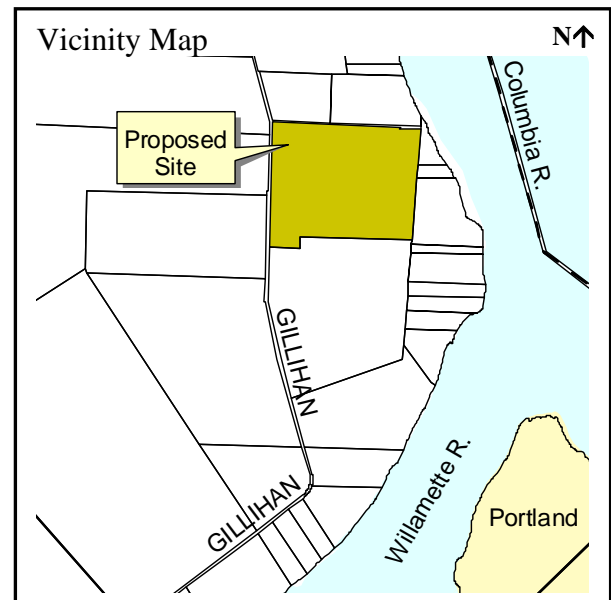
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## NOTICE OF DECISION

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This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

**Case File:** T2-06-118  
**Permit:** Planning Director's Determination,  
Adjustment & Design Review  
**Location:** 18630 NW Gillihan Road  
TL 201, Sec 14, T 2N, R 1W, W.M.  
Tax Account #R64980-0570  
**Applicant:** Olympic Pipeline  
c/o Edward Smith  
**Owner:** Thomas & Sheila Trapold  
**Base  
Zone:** Exclusive Farm Use (EFU)  
**Overlay  
Zone:** Significant Environmental Concern for  
wetlands (SEC-w)



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**Summary:** Olympic Pipeline is requesting permission to install a new motor-operated above ground valve on their 14" petroleum pipeline on the property listed above. The installation of this valve requires the review and approval of a Utility Facility Necessary for Public Service Permit and Design Review approval in the Exclusive Farm Use zone.

**Decision:** Approved with conditions.

Unless appealed, this decision is effective Friday, January 5, 2007, at 4:30 PM.

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Issued by:

By: \_\_\_\_\_  
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Friday, December 22, 2006

**Opportunity to Review the Record:** A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Lisa Estrin, Staff Planner at 503-988-3043 extension 22597.

**Opportunity to Appeal:** This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, January 5, 2007 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC):

*Administration & Procedures* - Chapter 37, particularly MCC 33.0530(B) Type II process, MCC 37.0550 Initiation of Action, MCC 37.0560 Code Compliance

*Exclusive Farm Use* - MCC 34.2625 Review Uses (A) Utility Facilities necessary for public service..., MCC 34.2660 Dimensional Requirements (C) Minimum Yard Dimensions, MCC 34.2675 Lot of Record,

*Adjustment* – MCC 34.7606 Scope, MCC 34.7611 Adjustment Approval Criteria

*Design Review* - MCC 34.7000 through 34.7060 Design Review, MCC 34.4100 – MCC 4215 Off-Street Parking and Loading.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/landuse>.

## **Scope of Approval**

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **This land use permit expires two (2) years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 or 37.0700, as applicable. A request for permit extension may be required to be granted prior to the expiration date of the permit.**

## **Conditions of Approval**

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. The Olympic Pipe Line Company shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration. [ORS 215.275(4)]

**Notice to Mortgagee, Lien Holder, Vendor, or Seller:**

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

## **Findings of Fact**

**FINDINGS:** Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold** font. The applicants statements are identified below as ‘**Applicant:**’. Staff comments and analysis are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

### ***Project Description:***

#### **Applicant:**

#### **Introduction**

The Olympic Pipe Line Company (Olympic) operates a petroleum products pipeline system within western Washington and northern Oregon, which includes a 14-inch diameter pipeline extending across Sauvie Island in Multnomah County, Oregon. This narrative summarizes the proposed project, which consists of replacing an existing hand-operated belowground valve on the pipeline with a new motor-operated aboveground valve at Olympic Milepost 254. The existing hand-operated valve is at a separate, nearby location. The decommissioning of the existing valve, which will required a Minimal Impact Permit, is not part of the scope of this submittal.

The purpose of this submittal is to assist Multnomah County in their Administrative Review for an Adjustment, Administrative Decision for a utility facility necessary for public service, and Design Review of the project by (1) providing a summary of the project; and (2) addressing Adjustment approval criteria. This narrative provides a description of the existing and proposed valve locations and project work activities. The accompanying drawing shows the site vicinity, details of the proposed valve location, and provides a layout for the proposed motor-operated valve. Olympic Pipe Line Company holds a permanent 30-foot-wide easement. The original pipeline easement agreement for the property along with the temporary and permanent easement agreement for the new valve enclosure are attached to this submittal. We also are attaching the Property Owner Consent of Variance Request form with signatures of the five owners of properties within 100 feet of the subject property.

#### **Site Description**

The proposed Milepost 254 motor-operated valve will be located in the northwest portion of the tax parcel with the Multnomah County alternate account number of R649800570, APN R491287, approximately 900 feet southwest of the existing valve location. The site address is 18630 Northwest Gillihan Road. The new valve will be located adjacent to an unpaved access road, near Gillihan Road. A line of fir trees provides a visual buffer between the proposed location and Gillihan Road. The proposed valve site is located within a cultivated field that drops slightly in grade from northwest to southeast. The site is zoned for Exclusive Farm Use.

#### **Project Description**

This section describes the general construction sequences for the new valve installation.

- The Contractor will mobilize equipment to the site.
- The existing surface will be grubbed to remove any grass, roots and organic material, existing fill or other debris.
- The existing pipeline will be excavated, a section cut out, and a new section of aboveground pipe with the motor-operated valve added.
- The excavated soil will be protected from erosion prior to its subsequent use as backfill. If precipitation is forecast, the stockpile will be covered at the end of the day with plastic sheeting.
- The excavated soil will be backfilled over the pipeline and compacted to re-establish the current

grade elevation.

- A new power and communications service will be dropped underground from an existing poser pole located on Gillihan Road and extend to a pedestal within the proposed valve enclosure.
- An approximate 14-foot by 16-foot concrete pad will be poured in the new valve location and used for support of the valve.
- The aboveground portion of the facility will include a stairway and platform to access the valve.
- Gravel will be placed around the concrete pad. An approximate 30-foot by 40-foot chain-link fence will be constructed and placed around the aboveground pipe and pedestal, and surround the gravel area.
- The disturbed field areas at the work site outside the fence will be regraded.
- The Contractor will clean their truck tires, as necessary, as they leave the site to prevent tracking of soil onto Gillihan Road. If soil is tracked onto Gillihan Road, the road will be swept immediately.

Total material excavation volume generated at the proposed valve site is estimated to be 163 cubic yards. The soil removed from the excavation will be used as backfill. An additional 15 cubic yards (approximate) of gravel will be imported for the surface within the valve enclosure.

### **Schedule**

The valve installation must be completed during a scheduled pipeline shutdown. At this time, the schedule for the proposed valve replacement is not in place; however, it is anticipated that the work will occur sometime in 2007. The project is anticipated to be completed and the site restored within four weeks of commencing construction.

#### **1.00 Administration and Procedures**

##### **1.01 Type II Case Procedures**

**MCC 37.0530(B): ...Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision...**

**Staff:** The application was submitted November 16, 2006 and was deemed complete on that day. An "Opportunity to Comment" notice was mailed on December 6, 2006 to all properties within 750 feet of the subject properties in compliance with MCC 37.0530. No written comments were received.

##### **1.02 MCC 37.0550 Initiation of Action**

**Except as provided in MCC 37.0760, Type I – IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.**

**Staff:** The proposed project is located on Tax Lot 201, Section 14, Township: 2 North, Range: 2 West. Assessment & Taxation records show that the land is owned by Thomas, Sheila and Michael Trapold. The Olympic Pipeline holds a permanent easement over the subject property to operate, maintain and repair their pipeline (Exhibit A.4). Edward Smith of the Olympic Pipeline Company has signed the General Application Form for this application (Exhibit A.1). *This criterion has been met.*

1.03 **MCC 37.0560 Code Compliance And Applications.**

Except as provided in subsection (A), the County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
- (2) It is necessary to protect public safety; or
- (3) It is for work related to and within a valid easement over, on or under an affected property.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

**Staff:** There are no known violations within the easement area owned by Olympic Pipeline on the subject property.

2.00 ***Exclusive Farm Use Criteria***

2.01 **MCC 34.2625 Review Uses**

(A) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating power for public use by sale or transmission towers over 200 feet in height provided:

(3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.

(a) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria; mitigating impact of facility"; and

(b) The facility satisfies the requirements of MCC 34.4100 through 34.4215; 34.6020(A); 34.7000 through 34.7060; and 34.7450.

**Staff:** The proposed project consists of adding a motor-operated valve to an existing gasoline pipeline. The pipeline will be brought above ground and the valve installed, a concrete pad poured, gravel spread over the 30 ft wide by 40 ft long compound and then fenced with chain link. This pipeline brings gasoline to the Portland region. The proposed facility has satisfied ORS 215.275 as found below and has met the requirements for off-street parking and Design Review. *These criteria have been met.*

2.02 **ORS 215.275 Utility facilities necessary for public service; criteria; mitigating impact of facility.**

(1) A utility facility established under ORS 215.213 (1)(d) or 215.283 (1)(d) is

necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

(2) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.213 (1)(d) or 215.283 (1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

- (a) Technical and engineering feasibility;
- (b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
- (c) Lack of available urban and nonresource lands;
- (d) Availability of existing rights of way;
- (e) Public health and safety; and
- (f) Other requirements of state or federal agencies.

(3) Costs associated with any of the factors listed in subsection (2) of this section may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities. The Land Conservation and Development Commission shall determine by rule how land costs may be considered when evaluating the siting of utility facilities that are not substantially similar.

(4) The owner of a utility facility approved under ORS 215.213 (1)(d) or 215.283 (1)(d) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(5) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.213 (1)(d) or 215.283 (1)(d) to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

(6) The provisions of subsections (2) to (5) of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

**Applicant:**

**Rationale for Site Selection**

A motor-operated valve on a petroleum pipeline provides added safety and environmental protection over a hand-operated valve. With a motor-operated valve, an operator at the Renton, Washington control center can remotely and immediately shut down flow of product should a safety-related condition exist upstream or downstream of the valve. For this reason, Olympic decided to replace the existing valve.

All of the properties at and near the existing hand-operated valve are agricultural in use; some are used for pasture. When the proposed valve location was assessed, an option that provided the least amount of impact to private property was selected. The route of the pipeline in the valve area is shown on the vicinity map on Sheet 6. The current hand-operated valve location is adjacent to an access road, but down a short, steep slope. In order to bring the valve aboveground, the valve would have had to been installed a significantly larger distance from the access road, thereby impacting more of the existing pasture. The proposed valve location is located on land that is zoned for farm use, but is just outside active cultivation. The proposed valve location also is close to access from Gillihan Road for maintenance and repair, if necessary. The valve could not be moved outside of the 30-foot setback distance to the north, along the route of the pipeline, without impacting the landowners' access route. Any other location along the route of the pipeline also would have impacted agricultural property to a degree greater than the selected location will cause.

According to the Sauvie Island/Multnomah Channel Rural Area Plan, Policy 1, the Plan supports *measures which will ensure that Sauvie Island maintains and enhances its agricultural Exclusive Farm Use lands*. Although on a different parcel than the exiting hand-operated valve, the proposed valve site does not appreciably change the area available for agricultural use; at any rate, the proposed valve location is not being actively cultivated, even though the surrounding land is under cultivation. Under MCC 34.2635, which provides uses of land within the Exclusive Farm Use zone, the proposed valve facility would qualify as a Review Use under Part A, that is:

*Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating power for public use by sale or transmission towers...provided:*

*...(3) All other utility facilities and transmission towers 200 and under in height subject to the following:*

*(a) The facility satisfies the requirements of ORS 215.275, "Utilities facilities necessary for public service; criteria; mitigating impact of facility" and*

*(b) The facility satisfies the requirements of MCC 34.4100 through 34.4215; 34.6020(A); 34.7000 through 34.7060; and 34.7450.*

The facility satisfies the requirements of ORS 215.275, as discussed below.

- (2) *...an applicant...must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:*

*(a) Technical and engineering feasibility and (b) The proposed facility is locationally dependent.* A block valve south of the Columbia River is required on Sauvie Island, in accordance with 49 CFR 195.260(c) and (e)<sup>1</sup> to isolate flow through the pipeline if there is a problem in the pipeline crossing beneath the Columbia River. Because of the existing pipeline route and the prevalence of Exclusive Farm Use zoning on Sauvie Island, a south Columbia River block valve must be located within the Exclusive Farm Use zone out of necessity. The existing hand-operated valve is being replaced with a motor-operated valve to allow quicker response from a control center, if necessary. The proposed location was selected over nearby properties along the existing pipeline easement because of ready access from a right-of-way, available power, and to minimize the impact to usable farmland. The farmland at the proposed location is in a corner of the property, just outside of tilled land.



- (3) *Costs.* Cost was not a factor in the selection of the proposed location.
- (4) *The owner of a utility facility...shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or construction of the facility.* Olympic will restore any disturbed farmland outside of the pad for the valve site. The valve site is proposed for a corner of the property that is not tilled.

The facility satisfies the requirements of MCC 34.4100 through 34.4215; 34.6020(a); 34.7000 through 34.7060; and 34.7450, which refer to off-street parking and signage.

<sup>1</sup> A valve must be installed at each of the following locations: (c) On each mainline at locations along the pipeline system that will minimize damage or pollution from accidental hazardous liquid discharge, as appropriate for the terrain in open county, for offshore areas, or for populated areas; ... (e) On each side of a water crossing that is more than 100 feet wide from high-water mark to high-water mark unless the Administrator finds in a particular cases that valves are not justified.

**Staff:** Federal law 49 CFR 195.260(c) and (e) requires a shut-off valve on each side of the Columbia River due to the rivers width being greater than 100 ft. The pipeline has been established in its present route since 1965. This was prior to the establishment of the Exclusive Farm Use zone on the island. With the route established, Olympic Pipeline is limited to the placement of the valve along this route. The pipeline crosses the Columbia River and then comes ashore within EFU zoned land. It does not cross exception lands (MUA-20) until the pipeline crosses over Gillihan Road, which is over 2 miles away from the project site. The purpose of the valve is to limit the amount of gasoline spilled if a leak occurs while crossing the Columbia River. To move the shut-off valve over 2 miles from the proposed location would allow significantly more gasoline to spill during an event. A larger spill would raise public health and safety concerns as it would take longer to clean up and would contaminate a larger area. The proposed excavation area to bring the pipeline above ground is 21 ft wide and 50 ft long. The applicant has indicated that all areas outside of the enclosed compound will be restored to its original condition. A major area of disturbance outside of the enclosure is located in the unpaved access road and is not tilled earth. A condition of approval has been included requiring the areas outside the enclosure to be returned and restored to their prior use. *As conditioned, these criteria have been met.*

## 2.03 MCC 34.6020 Restrictions

**A building or use approved under MCC 34.6015 through 34.6050 shall meet the following requirements:**

### **(A) Minimum yards in EFU, MUA-20, RR, and RC, Districts:**

**(1) Front yards shall be 30 feet.**

**(2) Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.**

**(3) Rear yards shall be as required in the district.**

**Staff:** The location of the aboveground motor-operated valve will be 18 ft from the front property line, over 650 ft from the northern side property line, over 1000 ft from the southern side property line and approximately 2000 ft from the rear property line. The applicant has requested the approval of an adjustment pursuant to MCC 34.7600 et al. Staff has found that the proposed application complies with the approval criteria to reduce the front yard setback to

18 ft. *This criterion has been met.*

3.00 ***Adjustment Criteria***

3.01 **MCC 34.7606 Scope**

**(A) Dimensional standards that may be modified under an Adjustment review (modified no more than 40 percent) are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:....**

**Staff:** The applicant has requested an Adjustment to the 30 ft Front Yard setback listed under MCC 34.6020(A) to 18 ft. The proposal from 30 ft to 18 ft is a 40% reduction.

3.02 **MCC 34.7611 Adjustment Approval Criteria**

**The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 34.7606 upon finding that all the following standards in (A) through (E) are met:**

**(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and**

**Applicant:** We understand that Multnomah County has a 30-foot setback of the street side from the property line of any facility (excluding fencing) that is greater than 32 inches above grade. Multnomah County Code (MCC) 34.7606 specifies that *dimensional standards that may be modified under an Adjustment review (modified no more than 40 percent) are yards, setbacks....* The pipeline will be brought aboveground to install the new motor-operated valve, and becomes at least 32 inches above ground surface at a distance of 18 feet from the property line (street side). As the proposed facility will be at the 32-inch height *at* 40 percent of 30 feet, or 18 feet, the project requires an Adjustment review. In accordance with Multnomah County Code 34.7611, Adjustment Approval Criteria, the following addresses the five criteria that are to be met in granting a project Adjustment approval.

At a distance of 18 feet from the adjacent right-of-way (Gillihan Road), the adjustment fulfills the minimum street side yard dimension under MCC 34.2660.

**Staff:** The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards. The requested reduction in the front yard setback listed under MCC 34.6020 is to permit a shut-off valve and its related compound within the yard area. The shut-off valve is locationally dependent and must be placed along the route of the pipeline. The placement of the valve at its proposed location will allow for fire responders to quickly access the site if needed and will not require them to enter into the farmer's field to attend to an emergency. In addition, a 6 ft tall chain link fence will be constructed around the valve for safety purposes. *This criterion has been met.*

3.03 **(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and**

**Applicant:** There are no impacts that require mitigation at the site. Under different land use, the facility might pose aesthetic impacts, but there are no adjoining properties that will be impacted by the view of the new valve, and the property owner's residence is a considerable distance from the facility. Additionally, the facility will be screened from Gillihan Road by an existing line of fir trees. There is an existing access road, and access needs will be minimal once the facility is installed. There is no significant vegetation. The site of the new valve is

nearly flat and drainage will not be impacted.

**Staff:** Possible impacts caused by the intrusion of the shut-off valve and its compound into the front yard setback are reduction in open space and the casting of shadows (reduction in light). The casting of a shadow(s) will be limited in scope and should not reduce the light available for adjacent properties or the public right-of-way. The shadows cast should not exceed the existing shadows created by the fir trees along the front property line. The encroachment into the open space is quite limited. The remainder of the farm fields are quite open and will off-set the amount of land to be used by the structure. In addition, the farmer's access to his fields will be maintained. If the motor operated valve was placed 30 ft back from the front property line, it would impact the farmer's ability to use his interior farm road to his fields. The proposed valve and pipeline looks similar to an agricultural irrigation pump and mainline. People traveling along the roadway will perceive the valve and pipeline to be part of the farm operation. No vegetation will be impacted by this project. No drainage course will be altered and the run-off leaving the site will not be increased. No impacts have been identified by staff. No mitigation is needed. *This criterion has been met.*

- 3.04      **(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and**

**Applicant:** Only one adjustment is proposed.

**Staff:** Staff concurs. *This criterion is not applicable at this time.*

- 3.05      **(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and**

**Applicant:** The proposed location of the valve site does not restrict the use of, or increase the cost of farming practices at, the subject property. The corner location is not actively cultivated because it is just outside the turn radius of the tiller. Because of the route of the pipeline easement, there are no known locations that would be less affected by a new valve site.

**Staff:** The area where the motor-operated valve will be added to the pipeline is within an area of the field not utilized for farming activities (Exhibit B.2). No forestry practices occur on the site or in the area. The farmer has granted a new easement provision to allow this project to occur at its present location (Exhibit A.4). This is evidence that the valve project will not impact the farming practices on the site. *This criterion has been met.*

- 3.06      **(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.**

**Applicant:** The proposed location of the new valve is not in an RR or RC zone.

**Staff:** Staff concurs. *This criterion is not applicable at this time.*

#### 4.00      ***Design Review Criteria***

##### 4.01      **MCC 34.7010      Design Review Plan – Approval Required**

**No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Planning Director, under this ordinance.**

**Staff:** Pursuant to MCC 34.2625(A)(3)(b), the proposed utility facility must meet the Design Review criteria listed under MCC 34.7000 et al. The applicant has applied for a Design

Review application as part of their submittal.

4.02 **MCC 34.7050 Design Review Criteria**

**(A) Approval of a final design review plan shall be based on the following criteria:**

**(1) Relation of Design Review Plan Elements to Environment.**

**(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.**

**Staff:** The proposed motor-operated valve and aboveground pipeline has a similar look to an agricultural irrigation system and mainline. People driving along Gillihan Road will perceive this facility to be part of the farm operation on site. *This criterion has been met.*

4.03 **(b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.**

**Staff:** The installation of the motor-operated valve will allow a technician in Renton, Washington to shut off the pipeline at this location without the need of accessing the site. This will reduce energy consumption by reducing miles driven in an emergency and its associated vehicle emissions. In addition, if there was a problem with the pipeline, the valve could be engaged to reduce the impact of a spill or leak. *This criterion has been met.*

4.04 **(c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.**

**Staff:** The aboveground valve and pipeline will look similar to an agricultural irrigation system used in the area. The chain link fence around the facility will only be 6 ft tall. All components serve their function. *This criterion has been met.*

4.05 **(2) Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.**

**Staff:** The facility will be surrounded by a chain link fence to provide for a safe environment. The chain link fence will allow passer-by to view through the fence and see the agricultural fields in the background. This transparency allows for security but also allows the public to continue to enjoy the scenic farming activities associated with the area. *This criterion has been met.*

4.06 **(3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and Braille signs.**

**Staff:** No provisions are needed for handicapped persons to visit the site. The only individuals to access the site will be technicians associated with Olympic Pipeline. *This criterion has been met.*

4.07 **(4) Preservation of Natural Landscape – The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.**

**Staff:** The area where the valve will be installed will be excavated. The pipeline will be brought above ground for approximately twenty-four feet. The valve will be installed in the center of exposed pipeline. The site will then be restored to grade and a concrete slab installed

around the valve stem. No trees will be removed or currently utilized agricultural land will be impacted. *This criterion has been met.*

- 4.08 **(5) Pedestrian and Vehicular circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.**

**Staff:** Technicians coming to the site to service the valve facility can access the chain link enclosure from Gillihan Road from an existing agricultural roadway serving the farmer's fields. No additional driveway cuts are proposed at this time. No pedestrians will need to gain access to the utility facility. All technicians from Olympic Pipeline Co. will enter the site via vehicles. Parking for the facility will be within the fenced enclosure. *This criterion has been met.*

- 4.09 **(6) Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.**

**Staff:** The utility facility will have a 14 by 16 ft concrete slab installed around the motor-operated valve. The remainder of the enclosure area (30 ft by 40 ft) will be graveled. Water running off of the new impervious surface will be absorbed through the gravel before it leaves the site. No existing surface drainage will be altered by this installation. *This criterion has been met.*

- 4.10 **(7) Buffering and Screening – Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

**Staff:** The proposed valve and pipeline is very similar to an agricultural irrigation system in the area. Along the front property line adjacent to Gillihan Road, the farmer has planted fir trees to screen his fields. The utility facility will only be visible for a short distance where these trees are interrupted for farm road access to the fields. A passerby in a vehicle would only have visibility to the facility for a few seconds. *This criterion has been met.*

- 4.11 **(8) Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

**Staff:** The electrical power and communication lines to the facility will be placed underground across the agricultural fields. These utilities will then be fed into an aboveground pedestal placed to the rear of the facility. The pedestal will be screened by the fir trees along the front property line. *This criterion has been met.*

- 4.12 **(9) Signs and Graphics – The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.**

**Staff:** No signage is proposed at this time.

- 4.13 **MCC 34.7055 Required Minimum Standards**

**(C) Required Landscape Areas**

**The following landscape requirements are established for developments subject to design review plan approval:**

**(1) A minimum of 15% of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.**

**Staff:** The main use of the 79.5 acre site is agricultural use. This is a form of landscaping. The facility is only 1,200 sq. ft in size. *This criterion has been met.*

4.14 **(2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.**

**Staff:** All areas not utilized for this facility are in agricultural usage. *This criterion has been met.*

4.15 **(3) The following landscape requirements shall apply to parking and loading areas:**

**(a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.**

**Staff:** Only one parking space is required by MCC 34.4205 et al.

4.16 **(b) A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.**

**Staff:** The parking space located within the chain link enclosure is separated from the front property line by a row of fir trees and agricultural fields. *This criterion has been met.*

4.17 **(c) A landscaped strip separating a parking or loading area from a street shall contain:**

**1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;**

**2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and**

**3. Vegetative ground cover.**

**(d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.**

**(e) A parking landscape area shall have a width of not less than 5 feet.**

**Staff:** No landscape strip is required to separate the parking space from the public right of way. No landscape planters are required at this time. *This criterion has been met.*

4.18 **(4) Provision shall be made for watering planting areas where such care is required.**

**(5) Required landscaping shall be continuously maintained.**

**(6) Maximum height of tree species shall be considered when planting under overhead utility lines.**

**(7) Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.**

**Staff:** No landscaping is required as part of this project.

5.00 ***Off-Street Parking and Loading Criteria***

5.01 **MCC 34.4105 General Provisions**

**In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.**

**MCC 34.4125 Use of Space**

**(A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.**

**MCC 34.4130 Location of Parking and Loading Spaces**

**(A) Parking spaces required by this section shall be provided on the lot of the use served by such spaces.**

**MCC 34.4205 Minimum Required Off-Street Parking Spaces**

**(E) Unspecified Uses**

**Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.**

**MCC 34.4180 Improvements**

**(A) Surfacing**

**(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.**

**MCC 34.4185 Lighting**

**Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.**

**Staff:** The fenced facility has enough room for two to four, 9 ft wide by 18 ft long parking spaces within the graveled area. This is adequate at service the intermittent need for parking for the facility. Technicians will not come to the site on a daily basis. Maintenance will occur on the motor-operated valve approximately twice a year. No lighting is proposed as part of this project.

6.00 ***Conclusion***

Based on the findings and other information provided above, the applicant has carried the burden necessary for approval of a Utility Facility on the subject site. An Adjustment has been granted to the front yard setback and the application has met the Design Review criteria listed under MCC 34.7000 et al. in the EFU zoning district. This approval is subject to the conditions of approval established in this report.

***Exhibits***

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	11/16/06
A.2	1	Cover Letter Dated 11/9/06	11/16/06
A.3	6	Narrative	11/16/06
A.4	7	Temporary and Permanent Easement Agreement Dated 3/21/06	11/16/06
A.5	9	Findings of Fact, Conclusions of Law and Judgment	11/16/06
A.6	2	Property Owner Consent of Variance Request	11/16/06
A.7	1	Motor-Operated Valve Plan	11/16/06
‘B’	#	Staff Exhibits	Date
B.1	2	A&T Property Record Information for 2N1W14 - 00201	11/16/06
B.2	1	Partition Plat No. 2000-15	11/16/06
B.3	1	2005 Air Photo of Subject Site	12/6/06
‘C’	#	Administration & Procedures	Date
C.1	1	Complete Letter – Day 1 (Nov. 16, 2006)	12/7/06
C.2	3	Opportunity to Comment	12/6/06
C.3	15	Administrative Decision	12/22/06