Umatilla County

Department of Land Use Planning

AGENDA

Umatilla County Planning Commission
Public Hearing
Thursday, August 27, 2015, 6:30 p.m.
Justice Center Media Room
Pendleton, OR

Members of Planning Commission
Randy Randall, Chair
Gary Rhinhart, Vice-Chair
Tammie Williams
Don Wysocki
David Lee
Don Marlatt
Suni Danforth
Cecil Thorne

Members of Planning Staff
Tamra Mabbott, Planning Director
Carol Johnson, Senior Planner
Bob Waldher, Senior Planner
Brandon Seitz, Assistant Planner
Julie Alford, GIS
Gina Miller, Code Enforcement

1. **Call to order**

2. **Adopt minutes** (April, June and July 2015)

3. **New Hearing:**

REQUEST FOR A PUBLIC HEARING FOR LAND USE DECISION #LUD-185-15, *BLUE MOUNTAIN CHRISTIAN FELLOWSHIP, applicant/property owners.* During the public comment period, a "Request for a Public Hearing" was submitted on July 27, 2015. The request is to develop an 80 foot by 80 foot cemetery on church-owned property. The area of the Blue Mountain Christian Fellowship property proposed for the cemetery is located on the south side of Sunquist Road (County Road No. 512) at the northeast corner of Tax Lot #1100, in Township 6N, Range 35E, Section 21A. The situs address for this property is 52322 Sunquist Road, Milton Freewater, OR 97802. Criteria of approval are found in Umatilla County Development Code 152.059 (B), 152.617 (II).

4. **New Hearing:**

WHEATRIDGE WIND ENERGY FACILITY: Planning Commission will review the Wheatridge Wind Energy, LLC Application for Site Certificate (ASC) submitted to the Oregon Department of Energy, Energy Facility Siting Council (EFSC). Planning Commission will focus their attention on Exhibit K of the ASC but may consider all relevant issues. Planning Commission role is to make a recommendation to the Board of Commissioners who will submit comments to EFSC.

5. **New Business:** Land Use legislation update by Tamra Mabbott and Carol Johnson.

6. **Adjournment**

Next Scheduled Meeting:

Thursday, September 24, 2015, 6:30 p.m., Justice Center Media Room, Pendleton, OR.

REQUEST FOR A PUBLIC HEARING

FOR LAND USE DECISION #LUD-185-15

BLUE MOUNTAIN CHRISTIAN FELLOWSHIP

~applicant/property owners

Umatilla County
Department of Land Use Planning

DIRECTOR
TAMRA MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: **Umatilla County Planning Commissioners**
FROM: Bob Waldher, Senior Planner RW
DATE: August 19, 2015

CC: Tamra Mabbott, Planning Director
Doug Olsen, County Counsel

RE: **August 27, 2015, Planning Commission Hearing**
Blue Mountain Christian Fellowship Cemetery
Land Use Decision, #LUD-185-15
Township 6N, Range 35E, Section 21A

Background Information

A Land Use Decision (LUD) application was submitted by Mr. Paul Zehr on behalf of Blue Mountain Christian Fellowship on June 2, 2015 to develop an 80 foot by 80 foot cemetery on church-owned property. Mr. Zehr's application lacked sufficient information (*Evidence in written form from an agronomist or other official competent in soils analysis, that the terrain is suitable for internment and that the nature of the subsoil and drainage will not have a detrimental effect on ground or domestic water supplies*) addressing the criteria of approval; therefore a completeness letter was mailed to Mr. Zehr on June 15, 2015. On June 29, 2015 the applicant submitted a letter from Extension Soil Scientist, Don Wysocki, who determined that the groundwater is greater than ten feet deep and that siting a cemetery at the proposed location proposed negligible risk to the water table or public health provided that current State regulations for earth internment are followed. The letter from Mr. Wysocki is included as an attachment.

Public Notice and Request for Hearing

Affected agencies and nearby property owners were notified of the LUD and were sent a copy of the Preliminary Findings and Conclusions on July 7, 2015. During the 21-day comment period the Planning department received two letters from individuals who were opposed to the cemetery. In addition, there was a request for a public hearing. The first letter received was from Robert and Tana Bromps (52337 Sunquist Road). The second letter was from Chris and Tori Banek (52389 Sunquist Road). Attached to this memo is a copy of each letter for your review. Mr. and Mrs. Banek also requested a public hearing based on issues they felt should be addressed in a public forum.

Public notice for the hearing was sent to affected agencies and nearby property owners on August 7, 2015. In addition, the public notice was posted in the August 18, 20 issue of the East Oregonian.

Memo
Planning Commission Public Hearing – August 27, 2015
Blue Mountain Christian Fellowship Cemetery
Land Use Decision #LUD-185-15

Conclusion

The Planning Commission's task for this application is either to deny the applicant's request to build a cemetery, or approve the application based on substantial evidence provided by the applicant.

Attachments

The following attachments have been included for review by the Planning Commission:

- June 15, 2015 Completeness Letter to Mr. Zehr
- June 29, 2015 letter from Mr. Wysocki Re: site soil conditions
- Maps and list of notified property owners
- Preliminary Findings and Conclusions
- Comment Letter from Mr. and Mrs. Bromps
- Comment Letter and Hearing request from Mr. and Mrs. Banek
- Public Hearing Notice

Umatilla County
Department of Land Use Planning

DIRECTOR
TAMRA MABBOTT

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June 15, 2015

Blue Mountain Christian Fellowship
Attn: Mr. Paul Zehr
52747 County Road
Milton Freewater, OR 97802

Re: Blue Mountain Christian Fellowship Cemetery Land Use Decision Request
Township 6N, Range 35E, Section 21A, Tax Lot 1100

Dear Mr. Zehr:

Please allow me to introduce myself. My name is Bob Waldher and I am a new planner with the Umatilla County Planning Department. I recently conducted a completeness review of your Land Use Decision application, supplemental application, and supporting documents that you provided for the property located at Township 6N, Range 35E, Section 21A, Tax Lot #1100. Please note the following information that will need to be provided in order to process the application and initiate public notice of the proposed cemetery:

- **UCDC Section 152.617 (II)(2)(a)** lists the following requirement: Evidence in written form from an agronomist or other official competent in soils analysis, that the terrain is suitable for internment and that the nature of the subsoil and drainage will not have a detrimental effect on ground or domestic water supplies. While a custom soil report for the property was included in your application, you will still need to provide written documentation from a qualified soil analyst showing the terrain is suitable for a cemetery.

Please contact the planning department at (541) 278-6246 or email me at robert.waldher@umatillacounty.net if you have questions about this application or the requirement listed above. We look forward to receiving your completed application.

Sincerely,

Robert T Waldher

Robert Waldher, Senior Planner

cc: Tamra Mabbott, County Planning Director
Carol Johnson, Senior Planner

Paul Zehr
Blue Mountain Christian Fellowship
52747 County Road
Milton Freewater, Oregon 97862

June 26, 2015

Mr. Robert Waldher
Umatilla County
216 SE 4th Street
Pendleton, Oregon 97801

RE: Cemetery Decision Request Township 67N, Range 35E, Section 21A, Tax lot 1100.

Dear Mr. Waldher:

I received your letter of June 15 asking that we provide a report from a soil official stating that the land by our church is suitable for a cemetery and will pose no detrimental effects on the water supplies. I have attached a letter from Mr. Don Wysocki who is an Extension Soil Scientist with OSU stating that he sees no problem with a cemetery on the said parcel of ground.

Please let me know if there is any further information you are in need of. Thank you.

Sincerely,

Paul Zehr

OSU Oregon State University
Extension Service

Extension Service Umatilla County
Oregon State University, 2411 NW Carden, Umatilla Hall PO Box 100, Pendleton, OR 97801
T 541-278-5403 | F 541-278-5436 | http://extension.oregonstate.edu/umatilla/

June 22, 2015

Mr. Paul Zehr
52747 County Road
Milton Freewater, OR 97862

Dear Paul,

I have evaluated the soils on the property located in NE 1/4Section 21, T.6N., R.35E., Umatilla County, Oregon (address 52288 Sunquist road). The published Umatilla County Area Soil Survey (UCASS) map page 5 shows the area is mapped as 28A Freewater gravelly silt loam, 0 to 3 percent slope. During my evaluation I physically walked the property boundaries and traversed across the property. I dug several observation holes to inspect the soil and probed numerous locations with a ¾"diameter hand probe for visual and tactile examination. Generally, soils in this parcel can be hand probed to a depth of 1foot or less before refusal, because of abundant gravel or cobble in the soil. The soils on this site are a complex two soils that differ by the amount of cobble. These two soils are so intermingled on the landscape that it is impossible to separate them at the scale of mapping used in the Umatilla county survey. Areas such as these are called "complexes". The complex at this site is composed of 28A Freewater gravelly silt loam, 0 to 3 percent slope and 29A Freewater very cobbly loam, 0 to 3 percent slopes. The area is composed of approximately 35 percent 28A and 65 percent 29A.

Freewater soils are deep, somewhat excessively drained, coarse-textured soils developed from alluvium on stream terraces or floodplains. Elevation of the site is between 60 to 775 feet. The site gently slopes with fall from SE to NW. Mean annual precipitation is 12 to 16 inches, average annual air temperature is 50 to 54 degrees F, and the average frost-free period is 145 to 195 days. Free water soils can be subject to rare periods of flooding. The local water table is > 10 feet.

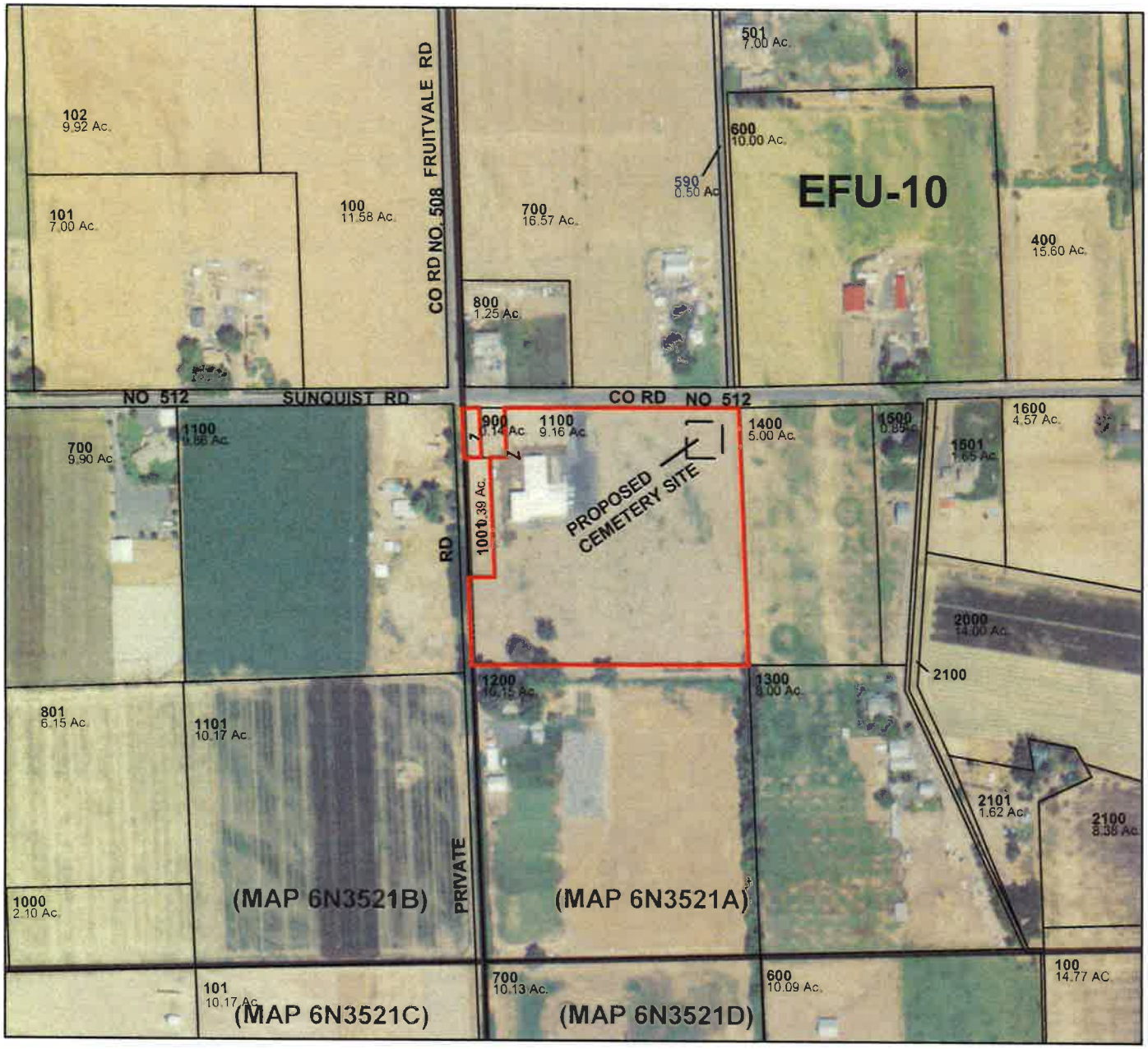
Siting a cemetery at this location poses negligible risk to the water table or health provided current state regulations for earth interment are followed http://www.oregon.gov/MortCem/Documents/ORSChapter692.pdf.

Please contact me with questions.

Respectfully,

Don Wysocki

Don Wysocki
Extension Soil Scientist



PROPERTY OWNERS WITHIN 750' NOTICE
OF SUBJECT PARCEL

MAP & TAX LOT	OWNER
6N3521A000400	SWANSON MYRAN & JANYCE
6N3521A000501	POIRIER JERRY D
6N3521A000590	RENCKEN Z M & K & RENCKEN D J & R
6N3521A000600	BANEK CHRIS N & TORI M
6N3521A000700	BROMPS ROBERT W SR & TANA L
6N3521A000800	WATTS MICHAEL E & MARY
6N3521A000900	BLUE MOUNTAIN CHRISTIAN FELLOWSHIP
6N3521A001001	BLUE MOUNTAIN CHRISTIAN FELLOWSHIP
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	PRINCE TRAVIS J & KARA U (AGT)

LAND USE DECISION #LUD-185-15
BLUE MT CHRISTIAN FELLOWSHIP, APPLICANT/OWNER
MAP 6N3521A, TAX LOT 1100

Subject Parcel

2014 AERIAL PHOTO

N
W E
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Feet

DATE: 6/11/15

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not intended for legal use. Created by J. Alford, Umatilla County Planning Department

y:workspace/planning/vicinity maps/A-D/BlueMtFellowship_LUD_185_15.gws

4

UMATILLA COUNTY PLANNING DEPARTMENT
PRELIMINARY FINDINGS AND CONCLUSIONS
BLUE MOUNTAIN CHRISTIAN FELLOWSHIP CEMETARY
LAND USE DECISION REQUEST #LUD-185-15
MAP #6N3521A, TAX LOT #1100

1. APPLICANT: Paul Zehr on behalf of Blue Mountain Christian Fellowship, 52322 Sunquist Road, Milton Freewater, OR 97802

2. OWNER: Blue Mountain Christian Fellowship, 52322 Sunquist Road, Milton Freewater, OR 97802

3. REQUEST: The applicant proposes to develop an 80 foot by 80 foot cemetery on church-owned property.

4. LOCATION: The area of the Blue Mountain Christian Fellowship property proposed for the cemetery is located on the south side of Sunquist Road (County Road No. 512) at the northeast corner of Tax Lot #1100, in Township 06N, Range 35E, Section 21A.

5. SITUS: The site address assigned to this property is 52322 Sunquist Road, Milton Freewater, OR 97802.

6. COMP PLAN: Orchard District

7. ZONING: Exclusive Farm Use Zone (EFU, 160 acre minimum)

8. ACCESS: Access to the proposed cemetery will be via an existing paved driveway that that is connected to the church and school parking lot.

9. ROAD TYPE: Sunquist Road is a two lane county paved road.

10. EASEMENTS: There are no easements shown for the property.

11. LAND USE: Existing uses on the property include a church and attached school building.

12. ADJACENT USE: Surrounding uses are primarily farming including alfalfa, goats, hops, and grazed pasture.

13. LAND FORM: Columbia River Plateau

14. SOIL TYPES: The subject property contains Freewater Gravelly Silt Loam (28A) which is a Non-High Value soil type. High Value Soils are defined in UCDC 152.003 as Land Capability Class I and II.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
28A: Freewater Gravelly Silt Loam, 0 to 3 percent slopes	IVs	IIIs

Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as "e" – erosion prone, "c" – climate limitations, "s" soil limitations and "w" – water (*Survey*, page. 172).

15. UTILITIES: Pacific Power provides electricity to the area. Humbert Refuse and Recycling provides garbage service.

16. WATER/SEWER: A domestic well and septic system are located on the subject property.

17. RURAL FIRE: The property is not serviced by a fire district.

18. IRRIGATION: Irrigation to the property is from the domestic well located on site. However the property is located within the Fruitvale Water District.

19. FLOODPLAIN: The property is NOT in a floodplain.

20. NOTICES SENT: Notices to adjacent property owners and agencies were sent on Tuesday, July 7, 2015.

21. CLOSING DATE: Monday, July 27, 2015

22. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Oregon Department of Water Resources, Oregon Department of Environmental Quality, Pacific Power

23. COMMENTS: Comments are pending.

24. ORS 215. 283 (1) (A) and the UMATILLA COUNTY DEVELOPMENT CODE (UCDC) Section 152.059 (B) ALLOW CEMETERIES IN CONJUNCTION WITH CHURCHES TO BE PERMITTED IN EXCLUSIVE FARM USE ZONE. Cemeteries in conjunction with Churches are a Land Use Decision subject to UCDC Section 152.617 (II) (2). The criteria follow and are underlined, responses are in standard text.

LAND USE DECISION

UCDC Section 152.617 (II)

(2) Cemetery in conjunction with Churches.

(a) Evidence in written form from an agronomist or other official competent in soils analysis, that the terrain is suitable for internment and that the nature of the subsoil and drainage will not have a detrimental effect on ground or domestic water supplies; The applicant submitted a letter from Extension Soil Scientist, Don Wysocki. Mr. Wysocki

examined the soils and assessed the surrounding geography. Mr. Wysocki determined that groundwater is greater than ten feet deep and that siting a cemetery at the proposed location poses negligible risk to the water table or public health provided that current state regulations for earth internment are followed.

The Umatilla County Planning Department finds that the applicant has provided written evidence from a qualified soil scientist addressing the nature of the soils and drainage in relation to ground water supplies. The criterion is satisfied.

(b) In establishing a new cemetery, adequate room for expansion shall be provided; The applicant has provided a site plan showing an adequate expansion area for the cemetery. The criterion is satisfied.

(c) The site has direct access to a dedicated public or county right of way or state highway; Access to the proposed cemetery site would be provided by an existing private driveway extending off of Sunquist Road. The criterion is satisfied.

(d) All roads within the cemetery shall be, at a minimum, an oil mat surface; No interior roads are proposed or appear necessary for the development of the cemetery. This criterion is not applicable.

(e) The site shall be entirely enclosed by a fence of at least six feet in height, and set back accordingly to meet vision clearance requirements; The applicant has indicated that a fence will be installed around the perimeter of the cemetery. The cemetery fence would be located well away from the road intersections where vision clearance would be an issue. The criterion is satisfied.

(f) Cemeteries in conjunction with a church shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, Division 004. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. The City of Milton Freewater is the nearest city to the Blue Mountain Christian Fellowship property and the distance from the proposed cemetery to the Milton-Freewater urban growth boundary is over three miles. The criterion is satisfied.

(g) On EFU zoned lands cemeteries are allowed in conjunction with churches consistent with ORS 215.441 and are processed as a land use decision. ORS 215.441 allows, "If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a county shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity . . . " The Blue Mountain Christian Fellowship property is zoned EFU and the request for a cemetery is being processed as a land use decision for a "cemetery in conjunction with a church." The church was established in 2013.

The Umatilla County Planning Department finds that the applicant's request for a cemetery

in conjunction with the existing church is consistent with ORS 215.441. The criterion is satisfied.

(h) The cemetery may be required to have landscaping around the perimeter of the site. The applicant has indicated that they are willing to provide landscaping around the perimeter of the cemetery. Landscaping was not shown in the proposed site plan. The Umatilla County Planning Department requests that the applicant submit a landscaping plan for the cemetery. This criterion is pending approval.

DECISION: THE BLUE MOUNTAIN CHRISTIAN FELLOWSHIP LAND USE REQUEST TO ESTABLISH A CEMETERY IN CONJUNCTION WITH A CHURCH IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

Precedent Condition:

1. Provide a site plan that shows the proposed cemetery landscaping.

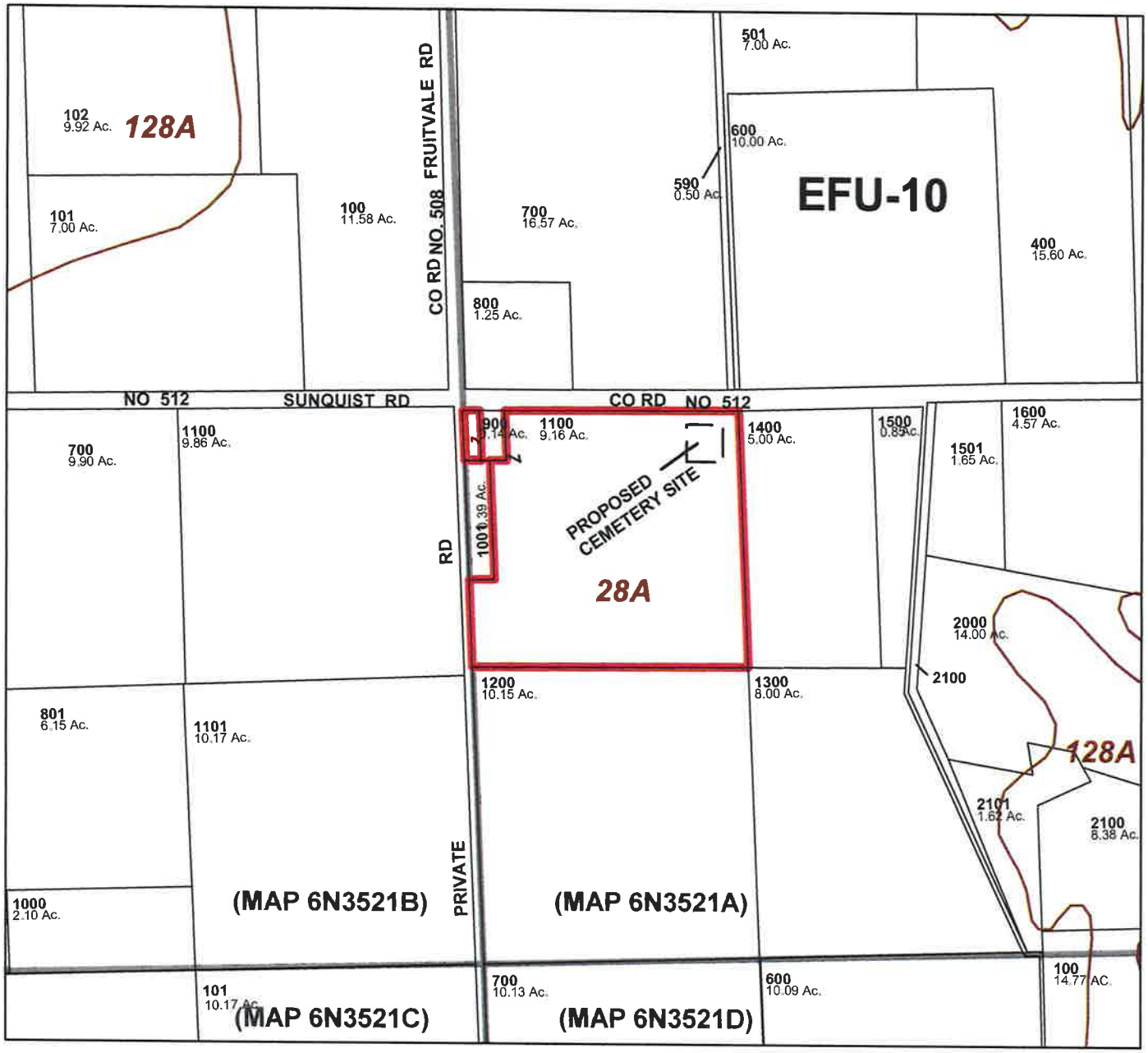
Subsequent Condition:

2. Obtain a zoning permit from the Umatilla County Planning Department to establish the cemetery.

Umatilla County Planning Department

_____ _____

Tamra J. Mabbott, Date
Planning Director



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LAND USE DECISION #LUD-185-15
BLUE MT CHRISTIAN FELLOWSHIP, APPLICANT/OWNER
MAP 6N3521A, TAX LOT 1100

Subject Parcel Soil Survey Boundaries 28 Soil ID

DATE: 6/11/15

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not intended for legal use. Created by J. Alford, Umatilla County Planning Department

y:workspace/planning/vicinity maps/A-D/BlueMtFellowship_LUD_185_15.gws

RECEIVED
JUL 20 2015
UMATILLA COUNTY
PLANNING DEPARTMENT

Robert and Tana Bromps
52337 Sunquist RD.
Milton Freewater, OR. 97862
June 13, 2015

To: Umatilla Department of Land Use Planning
Robert Waldher
County Planner

We would like to respond to the letter for Land use #LUD-185-15.
we are the property owners in direct contact with the Christian Fellowship church and School on Sunquist RD.

We have been very upset by many of the events that have taken place as they started building.
In the beginning we believed that this fellowship would not impact our area and that it may be a good addition.

We did not fore see the problems with bringing this many people to our neighborhood.
We would like to explain:

1.we seemed to be living in town with all the traffic which includes all times of the day and evening.
2. Construction of buildings was a mess - dust - noise - paper and material every ware. Never caring enough to stop and ask if we had picked up their mess or if they could help by watering down the dirt.
3. If we had a choice we would not let this population move to our quite farming neighborhood. And Now they want to put a Cemetery in Front of our house, **We Do Not Want a Cemetery in front of our House**! What will they put up next? A store, some housing Complex??

We do not think a cemetery out of our front door is acceptable!
We would hope that you might put yourself in our position, and realize that We have lived here over 20 years and this is our home.

We know that A.Z. Conrad enjoyed the school and playground here because he donated the Land for the School and the area where the Fellowship is for a play ground. He was not looking for anything more.

I feel the same please, lets not make this more than it is.

As stated before, **We do not want a Cemetery out our front door!!**

Robert W. Bromps
Tana L. Bromps

RW - Talked w/ Tana on 7/22 opposed to cemetetery being directly across from home. Was going to talk to husband about requesting a hearing.

(10)

Section 1: Request and Description of Application

This information deals with the Land Use Request Application where a Public Hearing is being requested.

DESCRIPTION OF THE LAND USE REQUEST APPLICATION IN QUESTION:

- Land Use Request Application File Number: LUD-185-15
- Type of Land Use Request Application: Cemetery
- Decision-Making Body: ☑ Planning Director or ☐ Other _____
- For a Request of a Public Hearing, Date Notice was sent: July 7th, 2015

Section 2: Contact Information

Name of Submitter(s): Chris and Tori Banek

Address: 52389 Sunquist Rd.

City, State, Zip: Milton Freewater, OR 97862

Telephone Number & Email Address: 509-540-6691

chris@banekwinegrower.com

Date of Submittal for Request of a Public Hearing: 07/27/15

Section 4: Certification

I/We, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

x Chris Banek — 7/27/15
Signature of Submitter — Date

Chris Banek
Printed Name of Submitter

x Tori Banek — 7-27-15
Signature of Submitter — Date

Tori Banek
Printed Name of Submitter

x
Signature of Submitter — Date

Printed Name of Submitter

x
Signature of Submitter — Date

Printed Name of Submitter

Office Use Only

Date this paperwork was received: July 27, 2015

Accepted by: Gina Miller
Signature of Planning Staff & Printed Name

Fee Paid? ☒ Yes ☐ No — Receipt Number: 15613

Section 3: Basis for the Request for a Public Hearing

Complete only for a Request for a Public Hearing

The Request for a Public Hearing must be based on issues you feel should be addressed in a public forum. Please describe the reasons you feel that a public hearing should be held before the Umatilla County Planning Commission in relation to the land use request application specified above:

See attached

July 27, 2015

To Whom It May Concern:

Surrounding residents of the Blue Mountain Christian Fellowship are concerned about the proposed development of a cemetery on its premises.

The biggest concern is the effect it will have on landowners' property value. Research indicates that cemeteries decrease property value as indicated in the following situations. According to an article in *The Wall Street Journal* titled "Selling Homes Near Dead People," homes located within a two-block radius of two different cemeteries compared to the homes located outside of the two-block radius were significantly lower in value. Homes located within two blocks of Mount Olivet Cemetery in Queens, N.Y., had a median sales of $355,000 whereas the median sales of homes located outside the two-block radius was $388,000. In another example, the median sales of homes located within two blocks of New York City Marble Cemetery in the East Village was $695,000 versus the median sales of $800,000 for homes located outside of the two-block radius. It is evident that cemeteries can decrease the value of land. Please consider the residents who were here first and have worked hard to maintain the value of their land.

Another concern or question is: Is there a need for a cemetery when there are several cemeteries located throughout Umatilla County and Walla Walla County? In our community, there appears to be no churches with cemeteries; therefore, these churches must be utilizing existing resources.

Finally, a concern is the use of the cemetery in terms of public use or strictly Blue Mountain Christian Fellowship use. Can anyone be buried in the cemetery?

As an established community located on Sunquist Road, we have welcomed the church/school and in return we hope that the members of the Blue Mountain Christian Fellowship respect our concerns about the development of a cemetery.

Thank you for your time.

Respectfully,

Concerned surrounding-residents of the Blue Mountain Christian Fellowship.

Umatilla County

Department of Land Use Planning

DIRECTOR
TAMRA MABBOTT

LAND USE PLANNING, ZONING AND PERMITTING

CODE ENFORCEMENT

SOLID WASTE COMMITTEE

SMOKE MANAGEMENT

GIS AND MAPPING

RURAL ADDRESSING

LIAISON, NATURAL RESOURCES & ENVIRONMENT

NOTICE OF PUBLIC HEARING
UMATILLA COUNTY PLANNING COMMISSION

YOU ARE HEREBY NOTIFIED as the applicant, adjacent property owner or affected governmental agency of a Public Hearing to be held before the Umatilla County Planning Commission on **Thursday, August 27, 2015 at 6:30 p.m.** in Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR.

REQUEST FOR A PUBLIC HEARING FOR LAND USE DECISION REQUEST #LUD-185-15, *BLUE MOUNTAIN CHRISTIAN FELLOWSHIP, applicant/property owners.* During the public comment period, a "Request for a Public Hearing" was submitted on July 27, 2015. The request is to develop an 80 foot by 80 foot cemetery on church-owned property. The area of the Blue Mountain Christian Fellowship property proposed for the cemetery is located on the south side of Sunquist Road (County Road No. 512) at the northeast corner of Tax Lot #1100, in Township 6N, Range 35E, Section 21A. The situs address for this property is 52322 Sunquist Road, Milton Freewater, OR 97802. Criteria of approval are found in Umatilla County Development Code 152.059 (B), 152.617 (II).

For further information concerning the above proposal, please contact Bob Waldher, Senior Planner, at the Umatilla County Planning Department, 216 SE 4th Street, Courthouse, Pendleton, Oregon 97801; telephone (541)278-6251; email robert.waldher@umatillacounty.net .

WHEATRIDGE WIND ENERGY FACILITY. Planning Commission will review the Wheatridge Wind Energy, LLC Application for Site Certificate (ASC) submitted to the Oregon Department of Energy, Energy Facility Siting Council (EFSC). Planning Commission will focus their attention on Exhibit K of the ASC but may consider all relevant issues. Planning Commission role is to make a recommendation to the Board of Commissioners who will submit comments to EFSC.

For further information concerning the above request, please contact Tamra Mabbott, Planning Director, at the Umatilla County Planning Department, 216 SE 4th Street, Courthouse, Pendleton, Oregon 97801; telephone (541)278-6246; email tamra.mabbott@umatillacounty.net.

Opportunity to voice support or opposition to the above proposals, or to ask questions, will be provided. Failure to raise an issue in a hearing, either in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to that issue, precludes appeal to the Land Use Board of Appeals based on that issue. Copies of applications, documents and evidence pertaining to the hearings listed above, and all relevant criteria are available for inspection at no cost and will be duplicated at printing cost. A copy of the staff report will be available for inspection or duplicated at least seven days before the hearing. Hearings shall be governed by Section 152.772 of the Umatilla County Land Development Code.

DATED THIS 7th day of August, 2015
UMATILLA COUNTY DEPARTMENT OF LAND USE PLANNING

WHEATRIDGE WIND ENERGY FACILITY

Umatilla County

Department of Land Use Planning

DIRECTOR
TAMRA MABBOTT

LAND USE PLANNING, ZONING AND PERMITTING

CODE ENFORCEMENT

SOLID WASTE COMMITTEE

SMOKE MANAGEMENT

GIS AND MAPPING

RURAL ADDRESSING

LIAISON, NATURAL RESOURCES & ENVIRONMENT

MEMO
August 18, 2015

TO: Planning Commission
FROM: Tamra J. Mabbott, Planning Director
CC: Doug Olsen, County Counsel
Interested Parties
SUBJECT: Public Comments for Wheatridge Wind Energy, LLC
August 27, 2015 meeting

The Wheatridge Wind Energy Project is under permitting jurisdiction of the Oregon Energy Facility Siting Council (EFSC). As part of that process, the County Board of Commissioner's is appointed as Special Advisory Group (SAG) to EFSC. In that capacity, the Board has requested the Planning Commission review the project application and, host a public hearing forum for public comment.

That public hearing is scheduled during your meeting on August 27, 2015. This will be the second hearing on the agenda that evening. To begin, staff will present an overview of the land use issues, along with attorney Wendie Kellington, whom the county has retained to assist with the land use legal analysis. Staff and Ms. Kellington will then answer questions of the commission. Next the Commission Chair will open the meeting to hear comments and testimony from the public. Planning Commission can then advise staff on how to proceed with comments for the Board of Commissioners consideration.

To assist in your review, portions of the Wheatridge application is attached. See portions of Exhibit B Project Description and Exhibit K Land Use. The entire application can be viewed on the Oregon Department of Energy Website, as follows: http://www.oregon.gov/energy/Siting/Pages/Facilities.aspx

On Page 1of Exhibit K, the applicant writes "the project complies with the majority of the applicable local substantive criteria from the comprehensive plans and zoning codes" for the jurisdictions in which the Project is located." Staff and counsel presentation will focus on the portions of the application that do not appear to comply with the local applicable land use criteria.

Consistent with our standard procedure, this Planning Commission packet will be posted to the county website by close of business 7 days prior to the public hearing, or August 20, 2015.

Table of Contents – Review of Wheatridge Wind Energy, LLC

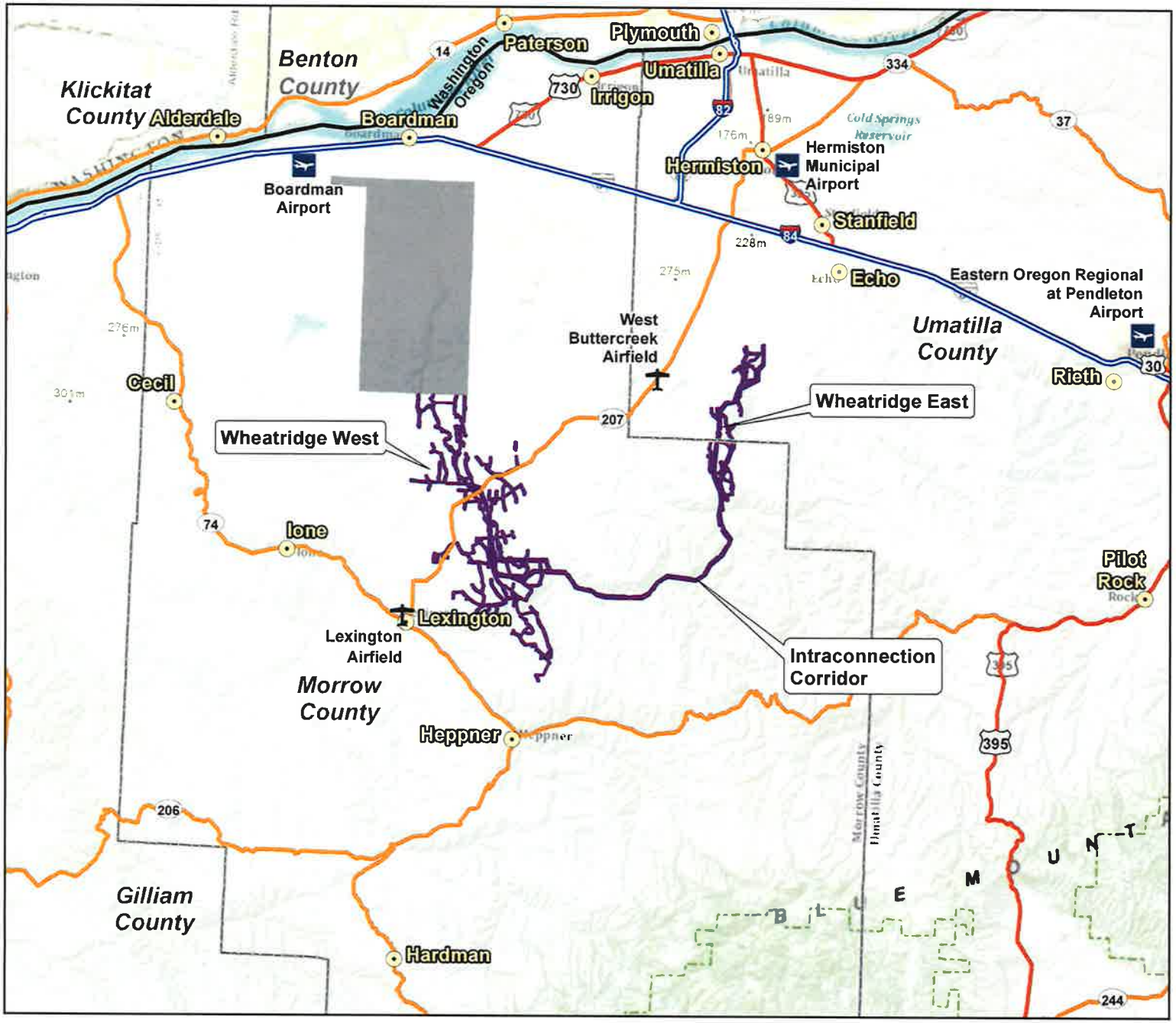

Figure C-1

Wheatridge Wind Energy Facility

Vicinity Map

Morrow and Umatilla Counties, OR

December 2014

- Site Boundary
- Boardman Bombing Range
- State Boundary
- County Boundary
- City/Town
- Airport
- Landing Field
- Interstate Highway
- Federal Highway
- State Highway

1:500,000 WGS 84 UTM 11

0 5 10 20 30 40 50 Miles

Data Sources: Wheatridge Wind Energy: site boundary / ESRI: roads, cities, airports/fields, political boundaries, background imagery

TETRA TECH

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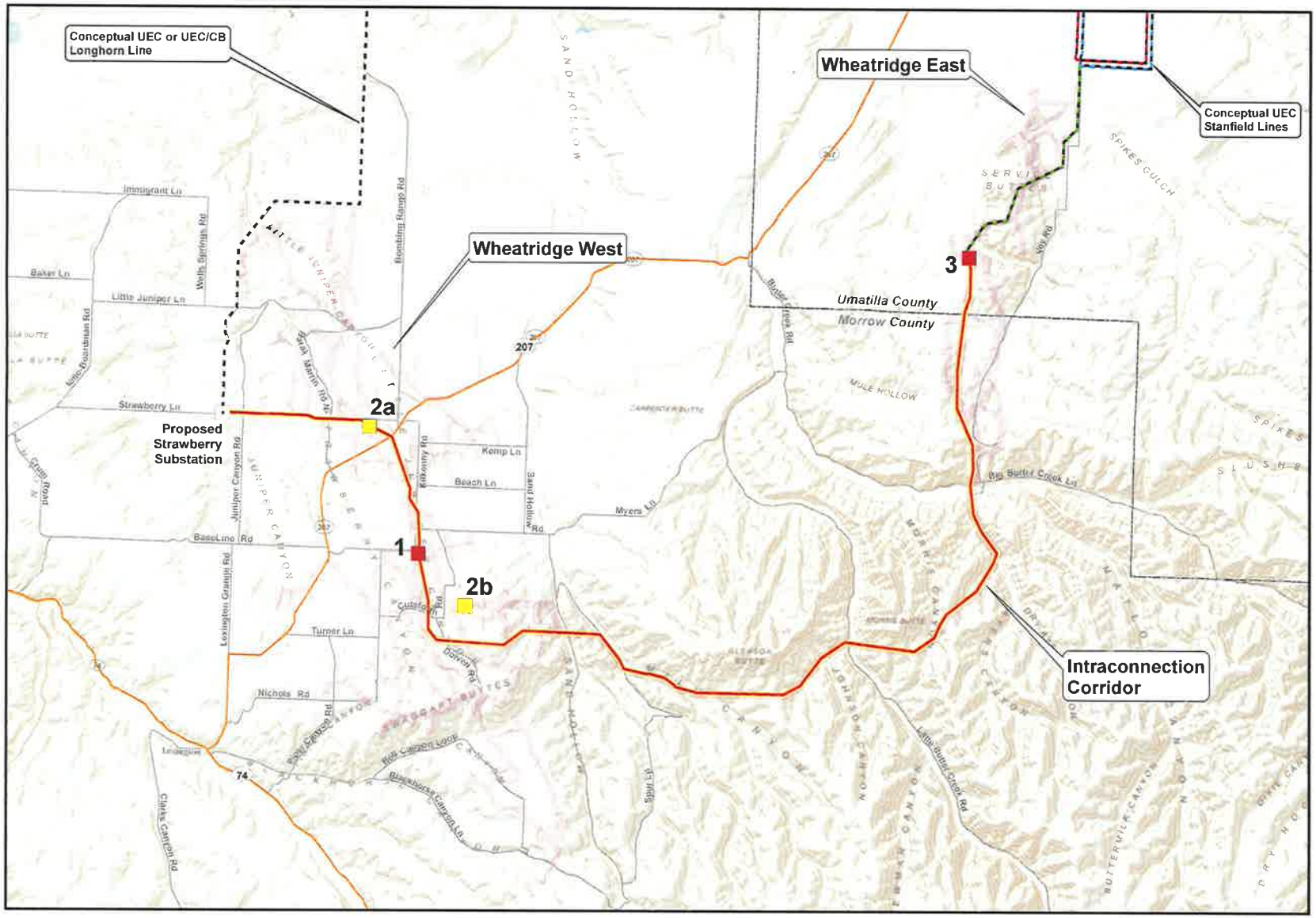

Figure C-4a

Wheatridge Wind Energy Facility

Generator Tie Line Options and Option 1 230kV Intraconnection Lines

Morrow and Umatilla Counties, OR
April 2015

- Site Boundary
- County Boundary
- State Highway
- Local Road
- Proposed Strawberry Substation *

Conceptual UEC/CB Proposed Gen-tie Transmission Lines

- UEC or UEC/CB Longhorn *
- UEC Stanfield 1 **
- UEC Stanfield 2 **
- UEC line into Wheatridge East Substation **

Proposed Project Facilities

Substation

- Primary
- Alternate

Intraconnection Lines
Option 1
(Sub 3 --> 1 --> Strawberry)

* To be constructed and owned by the Umatilla Electric Cooperative or the Umatilla Electric Cooperative with the Columbia Basin Electric Cooperative

** To be constructed and owned by the Umatilla Electric Cooperative

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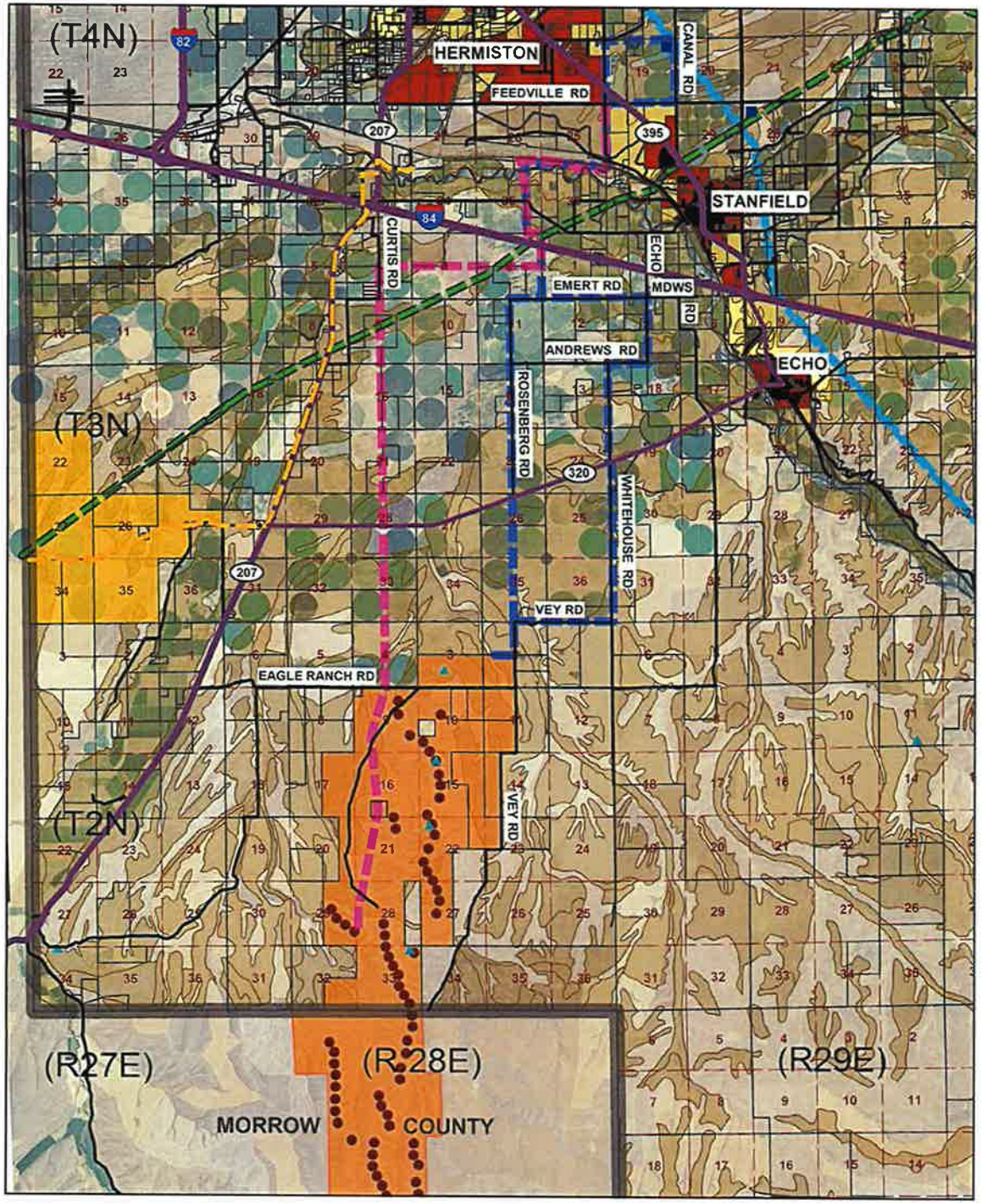

Wheatridge/Service Buttes Wind Project, Umatilla County
UEC Transmission Line Proposed Routes

Legend

- State Highways
- Public Roads
- UEC Proposed T-line Route (A)
- UEC Proposed T-line Route (B)
- Service Buttes Project Area
- Proposed Turbines
- Proposed NEO Hub Substation
- Met Towers
- BPA Easement
- Gas Pipeline
- Oregon Windfarms Property
- Oregon Windfarms T-line
- Prime Soils
- City Limits
- Urban Growth Boundary
- Property Boundaries

2014 Aerial Photography

N W E S

0 1 2 3
Miles

DATE: 8/14/15

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not intended for legal use.
Created by J. Alford, Umatilla County Planning Department 8/6/15

y:workspace/planning/projects/UEC_WheatridgeServiceButtes_Tlines_sections.gws

3

Umatilla County

Department of Land Use Planning

DIRECTOR
TAMRA
MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

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NATURAL
RESOURCES &
ENVIRONMENT

MEMO

DATE: July 28, 2015

TO: Tamra Mabbott, Planning Director

FROM: Brandon Seitz, Assistant Planner BS

SUBJECT: Wheatridge Wind Exhibit F – Landowner Verification

I conducted the following review to verify landowners listed in exhibit F, adjacent property owners name and addresses:

1. Created a 500 foot buffer around the project area in ARC using the most recent Umatilla County tax lot maps to create a current list of landowners using Umatilla County data.
2. Compared the list of tax lots to the list found on the ODOE website for landowners within 500 feet. Found both list matched.
3. Reviewed landowner names and addresses in the county system to Wheatridge's listing. I found one discrepancy Map 2N20 #2500 has been sold. The current owner is shown on the attached list and is also shown on the list as an owner of another property.
4. Reviewed the landowner names and addresses for a list created by Julie Alford, planning cartography, for property owners within 100 feet the proposed Umatilla Electric Cooperative transmission line. Reviewed and corrected all landowner names and mailing addresses to match our current information.

Attached: Wheatridge Landowners;
Properties Within 100' of Wheatridge/Service Buttes Final T-line Proposal

216 S.E. 4th Street • Pendleton, OR 97801 • Ph: 541-278-6252 • Fax: 541-278-5480
Website: www.umatillacounty.net/planning • Email: planning@umatillacounty.net

TLID	OWNER	IN_CARE_OF	M_ADDRESS	M_CITY	M_STATE	ZIP
2N28000000100	SNOW H RICHARD 1/2 & (TRS) 1/2		33263 OREGON TRAIL RD	ECHO	OR	97826
2N28000000300	EAGLE RANCH		32327 OREGON TRAIL RD	ECHO	OR	97826
2N28000000300	EAGLE RANCH		32327 OREGON TRAIL RD	ECHO	OR	97826
2N28000000400	SCHILLER MARILYN		69958 SCHILLER DR	ECHO	OR	97826-9044
2N28000000500	EAGLE RANCH		32327 OREGON TRAIL RD	ECHO	OR	97826
2N28000000600	EAGLE RANCH		32327 OREGON TRAIL RD	ECHO	OR	97826
2N28000000700	EAGLE RANCH		32327 OREGON TRAIL RD	ECHO	OR	97826
2N28000000800	WESTLAND ENTERPRISES LLC		822 S HIGHWAY 395 #PMB 423	HERMISTON	OR	97838-2621
2N28000001600	HALE FARMS LLC		73120 HIGHWAY 207	ECHO	OR	97826-9019
2N28000001700	HALE FARMS LLC		73120 HIGHWAY 207	ECHO	OR	97826-9019
2N28000001800	PRIOR CHESTER J & ROSALIE		32327 OREGON TRAIL RD	ECHO	OR	97826-9001
2N28000001900	SCHILLER MARILYN		69958 SCHILLER DR	ECHO	OR	97826-9044
2N28000001901	SCHILLER MARILYN		69958 SCHILLER DR	ECHO	OR	97826-9044
2N28000002000	USA	BUREAU OF LAND MGT	PO BOX 2965	PORTLAND	OR	97208
2N28000002100	SCHILLER MARILYN		69958 SCHILLER DR	ECHO	OR	97826-9044
2N28000002300	SCHILLER MARILYN		69958 SCHILLER DR	ECHO	OR	97826-9044
2N28000002400	SCHILLER MARILYN		69958 SCHILLER DR	ECHO	OR	97826-9044
2N28000002500	EAGLE RANCH		32327 OREGON TRAIL RD	ECHO	OR	97826-9001
2N28000002700	SCHILLER MARILYN		69958 SCHILLER DR	ECHO	OR	97826-9044
2N28000002800	SCHILLER MARILYN		69958 SCHILLER DR	ECHO	OR	97826-9044
2N28000002900	SCHILLER MARILYN		69958 SCHILLER DR	ECHO	OR	97826-9044
2N28000003000	HAWKINS CO INC		78771 EGGERS RD	PENDLETON	OR	97801
2N28000003100	HAWKINS CO INC		78771 EGGERS RD	PENDLETON	OR	97801
2N28000003200	SEEGER CASEY A & CODY ROBERT	C/O SEEGER BARBARA	PO BOX 310	ECHO	OR	97826
2N28000003300	USA	BUREAU OF LAND MGT	PO BOX 2965	PORTLAND	OR	97208
2N28000003400	LUCIANI GEORGE J & BEATRICE		76763 BUTTER CREEK RD	ECHO	OR	97826-9046
2N28000003500	PINE CANYON RANCH GP	DONALD O CAVALLETTO	PO BOX 4965	PASO ROBLES	CA	93447
2N28000002200	SCHILLER MARILYN		69958 SCHILLER DR	ECHO	OR	97826-9044
2N28000002200A1	SCHILLER MARILYN		69958 SCHILLER DR	ECHO	OR	97826-9044

PROPERTIES WITHIN 100' OF WHEATRIDGE/SERVICE BUTTES FINAL T-LINE PROPOSAL

TLID	ACCT_ID	OWNER	IN_CARE_OF	AGENT	M_ADDRESS	M_CITY	M_ST	ZIP
2N28000000800	107114	WESTLAND ENTERPRISES LLC			822 S HIGHWAY 395 #PMB 423	HERMISTON	OR	97838-2621
2N28000001900	106887	SCHILLER MARILYN			69958 SCHILLER DR	ECHO	OR	97826-9044
2N28000002900	135464	SCHILLER MARILYN			69958 SCHILLER DR	ECHO	OR	97826-9044
3N28000000400	106826	MANN IRVIN L 3RD ETAL	C/O HOPPER PAT M		31466 ANDREWS RD	ECHO	OR	97826-9056
3N28000000401	133372	HOPPER PAT(LE)ETAL 50%ETAL50%	C/O HOPPER PAT M		31466 ANDREWS RD	ECHO	OR	97826
3N28000000500	133373	MCBEE JOHN M & MCBEE DEBBIE A			1062 SKYLINE DR	PENDLETON	OR	97801-1269
3N28000000600	133374	MCBEE JOHN M & MCBEE DEBBIE A			1062 SKYLINE DR	PENDLETON	OR	97801-1269
3N28000000700	133376	MCBEE JOHN M & MCBEE DEBBIE A			1062 SKYLINE DR	PENDLETON	OR	97801-1269
3N28000000702	106828	TAYLOR MICHAEL L & PATRICIA S (TRS)			31466 ANDREWS RD	ECHO	OR	97826-9056
3N28000000800	116678	HOPPER PAT (LE)ETAL 50%ETAL50%			31466 ANDREWS RD	ECHO	OR	97826
3N28000000900	116679	TAYLOR MICHAEL L & PATRICIA S (TRS)			31466 ANDREWS RD	ECHO	OR	97826-9056
3N28000001100	116681	PRIOR ROSALIE			32327 OREGON TRAIL RD	ECHO	OR	97826
3N28000001200	116682	PRIOR ROSALIE			32327 OREGON TRAIL RD	ECHO	OR	97826
3N28000001300	116688	PRIOR ROSALIE			32327 OREGON TRAIL RD	ECHO	OR	97826
3N28000001400	116691	PRIOR ROSALIE			32327 OREGON TRAIL RD	ECHO	OR	97826
3N28000001600	116696	BAR-U-INC			PO BOX 27	BOISE	ID	83707
3N28000001700U1	116697	EUBANKS JULIE F ETAL 73.306%ETAL 26.694%	C/O MANN LINC		11905 SW LANEWOOD ST	PORTLAND	OR	97225
3N28000001700U2	157270	BUHLER DEBORAH J (TRS)26.694% ETAL 73.306%			7860 S TRENTON ST	ENGLEWOOD	CO	80112-3319
3N28000001702	140244	BAR-U-INC			PO BOX 27	BOISE	ID	83707
3N28000001702A1	143603	BEEF CITY INC	C/O MANN LINC		11905 SW LANEWOOD ST	PORTLAND	OR	97225
3N28000002900	116759	PRIOR ARTHUR R (1/2) & PRIOR C (TRS)			32327 OREGON TRAIL RD	ECHO	OR	97826-9001
3N28000002902	145512	TAYLOR MICHAEL L & PATRICIA S (TRS)			31466 ANDREWS RD	ECHO	OR	97826-9056
3N28000002903	107198	PRIOR CHESTER J			32327 OREGON TRAIL RD	ECHO	OR	97826
3N28000003000	116762	PRIOR ARTHUR R (1/2) & PRIOR C (TRS)			32327 OREGON TRAIL RD	ECHO	OR	97826-9001
3N28000003100	116764	PRIOR ARTHUR R (1/2) & PRIOR C (TRS)			32327 OREGON TRAIL RD	ECHO	OR	97826-9001
3N28000003101	107201	PRIOR ROSALIE			32327 OREGON TRAIL RD	ECHO	OR	97826
3N28000004700	107255	PRIOR ROSALIE			32327 OREGON TRAIL RD	ECHO	OR	97826
3N28000006800	107318	PRIOR DAVID CHESTER			32327 OREGON TRAIL RD	ECHO	OR	97826-9001
3N28000006900	107338	PRIOR DAVID CHESTER			32327 OREGON TRAIL RD	ECHO	OR	97826-9001
3N28000007500	107346	WESTLAND ENTERPRISES LLC			822 S HIGHWAY 395 #PMB 423	HERMISTON	OR	97838-2621
3N28000008103	107390	WESTLAND ENTERPRISES LLC			822 S HIGHWAY 395 #PMB 423	HERMISTON	OR	97838-2621
3N28000008105	147888	WESTLAND ENTERPRISES LLC	C/O LEVY ROBERT L		822 S HIGHWAY 395 #PMB 423	HERMISTON	OR	97838-2621
4N28D00000107	152988	VERDON LLC			34801 OLD HIGHWAY 320	ECHO	OR	97826-9653

4N28D00002100	139519	UNION PACIFIC RR CO	ATTN: CORP TAX	1400 DOUGLAS ST #STOP 1690	OMAHA	NE	68179-1690
4N28D00002100	139519	UNION PACIFIC RR CO	ATTN: CORP TAX	1400 DOUGLAS ST #STOP 1690	OMAHA	NE	68179-1690
4N28D00002100	139519	UNION PACIFIC RR CO	ATTN: CORP TAX	1400 DOUGLAS ST #STOP 1690	OMAHA	NE	68179-1690
4N28D00002180	139518	UNION PACIFIC RAILROAD CO	C/O PROPERTY TAX	1400 DOUGLAS ST #STOP 1640	OMAHA	NE	68179-1001
4N28D00002902	106972	DOUBLE M RANCH INC	C/O HOPPER P	31466 ANDREWS RD	ECHO	OR	97826
4N28D00003402	128247	HOPPER P(LE)ETAL 50% MANN I L III ETAL50		31466 ANDREWS RD	ECHO	OR	97826
4N28D00003403	128248	MANN IRVIN L 3RD&EUBANKS JULIE		31466 ANDREWS RD	ECHO	OR	97826-9056
4N28D00003406	106981	MANN IRVIN L 3RD&EUBANKS JBUHLER D(TRS)	C/O HOPPER P	31466 ANDREWS RD	ECHO	OR	97826
4N28D00003407	158958	TAYLOR MICHAEL L & PATRICIA S (TRS)		31466 ANDREWS RD	ECHO	OR	97826-9056
4N28D00003490	106986	TAYLOR MICHAEL L & PATRICIA S (TRS)		31466 ANDREWS RD	ECHO	OR	97826-9056
4N29190000700	133541	GUTIERREZ RAUL ARIEL		PO BOX 881	HERMISTON	OR	97838-0881
4N29310000600	106696	GOODRICH BRADLEY D & JODI A		77513 HOOSIER RD	STANFIELD	OR	97875-5030
4N29C00001100	139513	UNION PACIFIC RR CO	ATTN: CORP TAX	1400 DOUGLAS ST #STOP 1690	OMAHA	NE	68179-1690
4N29C00001100	139513	UNION PACIFIC RR CO	ATTN: CORP TAX	1400 DOUGLAS ST #STOP 1690	OMAHA	NE	68179-1690
4N29C00001103	139526	UNION PACIFIC RR CO	ATTN: CORP TAX	1400 DOUGLAS ST #STOP 1690	OMAHA	NE	68179-1690

(7)

KELLINGTON LAW GROUP, PC

To:	**Tamra Mabbott**
From:	**Wendie Kellington**
Date:	**August 17, 2015**
Re:	**Wheatridge Energy Facility**

Status and Process

On March 18, 2013, the Oregon Department of Energy (ODOE) appointed the Umatilla County Board of Commissioners as a "Special Advisory Group" (SAG) to provide specific input regarding the proposed Wheatridge Wind Energy Facility (Wheatridge). The SAG input requested by ODOE was to identify the applicable substantive criteria that apply to the Wheatridge wind energy proposal and to determine whether the Wheatridge Applicant (Applicant) supplied adequate evidence in the Application, to demonstrate the proposal complies with the County identified applicable substantive criteria. Under ORS 469.504(1)(b)(A) and (5), the "applicable substantive criteria" at issue are defined as:

> "The * * * applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted, and with any Land Conservation and Development Commission administrative rules and goals and any land use statutes that apply directly to the facility under ORS 197.646."

On April 12, 2013, the Umatilla County Board of Commissioners identified the state and local applicable substantive criteria that applied to the proposed Wheatridge facility.

On August 27, 2015, the Umatilla County Planning Commission will consider public testimony regarding whether the Wheatridge Application (Application) supplied enough evidence to demonstrate compliance with the applicable substantive criteria that the County SAG identified. After the public hearing, the planning commission will make a recommendation to the Umatilla County Board of Commissioners' concerning the Application's compliance. Thereafter, the Board of Commissioners will consider the planning commission's recommendation and adopt a formal Resolution to forward to ODOE (EFSC) regarding whether the County determines the Wheatridge application contains sufficient evidence to demonstrate compliance with applicable substantive criteria.

Kellington Law Group PC
P.O. Box 159
Lake Oswego Or 97034
(503) 636-0069
www.KLGPC.com

Understanding the Application

Exactly what the Application proposes is seemingly inconsistent at times and unclear. Whether the proposal is adequately articulated and explained to enable an evaluation of its compliance with SAG identified criteria, is a question to be considered by the Planning Commission. As noted below, the most serious impediment to analyzing the Application's compliance with County SAG identified standards, is it failure to identify transmission routes. Reduced to its essentials the Application proposes:

(1) Wind Turbines, roads other infrastructure. Either 292 wind turbines or 200 wind turbines,[1] spread between two Wheatridge Project areas – Wheatridge West and Wheatridge East – are proposed to be placed on EFU zoned land in Umatilla and Morrow counties. Application Exhibit B "Project Description", p 4 Table B-1. However, the notification portion of the Application, treats the project as a 292 turbine project. *See* Application Exhibit F, p 1. Similarly, the land use segment of the Application treats the project as a 292 project. *See* Application Exhibit K, p 1. The number of turbines that will be included in the project will depend on the type of turbine the Applicant decides to purchase. Regardless of the number of turbines deployed, the project will be a 500 MW project. *Id.* Roads and other infrastructure will be established to support the wind turbines. Because the land use segment of the Application evaluates the impacts of 292 turbines, the variability in the number of turbines that are contemplated for the project alone, is not itself likely a significant land use issue. However, whether the Application provides adequate evidence to establish the Application meets all County SAG identified standards, including the direct and cumulative impacts of 292 turbines on accepted farming practices and the costs of accepted farming practices among other things, are land use issues that the planning commission should consider.

(2) "*Intra*connection Line(s)". *Intra*connection[2]" is the connection between the proposed windfarm and the grid. Intraconnection for the proposed project is noncommittal, instead four (4) intraconnection "options" are listed. *See* Application Exhibit B "Project Description", p 8-9. The circumstances for choosing one of the 4 "options" is similarly noncommittal. According to the Application, the intraconnection route selected "will depend on the point of interconnection to the BPA grid, likely either the planned Longhorn or Stanfield substation and on the number of Project Substations." This interconnection point, is in turn, speculative. The Application's lack of specificity about intraconnection is tied to the Application's twin failure to provide specificity regarding interconnection. Not knowing where *any* of the project's transmission will be located, significantly impairs the County's ability to evaluate the Application. However, while lack of specificity about *intra*connection is important, the lack of specificity regarding *inter*connection is probably the more serious land use issue. How intraconnection is addressed in the Application is briefly described in this Paragraph No. 2. How the Application deals with interconnection is briefly addressed in the following Paragraph No. 3.

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[1] With either 30 or 35 of these wind turbines in Umatilla County and the balance in Morrow County.

[2] Intraconnection lines are built by the wind developer and are distinguished from "Interconnection". Interconnection are the Gen-Tie lines that the Application states will someday be Umatilla Electric Coop (UEC) or UEC/Columbia Basin Electric Cooperative (CB) built connections to the BPA system.

(9)

The Application only evaluates *one* of the four intraconnection options for compliance with the state's "corridor assessment" criteria. Application Exhibit B "Project Description", p 9-13. That single option that was evaluated against the "corridor assessment criteria", is intraconnection "Option 1." The Application states Option 1 for intraconnection (and no other) was evaluated because it is the "longest route." This option, however, is apparently almost entirely located in Morrow County, and leads to the potential Strawberry substation which in turn leads to interconnection that terminates at the potential Longhorn substation.[3] It does not appear that the Application provided any required state administrative rule required "corridor assessment" for any other intraconnection option than this mostly Morrow County option. This means there is apparently no "corridor assessment" of the type that is required by state law for any "Intraconnection" option that would be located principally in Umatilla County.

Moreover, it is not clear whether or the extent to which intraconnection options located primarily in Umatilla County (Options 3 or 4 explained at Application Exhibit B, "Project Description", p 9), were evaluated in the Land Use segment of the Application (Exhibit K) against the County SAG identified criteria. On this, the Application states:

> "Wheatridge West is located entirely within Morrow County, approximately 5 miles northeast of Lexington, and approximately 7 miles northwest of Heppner. Wheatridge West is bisected by Oregon Highway 207 (OR-207). Wheatridge East is located approximately 16 miles northeast of Heppner and encompasses land in both Morrow and Umatilla Counties. *The Intraconnection Corridor is located primarily within Morrow County and adjoins to the southeastern portion of Wheatridge West and the southern portion of Wheatridge East.*" Application Exhibit K, "Land Use", p 1. (Emphasis supplied.)

This seems to suggest that the *only* intraconnection evaluated against the County SAG identified land use standards in Application Exhibit K, is Option 1. Recall, Option 1 heads west to the potential Strawberry substation then hooks into the *inter*connection route that then heads north to the potential Longhorn substation, all of which almost entirely in Morrow, not Umatilla County. If Option 1 intraconnection was the intraconnection option evaluated for land use compliance, then that would in turn suggest very little or no consideration was given to SAG identified criteria for project intraconnection in Umatilla County (Options 3 and 4).

On the other hand, a chart and some of the map exhibits to the Application's Exhibit K, suggest Intraconnection Option 3 (mostly located in Umatilla County) was considered, although these chart/maps are difficult to harmonize with the above quoted statement which ostensibly frames

[3] Application Exhibit K "Land Use," p 19, suggests that 0.04 acres of Option 1 (0.02 in high value farmland and 0.02 not in high value farmland) is in Umatilla County. However, it appears that this may be wrong because under any Option, more than 0.04 acres would appear to underlie Intraconnection in Umatilla County in order to connect Wheatridge West and East; although the least amount of Intraconnection in Umatilla County, occurs under intraconnection Option 1. Necessarily, it seems, that the amount of land taken for these the two options shown on the Exhibit K chart in Umatilla County should be different. Further, the same values on the same chart are attributed to "Option 3" as "Option 1" and it seems obvious that there would be much more than 0.04 acres of land taken for intraconnection in Umatilla County for Option 3. While not strictly a land use issue, this tends to reinforce that transmission – whether intra or interconnection -- is at best unclear or confusing, complicating the County's ability to evaluate the Application.

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the scope of the land use analysis in the Application. *Compare* Application Exhibit B "Project Description" p 9, with Application Exhibit K, "Land Use" p 1, and 19 *and also* Figure K-6 and K-6.1- to 18 through K-8. "Option 3" (mostly in Umatilla County) is the *shortest* route overall.

The chart at Application Exhibit K "Land Use", p 19, appears to incorrectly identify the amount of land underlying Intraconnection facilities in Umatilla County under Option 1 or 3 as being limited to 0.04 acres. *See* Footnote 3 to this Memorandum.

"Option 4" appears not to have been evaluated at all against County SAG identified criteria in the Application, regardless of whether the narrative which purports to frame the analysis or the chart/maps, are utilized.

As noted in the beginning paragraph of this paragraph, intraconnection is probably not as serious a potential problem as interconnection, but it is important for the planning commission to understand how the Application deals with both.

3. Grid Connection or Interconnection. Interconnection appears to be the land use issue of the greatest concern to area constituents. Interconnection to the grid, according to the Application is entirely "conceptual". *See* Application Exhibit B "Project Description", p 3. In this regard, the Application states: "The specific location of the future Gen-tie Line(s) is *not yet known*; however, several potential routes have been identified and are shown as c*onceptual* alignments in the [Application] (see Figures C-4a/b/c/d)." (Emphasis supplied.) Application Exhibit B "Project Description" p 3. The Application states that the Gen-Tie lines will be 230 kv transmission lines "to be owned by Umatilla Electric Cooperative (UEC) or UEC in partnership with the Columbia Basin Electric Cooperative (CB), but operated by BPA. The Gen-tie Line(s) will be permitted by UEC and/or CB separately from the Wheatridge Project; therefore, *this application does not address impacts associated with the Gen-tie Line(s) and their associated substation(s)*." (Emphasis supplied.) *Id.*

The County/SAG Identified Applicable Substantive Criteria and the Applicant's Response

A copy of the County letter to ODOE identifying the applicable substantive criteria is included in the Planning Commission's packet. Particular County SAG identified applicable substantive criteria with which the Application appears to be deficient are identified in this Memorandum.

- **UCDO 152.616(HHH)**

The Wheatridge Applicant's response to the applicable substantive law that the County SAG identified, is Application Exhibit K. In sum, the Applicant either did not address the applicable substantive law that the County SAG identified or argued it met a "majority" of those standards. Application Exhibit K, p 1. The Applicant's responses are summarized below, with our comment:

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> "*152.616(HHH) Application Requirements*
>
> "Response: UDCO 152.616(HHH)(5) lists information that would be required as part of an application for a County Conditional Use Permit. The information submitted as a part of this application and information that will be provided as a condition of approval attached to the Site Certificate satisfy all of the information requirements identified by Umatilla County." Application Exhibit K, p 21.

The Applicant's statement above does not establish that the Application has supplied adequate evidence to demonstrate compliance with the County SAG identified applicable substantive law. Specifically, the Application fails to comply with UDCO 152.616(HHH)(5)(b) and (5)(c)(3), among other criteria, as discussed later in this memorandum. These failures in turn mean the Application appears to fail to provide adequate evidence to demonstrate compliance with UCDO 152.616(5)(d)(1).

To explain, UCDC 152.616(HHH)(5)(b) requires a map showing the location of components of the proposed wind power generation facility. The County has interpreted this provision to require a map showing the location of all of the components related to the facility, which includes the routes and location of transmission facilities to connect the project to the grid, as well as substations to serve the proposal. The requirement to provide this map is an applicable substantive criteria because it will have a meaningful impact on a decision to approve or deny the proposal.

Similarly, UCDC 152.616(HHH)(5)(c)(3) requires identification of the route and plan for transmission facilities connecting the project to the grid. This similarly is an applicable substantive criteria because it will have a meaningful impact on the decision to approve or deny the proposal. Identifying the route for transmission and the plan for transmission facilities, enables a meaningful evaluation of impacts and helps to identify other applicable substantive criteria included within the development code or county plan. As noted above, this information must also be depicted on the map required by UCDC 152.616(HHH)(5)(b).

The SAG identified criteria require that transmission and substation locations be disclosed. If those key components are "conceptual" and speculative as the Application states, then the County's typical response to such a land use application defect would be that the project is simply premature or deficient and cannot be approved.

According to the Application, transmission and substations could be located anywhere:

> "The specific location of the future Gen-tie Line(s) is not yet known; however, several potential routes have been identified and are shown as conceptual alignments on figures in the ASC (see Figures C-4a/b/c/d). With the proposed Intraconnection Line(s) and multiple Substations, the Project is designed to accommodate a variety of Gen-tie Line route options. Several likely points of interconnection to the BPA transmission system exist, including the planned

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> Stanfield substation near Stanfield, Oregon (Umatilla County) and the planned Longhorn substation at the Port of Morrow, Oregon (Morrow County). These two points of interconnection are the most likely and are shown throughout this ASC as illustrative of the Project's grid interconnection options, but other options may exist. The timeline and control of the interconnection options are largely established by BPA and other transmission customers in the area, which means the Project's construction timeline requires flexibility to be able to start construction when the interconnection facilities are ready."

UCDC 152.616(HHH)(5)(d)(1) requires a demonstration of compliance with UCDO 152.061. This is an applicable substantive criteria as well. The deficits above, mean the Application's compliance with this standard is relatedly, deficient. If the location of the energy facility in its entirety is not identified, then it is impossible to evaluate the facility's compliance with UCDO 152.061. In this regard, UCDO 152.061 requires that all conditional uses in an EFU zone demonstrate compliance with the following two approval standards:

> "(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
>
> "(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use."

Evaluating Impacts - UCDO 152.061 (Individual and Cumulative Effects) and State Cumulative Effect Standards

As explained above, UCDO 152.061 requires analysis of the significant impacts from the facility on accepted farming practices and on the costs of farming. This same standard as it appears in ORS 215.296(1), has been interpreted by the Oregon Court of Appeals to require not only an evaluation of individual impacts from a proposed development, but also the "cumulative effects" of that facility on farming operations and farming costs. *Von Lubken v. Hood River County*, 118 Or App 246, 251 (1993).

This SAG identified standard intersects with ODOE's wind "cumulative effect" standard established in OAR 345-024-0015. This standard recognizes that potential adverse effects attend the selection of transmission routes and substation locations; carrying the potential for adverse cumulative impacts. A copy of that state "Cumulative Effect" standard is Attachment 1 to this memorandum.

OAR 345-024-0015 does not allow EFSC to ignore impacts from related or supporting facilities of a wind energy project. Rather, OAR 345-024-0015 imposes on EFSC an independent, mandatory obligation on EFSC's authority, that to issue a Site Certificate, EFSC "must find that the applicant can design and construct the *facility* to reduce cumulative adverse environmental effects in the vicinity by practicable measures, including but not limited to the following. * * *" ORS 469.300(14) defines "*facility*" to include the "energy facility together with any related or supporting facilities." ORS 469.300(24) defines "related or supporting facility" to include transmission facilities.

(13)

The Applicant's failure to address SAG identified requirements not only appears to deprive EFSC of authority to approve the application based failure to meet SAG identified standards, but also failure to satisfy the state law "Cumulative Effects" standard.

Planning Commission's Evaluation

The Planning Commission is asked to take public testimony and make a recommendation to the Board of Commissioners on the following two issues:

1. Whether the Wheatridge Application as proposed including turbines, roads and related infrastructure, both with and without consideration of the two Umatilla County (although speculative), potential intraconnection and interconnection transmission lines and routes and substation(s), complies with Umatilla County SAG identified standards;

2. Whether the Application as proposed including turbines, roads and related infrastructure, both with and without consideration of the two Umatilla County (although speculative), potential intraconnection and interconnection transmission lines and routes and substation(s), meets UCDO 152.061 which requires that the energy facility:

   "(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

   "(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use."

This will require the Planning Commission to consider four key issues associated with the proposed facility:

1. Compliance and effects of proposed turbines (presume 292 turbines), roads and related infrastructure;
2. Compliance and effect of proposed Option 3 and Option 4 "intraconnection" lines to connect "West Wheatridge" and East Wheatridge" to the point of "interconnection";
3. Compliance and effects of the conceptual transmission interconnection lines leading to the potential Stanfield substation that is shown as a possibility on the Application;
4. Compliance and effects of potential transmission (both interconnection and intraconnection) and substations being "conceptual" only, rather than a concrete energy facility proposal.

(14)

EFSC Options if Application Does not Provide Sufficient Evidence to Establish Compliance with SAG Identified Criteria

Where an Application fails to provide adequate evidence to establish compliance with SAG identified approval criteria, EFSC lacks authority to approve the facility, except in the specific limited circumstances described below. This particular situation is unusual because the Applicant has failed to respond at all to two SAG identified standards and that failure significantly influences its ability to comply with other SAG identified standards. In other words, the Applicant's failure to identify the location and route for transmission and substation location(s) likely means the Applicant has not addressed two SAG identified criteria and has failed to perform the direct and cumulative impacts analysis required by UCDO 152.061 for the facility.

The consequences of these apparent failures appear to mean that EFSC has only limited options to approve the proposal. EFSC may not interpret SAG identified criteria. EFSC may not approve a proposal that does not meet SAG criteria, except under limited circumstances discussed in this section. More detail on how this works, follows.

ORS 469.504(5) states EFSC "*shall* apply the criteria identified by the SAG." Accordingly, EFSC is required to apply SAG identified criteria, regardless of whether the Applicant has done so. Compliance with applicable SAG standards may not be deferred or otherwise conditioned to occur at some later point, in a process that would not apply the SAG criteria in equivalent processes. *See Willamette Oaks, LLC v. City of Eugene*, 232 Or App 29 (2009) (TPR is written to require resolution of whether uses significantly affect a transportation facility be decided prior to approving a zone change and cannot be deferred to a subsequent permit approval); *see also Columbia Riverkeeper v. Columbia County*, __ Or LUBA___ (LUBA No. 2014-017/018) (goal exception standards are not permitted to be deferred to a permit proceeding).

Further, OAR 345-022-0000(3)(b)[4] prohibits EFSC from using its public interest "balancing" authority to excuse noncompliance with SAG identified criteria.

Accordingly, an Applicant's failure to establish compliance with SAG identified standards means EFSC has two options: EFSC may attempt to independently determine the proposal complies with applicable Statewide Planning Goals or to take an exception to "one or more" Statewide Planning Goals.

EFSC Option 1 – Finding Goal Compliance

EFSC can approve a project that does not comply with the applicable substantive law identified by the SAG, by establishing that the proposed facility complies with the "Statewide Planning Goals." EFSC rarely if at all attempts to establish Goal compliance

[4] "(3) Notwithstanding section (2) of this rule, the Council shall not apply the balancing determination to the following standards: * * * (b) The land use standard described in OAR 345-022-0030 * * *."

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independent of SAG identified criteria and, instead, traditionally relies on the SAG identified standards. However, if EFSC were here to decide to avoid County standards and decide Goal compliance on its own, it is the Applicant's burden to establish entitlement to a finding of Goal compliance. This is evident from OAR 345-021-0010(1)(k)(iv).

However, even if the Applicant were to ask, and EFSC were to agree to invoke, this extraordinary authority to avoid County SAG identified requirements and apply the Goals directly, it appears that determining the project complies with applicable Statewide Planning Goals would be very difficult in this case. This is because UCDO 152.616(HHH)(5) has been acknowledged to be in compliance with all Statewide Planning Goals. UCDO 152.616(HHH) implements Goals 1 (Citizen Involvement), Goal 2 (Land Use Planning) and Goal 3 (Agricultural Lands), among other Goals. Accordingly, the proposal's failure to comply with the acknowledged County SAG identified standards, would appear to mean that the proposal fails to comply with the Statewide Planning Goals. Moreover, Goal 2 requires all land use decisions have an "adequate factual base". Where the core problem is that an Applicant has failed to provide *any* factual base for compliance with SAG identified standards (UCDO 152.616(HHH) (5)(b) , (5)(c)(3) and UDCO 152.061), it seems impossible for EFSC to establish Goal 2 compliance.

If EFSC is unable to determine Goal compliance based on the Application as submitted, then EFSC may consider approval of a facility that fails to comply with SAG identified standards, by taking a Goal exception of the types described in OAR 340-022-0030(4).

EFSC Option 2 - Exceptions

It is important to note at the outset, that it is the Applicant's burden to establish entitlement to any exception. This is evident from the requirement in OAR 345-021-0010(k)(v) that obliges the Applicant to justify any needed exception.

It seems there would be little doubt that EFSC would not be in a position to take a "developed" or "irrevocably committed" exception to Goal 3 per OAR 340-022-0030(4)(a) or (b), for any of the area around the Wheatridge wind farm to authorize transmission or substations, because the entire area is currently successfully utilized for agriculture. Further, a developed and committed exception to Goals 1 or 2 seems inappropriate, for obvious reasons.

A "reasons" exception under OAR 345-022-0030(4)(c), may be similarly unlikely. The key failures of compliance with SAG criteria, as noted above include the Applicant's failure to identify the routes and location of transmission facilities and substations. Importantly, the Applicant makes no claim of adequate "reasons" to support the failure to provide information about the project to enable the evaluation of the facility as the Applicant envisions it. The Application contains no evidence to justify a reasons exception to the opportunity for meaningful citizen input that Goal 1 requires, to evaluate the wind energy facility's compliance with the SAG identified criteria.

(16)

Approving an exception means that the public will never have a meaningful opportunity to evaluate the "facility." No exception has ever been granted for this in the past and its hard to imagine adequate reasons can be stated to justify bypassing Goal 1.

Further, there is no evidence in the Application to support that there are "reasons" to justify refusal to identify both intra and interconnection transmission routes to enable a meaningful evaluation of the discrete and cumulative adverse impacts from the facility on high value agricultural operations, as would be required by Goal 3. Simply stating that the Gen-tie route and thus intraconnection routes and substations are unknown does not supply a reason why they are unknown or what stands in the way of them being known or even whether any of the "conceptual routes" or "options" are feasible.

Moreover, the Application does not support that transmission routes and substation locations are unknown to the Applicant, in fact. In this regard, the Application supplies enough information to conclude that transmission facility locations, route and substations are not unknown. Specifically, the proposal is a multimillion dollar 500 MW wind farm, one of the largest in Oregon. It is being developed in "partnership" with "Map Royalty, Inc." which offers investors an investment in Wheatridge. Application Exhibit A, p 2. The Applicant exists to "secure the real estate rights, permits *and interconnection rights* necessary to construct and operate a wind energy facility within the project footprint." Application Exhibit D, p 2. Obviously, interconnection to the grid is a part of the contemplated project. The Bank of Eastern Oregon has indicated its willingness to provide a $17,500,000 letter of credit for the construction of the proposed wind power facility, subject to approval of an application for the same. Application Exhibit M, Attachment M-2. There is nothing to suggest that a small regional bank would contemplate making that investment without assurance of project financial feasibility which includes a reasonably certain transmission route and substation(s) to serve the facility to connect it to the grid to make the facility feasible.

If intraconnection and interconnection transmission facility locations, route and substations were disclosed, then not only would the project be capable of being meaningfully evaluated against the SAG identified criteria, but also ODOE's "corridor selection assessment" requirements in OAR 345-021-0010(1)(b) would be properly applied and addressed. On the latter, recall, the Application only appears to apply the state OAR 345-021-0010(1)(b) "corridor assessment" to intraconnection "Option 1," which is predominately in, and runs the entirety of required *inter*connection through, Morrow County. The corridor selected and studied for intraconnection predetermines the corridor for interconnection. It appears only studying Option 1 intraconnection fails to comply with OAR 345-021-0010(1)(b). While compliance with OAR 345-021-0010(1)(b) is not a SAG criteria concern, the apparent failure to comply with OAR 345-021-0010(1)(b) underscores the interrelated problems posed by the Application's ambiguities and omissions on compliance with key SAG identified criteria.

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The Application's Evaluation of Impacts

- Limited Area for Evaluation

The Applicant evaluated impacts only from development of the wind farm, its "Intraconnection Lines[5]" and an area ½ mile around the boundary of these. This is the "Project Site" evaluated in the Application. From this limited "Project Site", the Applicant concluded that the Wheatridge proposal will not force a significant change in accepted farm practices or significantly increase the cost of farm practices. It did not address cumulative adverse impacts from the project including new transmission or substations to connect the project to the grid. This limited "Project Site" area that the Applicant evaluates is shown on Application Exhibit K-5, which is Attachment 2 to this Memorandum.[6] Importantly, as noted variously in this Memorandum, the Applicant provides no analysis of impacts on farming practices or costs from interconnection transmission facilities, route or substations, even the ones identified in the Application are speculative. The Application does not evaluate the impact of the eventual selection of particular intraconnection options either on the necessary interconnection selection that is associated with each such intraconnection option and the impacts on accepted farm practices or their costs of these selections.

- Project Feasibility

There is no evidence that any "possible" interconnection transmission route is in fact possible or feasible. There is no evidence that a Stanfield substation to serve the project is "possible" or feasible. As such, the Application fails to evaluate the impact to farming practices and costs of a developed multimillion dollar windfarm with no connection to the grid.

On feasibility, it is worth noting there are two significant feasibility hurdles. One relates to the fact that any arrangement between UEC and the Applicant, if there is one, with respect to the intraconnection line is not disclosed. ORS 35.015 forbids UEC from condemning farms or homes if it intends to convey "fee title or a lesser interest than fee title" to a private party – like Wheatridge. *See also Kelo v. City of New London*, 545 US 469, 125 S Ct 2655, 162 L Ed 2d 43 (2005). If it is intended to convey any interest to Wheatridge or another private entity, no such condemnation may lawfully occur. Moreover, for UEC to construct such lines, permission must be sought from the PUC for the same. ORS 758.015. As far as the County is aware, no such petitions have been submitted to the Oregon PUC. Therefore, there is inadequate information in the Application to ascertain whether interconnection is feasible in any case.

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[5] As noted, these are the lines that connect Wheatridge East and Wheatridge West together. There is no commitment in the Application for the particular routes for these lines and associated substations, as explained above.
[6] This Application Figure K-5 relies on Option 1 intraconnection.

- Practical Issue With Failure to Decide Transmission

The Applicant's failure to evaluate the cumulative effects of its project, even as it limitedly describes it, on accepted farming practices and the costs of accepted farming practices makes meaningful evaluation of the project illusory. This is because this project to be an energy "facility", means it requires transmission. It is one thing to upgrade existing transmission facilities (as is ostensibly possible along Butter Creek Highway), and quite another to build wholly new transmission facilities (as the Application suggests is the preference). If existing transmission facilities along the Butter Creek Highway are not to be upgraded to serve the project and new transmission is to be built to serve the project instead, then the cumulative impact of this and other windfarms and their transmission facilities on the continuation of accepted farming practices and their costs in the area must be, and has not been, addressed. In this regard, the "area" affected by this cumulative impact issue is at least the area proximate to the "intratransmission" options, as well as the two "potential" interconnection transmission routes and potential substations disclosed in the Application, as well as other proximate farming areas already squeezed by energy facilities. The Planning Commission should consider seeking public input on what those cumulative impacts would be from a 500 MW windfarm in this particular area and the fact that such a facility requires and certainly will get transmission.

- Cumulative Effect of More Turbines

Moreover, the cumulative adverse environmental effects of an additional 500 MW windfarm turbines and related infrastructure, in addition to all the other turbines and infrastructure in the area, have not been evaluated, including adverse effects of more turbines and infrastructure on farming as well as aesthetic values.

- How the Applicant addressed Potential Adverse Effects

The Applicant essentially concludes[7] the Wheatridge Project has no adverse effects on farm practices or the cost of farm practices in the limited area the Application studies, because:

a. Construction is temporary;
b. Land lost to farming "due to siting of permanent project improvement is a de minimus percentage of the total farm use land in Umatilla County; therefore the inability to use the land for farm purposes is not significant;
c. The applicant pays for roads and project facilities and the cost of these does not fall on farmers;
d. Access roads for the Project will benefit agricultural land users through improved access to farm fields and "resulting in lower fuel costs";
e. Farmer lessees will approve site plans for development on leased land;

[7] *See* Application Exhibit K, p 19-20.

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f. "Wheatridge has confirmed that no landowners in the Project Area utilize aerial spraying of pesticides or fertilizers; the Project would not affect the application of pesticides or fertilizers using ground based methods";
g. Wheatridge will control weeds;
h. Wheatridge will record a covenant not to sue "against *its Project leasehold interests* with regard to generally accepted farming practices on adjacent farmland." (Emphasis supplied.);
i. Construction and operation of the Project will implement dust and erosion control measures and limiting disturbance areas as "practicable";
j. Wheatridge will consult with "area landowners" during construction and operation to "reduce or avoid any adverse impacts to farm practices or surrounding lands and to avoid any increase in farming costs."
k. Disturbances from roadways, temporary utility requirements and laydown areas will be minimized and after construction temporary facility areas will be restored.
l. "The Project is designed and legally structures such that the cost burden of constructing and maintain access roads and other facilities would not fall on the landowner and would not increase the cost of farming for affected landowners." Participating landowners will be compensated.

The Planning Commission should take testimony, evaluate and recommend whether the Applicant has adequately established compliance with the direct and cumulative effects farm impacts standards of UCDO 152.061, reproduced below again for convenience:

> "(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
>
> "(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use."

EFSC Cannot Grant a "Variance"

The Applicant asks that "to the extent the Project cannot comply with an applicable criterion, EFSC should approve a variance to the applicable criterion * * *." Application Exhibit K, p 1. EFSC has no authority to grant a "variance." Had the Applicant applied for a CUP from the County, conceivably the Applicant might have been able to also apply for a variance from the County, under County approval standards. But the Applicant elected to seek approval through the EFSC process, which does not include rights to "variances."

Issues Raised to Date to be Considered by the Planning Commission Regarding the Failure to Comply with UCDO 152.061

- There is no "Project" to Evaluate

Constituent commentators have noted that the "Project" is for an energy "facility" which is, as a matter of state law, defined to include transmission and substations. ORS 469.300(14) and (24). Without transmission, the "facility" cannot exist. Thus, the Application is either unapprovable as premature or must be denied as noncompliant with applicable standards. The statutory and rule program for energy facilities does not contemplate approval of "conceptual", speculative, contingent applications. If, as commentators suspect, intra and interconnection transmission route and substation(s) are known, they must be disclosed for a "facility" to be approved by EFSC. However, a "conceptual" facility with commitments to nothing, is not the equivalent of a "facility" that EFSC may approve, and without a "facility," there is no "project" that can be meaningfully evaluated against SAG identified criteria.

Per the requirements of OAR 345-021-00110(1)(c), an application is required to supply "Information about the location of the proposed facility, including (A) A map showing the proposed locations of the energy facility site, all related and supporting facility sites * * * (B) A description of the location of the proposed energy facility site, the proposed site of each related or supporting facility * * *." The proposal fails to describe the locations of all transmission lines in and between the project areas making it impossible to meaningfully evaluate the proposal. Identification of the location of proposed facilities is necessary to enable the required evaluation of impacts to agriculture and is also necessary to enable a determination of whether the Application contains sufficient evidence to establish compliance with the "applicable substantive criteria."

- Land Use Impacts Have not Been Identified or Evaluated by the Applicant

The Application has failed to analyze the effects on agricultural practices and costs of any new transmission routes' and substations and the direct and cumulative effects of both on farm operations, especially circle irrigated farmland, compared with alternatives that do not require new facilities and improvements. The commentators note that this creates a disadvantage for farmers and others seeking to evaluate the application. As such, the Applicant made no effort to identify significant adverse impacts on land use as required and the Application is unresponsive to applicable standards.

- Agricultural Impacts Raised by Commentators to Date (Including Written Comments Objecting to the NOI for the Project)

Agricultural Policy and Occupying Pivot Irrigation Corners with Transmission Towers

Oregon land use policy favors and protects high value irrigated crop land. ORS 215.243(2) ("The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation"). The siting of energy facilities, is not immune to this important state agricultural land use policy. To the contrary, the siting of energy facilities is required to comply with state agricultural lands policy. ORS 469.504(b). The Application impermissibly ignores the substantial impacts on agricultural

practices caused by transmission corridors, in contravention of the requirements of state law that requires energy facilities pay particular attention to agricultural impacts.

The importance of Oregon agricultural land use policy to the instant Application cannot be overstated. Farmland is scarce and decreasing. This is especially true for irrigated farmland in the project area. The scarcity of valuable irrigated farmland resource is aggravated by the proposal which contemplates the potential for new transmission facilities on such land to reach the Stanfield substation, and also on such land located within a critical groundwater area. With limited surface and groundwater availability, new or expanded water rights are difficult and, in some instances, impossible to obtain. Correspondingly then, little if any new irrigated farmland can be developed in the area.

Despite the unavailability of new water rights, additional lands are being developed and irrigated as a result of new irrigation techniques and water storage programs. Because of the ease and affordability of modifying existing irrigation systems, newly developed and irrigated lands tend to be located in the corners of existing irrigated circles. Placement of towers in circle corners prevents farmers from the valuable opportunity to efficiently and affordably develop new irrigated cropland. Placement of wind turbines on farms means any irrigation must avoid towers. Essentially turbines make the large swaths of the farmland on which they sit, off limits to irrigation. The applicant has not explained whether the areas upon which the turbines are proposed to be situated have irrigation rights that will be compromised or lost. The loss of use of these circle pivot corners to irrigation due to towers, removes the incentive to improve irrigation efficiency and increases the scarcity and cost of high value irrigated farmland which are discouraged under state agricultural land use policy. The loss of irrigability or irrigation rights for active farms underlying wind turbine sites due to turbine location, diminishes the viability of the farms upon which turbines are situated, which adversely impacts that farming practice of irrigation and certainly increases its cost. The Application does not address these issues. The state's policy of protecting high value irrigated farmland is not furthered by any utility siting on the limited supply of irrigated cropland in the area.

Irrigation and Water Delivery Systems

The Applicant's failure to address impacts of the proposal on irrigated crop circles causes it to miss that it will cause significant and ongoing impacts on the irrigated crop circles and impose severe limitations on their agricultural use. The Application fails to deal with impacts related to electrical and magnetic interference with irrigation equipment. Landowners monitor and control irrigation systems through sensitive wireless systems and controls. The Application fails to address whether and to what extent these may be affected by overhead power lines and strong electrical and magnetic currents. Additionally, transmission line's currents are likely to exacerbate electrolysis that corrodes metal pipelines, parts, and controls which are the fundamental core of circle irrigation systems. This is a problem not only for high voltage lines but also smaller intra-transmission lines connecting the proposed east and west Wheatridge areas. The Applicant must address whether the proposed location of lines or towers will interfere with, or require any limitations on, or modifications of (1) the configuration or operation of above ground irrigation systems including center pivot irrigation equipment, electric equipment and controls, pump stations and controls, and all other above ground equipment necessary and (22)

useful for crop irrigation, (2) the configuration or operation of all underground water delivery systems including pipes, valves, controls, meters, and all other equipment necessary and useful for irrigation water delivery, and (3) the full benefit, use, and enjoyment of all easements, licenses, or other agreements relating to the installation, repair, replacement, and use of water delivery systems.

Additionally, placement of towers and turbines affects the maintenance and operation of underground pipelines, pump stations, and controls, many of which are located in circle corners. Nothing in the Application contemplates or addresses the maintenance or replacement of above or below ground irrigation pipelines that may be beneath a transmission line tower.

Chemical Application / Mowing Interference

Irrigated crops require frequent application of herbicides, pesticides, fertilizers, and other chemicals both by air and ground application methods. Overhead lines and transmission towers as well as wind turbines themselves, complicate, limit, and in some instances prevent aerial chemical application which requires more expensive, more invasive, more damaging, and less effective chemical treatments and applications (all of which can result in crop damage and decreased yields). Ground application of herbicides to control weeds under and around transmission towers is similarly affected. Additionally, the transmission towers and turbines prevent mowing, which is a common and environmentally preferred weed control method.

A special note about aerial spraying is owed at this juncture.

While the Application states that there is no aerial spraying of pesticides or fertilizers in the "Project Area", that does not support a conclusion that the Application meets any of the standards "does not force a significant change in accepted farming practices"; or "significantly increase the cost of accepted farming practices" or has no adverse "cumulative effect" on farming practices affected by the proposal.

It is impossible to evaluate the potential adverse effects on aerial spraying from the facility, when miles of interconnection transmission and substations are not disclosed. The Application's failure to make a commitment about the location or route for transmission lines or substations to serve the wind farm, means it is impossible to evaluate the project's effect on aerial spraying operations that it will indisputably compromise. However, the "potential" two alternate interconnection routes located in Umatilla County, demonstrate how severe the adverse impact on aerial spraying on area farms will be. Either of the potential transmission routes will force a significant change to accepted farming practices (aerial spraying) and will significantly increase the cost of pesticide and fertilizer application on affected farms. There can be no doubt that either of the potential transmission routes will appreciably reduce safety to both the pilots of the crop duster aircraft and the surrounding public.

Regarding pilot safety, crop dusting requires the pilot to fly at altitudes as low as 10-15 feet above the ground, well below the height of the transmission lines which the Application states will be 80-150 feet tall. Transmission lines have a low profile and are difficult for pilots to see. This creates a collision hazard that could lead to the aircraft crashing and resulting in a loss of (23)

life to the pilot and the public should the aircraft crash in an area occupied by persons on the ground. Statistical data and studies conducted by governmental aviation safety agencies and industry trade groups unquestionably support the conclusion that transmission lines present a clear danger to agricultural aviation operations. A recent study released by the National Transportation Safety Board showed that collision with ground obstacles resulted in 16 accidents in 2013 and continues to be the number one threat to the pilots who provide this critical service to America's food production industry. The Study explains:

"A review of the accidents that occurred in 2013 revealed trends consistent with historical accident data for the Part 137 GA sector: the top three defining events were in-flight collision with an obstacle (16), loss of aircraft control, and system or component failure (both powerplant and non-powerplant). Because it is consistently one of the most common (and often fatal) accident types, obstacle collision remains a top industry concern." National Transportation Safety Board. 2014. *Special Investigation Report on the Safety of Agricultural Aircraft Operations*. Special Investigation Report NTSB/SIR-14/01. Washington, DC.

Thus, if there is aerial spraying anywhere along either proposed transmission route, then those operations will have to stop or be significantly changed.

Demonstrating the seriousness of the problem is that crop dusters have little choice regarding their approach to a crop. This is because aerial spraying approaches are guided by prevailing winds. The prevailing winds in the area of the two alternate potential transmission routes are from the West/Southwest during the growing months. *See* below:

	PREVAILING WIND DIRECTION											
STATION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
ASTORIA AIRPORT, OR (KAST).	E	E	E	S	W	W	NW	NW	NW	E	E	E
AURORA AIRPORT, OR (KUAO).	S	S	S	S	S	S	N	N	N	S	S	S
BAKER CITY AP, OR (KBKE). W	ESE	ESE	ESE	N	N	NNW	NNW	NNW	NNW	N	ESE	ESE
BURNS MUNI AP, OR (KBNO). W	E	E	WNW	NW	NW	WNW	WNW	WNW	WNW	WNW	E	E
CORVALLIS AP, OR (KCVO). WI	S	S	S	S	WNW	NW	NW	NW	WNW	S	S	S
EUGENE AIRPORT, OR (KEUG).	S	S	S	S	N	N	N	N	N	S	S	S
HERMISTON MUNI AP, OR (KHRI)	WSW	S	WSW	WSW	WSW	WSW	WSW	WSW	SW	WSW	S	WSW

The potential routing of the transmission lines is along a North-South line which bisects the fields. This makes it impossible to maintain a spray pattern consistent with effective agricultural operations because the planes would no longer be able to spray upwind and downwind to the crops, it would restrict them to a side spray which is undesirable from a crop application perspective but also an environmental one. From a crop application perspective, side spray creates the greatest amount of drift and consequently loss of product. A side spray operation requires more product and more spraying passes, adding greater expense. Moreover, this greater drift and amount of pesticide needed to be applied presents environmental concerns. Manufacturers have indicated on their labeling that reduced amount of chemical is needed per acre if and only if the application is performed in the most effective way; a condition that side spray cannot meet. The key component in minimizing the drift is to apply the product into a consistent wind (headwind). Because of precision patterning and flow control systems used in today's applications, a 6 inch accuracy on spray patterns using as little as 1 gallon per acre of (24)

water-chemical mixture is achieved with very little adverse environmental impact so long as product is applied into a consistent headwind.

The perceived if not actual safety of the public who live and work in the vicinity of farms that utilize a crop dusting service is compromised if a crop duster is forced to spray in a pattern that results in significant drift. The direction that a crop dusting pilot sprays a chemical is based on the direction of the wind. By adjusting the direction of the flight path in accordance with the direction of the wind, the pilot is able to prevent chemicals from blowing off the intended fields and into populated areas. However, the potential alternative transmission routes eliminate two important directions of flight path that would are needed to reduce drift. Thus, the proposal makes impossible for much if not all of the growing season the crop dusting flight pattern that is needed to (1) stay safe, (2) spray according to the label, (3) spray in a way that is cost effective, and (4) spray in the way least likely to result in drift. The spray pattern necessitated by either of the two "potential" transmission routes will significantly change and increase the cost of crop dusting which is an accepted farming practice. This is because crop dusting will no longer be possible without exposing the farmer to increased costs associated with crop dusting and claims by people who perceive that their exposure to drift has or could cause them harm.

The Application makes no effort to address this issue. Compounding the problem is that among those either living or working in the area that would be affected by overspray directly caused by either of the proposed transmission routes, are the Wheatridge employees and contractors. The claim that "Wheatridge will record a covenant not to sue against its Project leasehold interests * * *" provides no protection to those farmers who are not "Project leasehold interests."

Equipment Use

Large equipment is used to farm under and around a transmission line, including tall cranes sometimes used in the repair or replacement of pumps and buried pipelines. The Application must address the height restrictions or parameters along the corridor to allow farmers to ascertain any possible equipment incompatibilities.

Moreover, with respect to the Owner's crop storage sheds, tower locations and height restrictions can easily interfere the large and tall equipment used to load and unload crops.

Requires an Unapprovable Goal 3 Exception

Applicant further impermissibly fails to quantify the number of high value farmland acres that will be permanently removed from production under the proposal including the two transmission options identified. It appears that the Facility will remove more than 12 acres high value farmland from production and, therefore, it requires a Goal 3 exception of the type described in OAR 660-033-130(17). A Goal 3 exception essentially requires selecting the reasonable alternate with the least impact to agriculture. ORS 197.732(2)(c)(A)-(D); *see also* ORS 469.504(2); OAR 345-021-0010(1)(b)(D)(iv) (requiring selection of route with "[l]east percentage of the total length of * * * transmission line that would be located within lands that require zone changes, variances or exceptions").

25

A Goal 3 exception would not be required for transmission entirely within an existing corridor and no showing is made about why existing corridors cannot be used. Using the existing transmission corridor will avoid or minimize the permanent loss of high value farmland from production. Similarly a program or practice is presumably in place along the existing corridor for controlling noxious weeds and pests. Selection of a new alignment with new transmission facilities to transmit to the Longhorn Substation require new and significant losses of high value farmland and the implementation of new, different, or more Application improperly avoids any discussion or analysis of these simple but significant comparisons between the Applicant's available options.

Cumulative Impacts from Other Possible Transmission Corridors

The proposed facility appears to be in yet another proposed project with wholly new transmission facilities in the same area as the Boardman-Hemingway and Perennial Wind Chaser transmission projects, and potentially others (Heppner Wind). The Applicant should be required to perform a cumulative impacts analysis of the proposal on the agricultural operations in the area, in light of potential transmission facilities to and from proposed, expected, and/or foreseeable electricity generation sources in the area. The Applicant should be required to describe project impacts in light of the cumulative impacts of all of these developments on affected agricultural operations.

Electric and Magnetic Fields and Fluxes

There are serious concerns regarding of interference with agricultural devices from electric and magnetic fields and fluxes. An additional problem, however, is that high voltage transmission lines increase consumers' increasing critical concerns about the growing conditions for crops and produce grown under or near high voltage power lines. OAR 345-024-0090 requires the Applicant to address human health and property damage impacts from EMF on soil, irrigation water and crops. Public health concerns about human health impacts may decrease the value of the farmers' crops and the Applicant should address existing studies (or acknowledge the lack thereof) on effects of EMF on crops and food safety and apply siting mitigation to avoid (1) food safety risks, and (2) lost farm / property value due to public perception of food safety risks. EFSC has noted its power to deal with concerns regarding Electric and Magnetic Fields (EMF) in the Columbia Crossing Project Order (p 30): "Although the Council does not have an EMF Standard, it does have a statutory mandate to adopt any conditions needed to ensure public health and safety. This mandate provides the regulatory basis for any findings or conditions, including setbacks, based on EMF considerations."

No Showing that Transmission Proposal Can be Permitted Under ORS 215.275

ORS 215.275 requires an applicant to establish that the siting of new transmission facilities on land zoned EFU is necessary. This includes that there are no existing available alternate transmission facilities or corridors with fewer agricultural impacts. The Application fails to make any effort to show the feasibility of compliance of the facility (as defined in ORS 469.300(14) and (24), which includes transmission and substations), with ORS 215.275.

(26)

No Showing that Transmission Facility can be Permitted Under ORS 215.283(1)(u)

The Facility is on EFU zoned land. Therefore, ORS 215.283 applies. As such this standard must be listed as a criterion to be satisfied. Per ORS 215.283(1)(u), the Facility is a "utility facility". ORS 215.283(1)(u) permits "Utility facility service lines" on land zoned EFU, but only under certain conditions. Utility facility service lines are defined as "utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

"(A) A public right of way;

"(B) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

"(C) The property to be served by the utility."

The transmission corridor terminating at the speculatively identified Stanford substation, to the extent it is disclosed, does not appear to be in a public right of way, does not have consent of adjacent property owners and is not on property owned by the Applicant utility. Therefore, because it does not comply with these requirements, the Facility's transmission corridor is not an authorized route under state statutes governing EFU lands.

Proposal Cannot Meet Standard for Commercial Utility Facilities in ORS 215.283(2)(g) / ORS 215.296

ORS 215.283(2)(g) authorizes "Commercial utility facilities for the purpose of generating power for public use by sale" if certain standards are met. Those standards are listed in ORS 215.296(1) and require a finding that the proposal does not do either of the following:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use."

The Application makes no effort to show that the facility as that term is defined in state and local law, meets these requirements and all indications are that if the transmission route to the speculative Stanfield Substation is selected, then the project cannot meet these requirements.

Other Concerns about Proposal mentioned by Commentators

Aesthetic and Property Value Impacts

As stewards of the land in times of increasing environmental awareness and sensitivity, the Facility will decrease the value of area properties both aesthetically and productively. (27)

Aesthetically, the transmission lines and wind turbines will detract from the properties' natural appearance and condition, especially given its proximity to highways and the undeveloped vistas beyond. For the reasons set forth above, farm families believe that the proposal will decrease the value of farms.

DIVISION 24
SPECIFIC STANDARDS FOR SITING FACILITIES

Specific Standards for Wind Facilities

345-024-0010
Public Health and Safety Standards for Wind Energy Facilities

To issue a site certificate for a proposed wind energy facility, the Council must find that the applicant:

(1) Can design, construct and operate the facility to exclude members of the public from close proximity to the turbine blades and electrical equipment.

(2) Can design, construct and operate the facility to preclude structural failure of the tower or blades that could endanger the public safety and to have adequate safety devices and testing procedures designed to warn of impending failure and to minimize the consequences of such failure.

Stat. Authority: ORS 469.470, ORS 469.501
Stat. Implemented: ORS 469.501

345-024-0015
Cumulative Effects Standard for Wind Energy Facilities

To issue a site certificate for a proposed wind energy facility, the Council must find that the applicant can design and construct the facility to reduce cumulative adverse environmental effects in the vicinity by practicable measures including, but not limited to, the following:

(1) Using existing roads to provide access to the facility site, or if new roads are needed, minimizing the amount of land used for new roads and locating them to reduce adverse environmental impacts.

(2) Using underground transmission lines and combining transmission routes.

(3) Connecting the facility to existing substations, or if new substations are needed, minimizing the number of new substations.

(4) Designing the facility to reduce the risk of injury to raptors or other vulnerable wildlife in areas near turbines or electrical equipment.

(5) Designing the components of the facility to minimize adverse visual features.

(6) Using the minimum lighting necessary for safety and security purposes and using techniques to prevent casting glare from the site, except as otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation.

Stat. Authority: ORS 469.470, ORS 469.501
Stat. Implemented: ORS 469.501

Specific Standards for Surface Facilities Related to Underground Gas Storage Reservoirs

345-024-0030
Public Health and Safety Standards for Surface Facilities Related to Underground Gas Storage Reservoirs

To issue a site certificate for a proposed surface facility related to an underground gas storage reservoir, the Council must make the following findings:

(29)

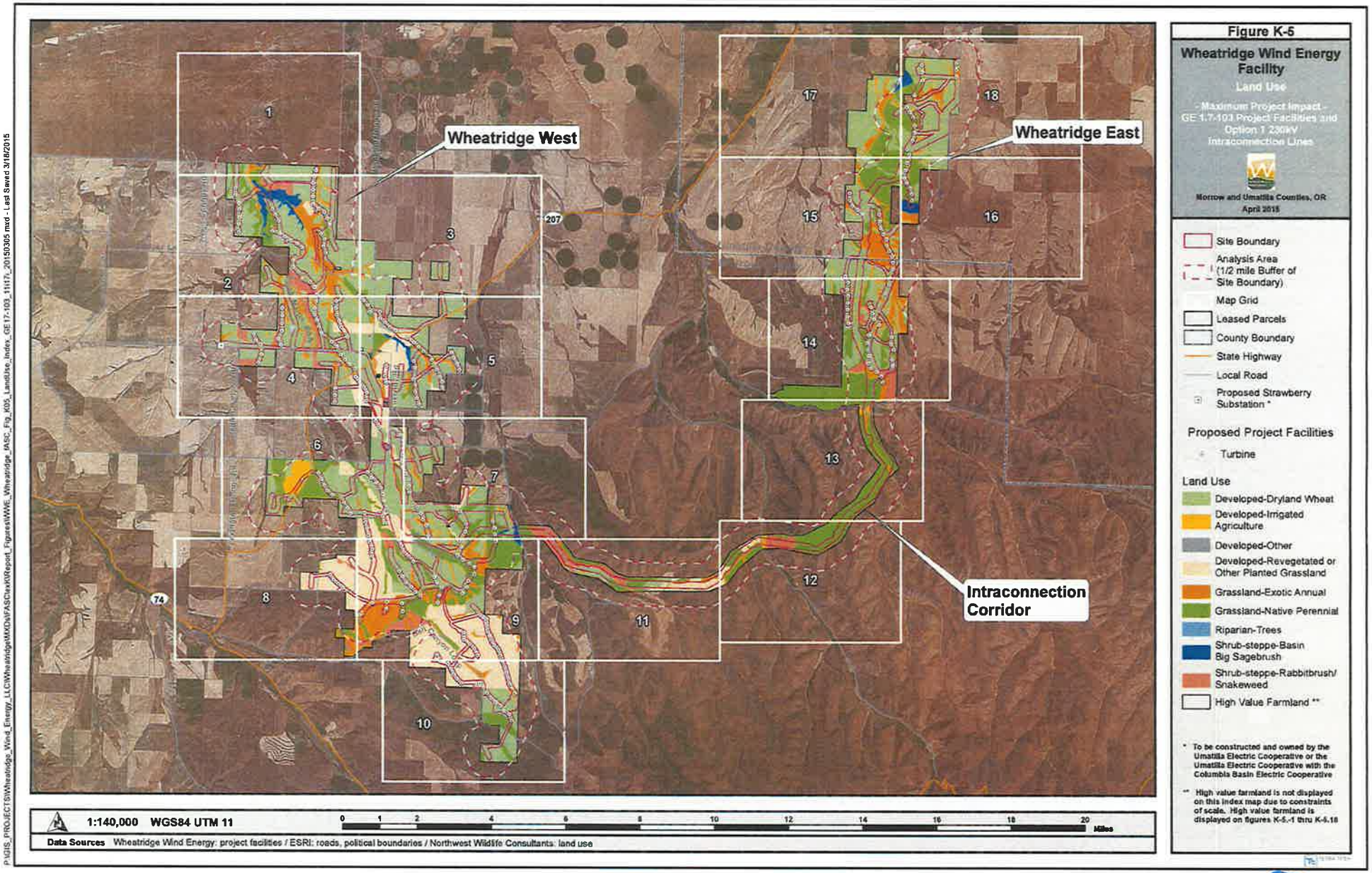
Wheatridge West
Wheatridge East
Intraconnection Corridor
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
207
74
1:140,000 WGS84 UTM 11
0 1 2 4 6 8 10 12 14 16 18 20 Miles
Data Sources Wheatridge Wind Energy: project facilities / ESRI: roads, political boundaries / Northwest Wildlife Consultants: land use
Figure K-6
Wheatridge Wind Energy Facility
Land Use
- Maximum Project Impact - GE 1.7-103 Project Facilities and Option 1 230kV Intraconnection Lines
Morrow and Umatilla Counties, OR
April 2015
Site Boundary
Analysis Area (1/2 mile Buffer of Site Boundary)
Map Grid
Leased Parcels
County Boundary
State Highway
Local Road
Proposed Strawberry Substation *
Proposed Project Facilities
Turbine
Land Use
Developed-Dryland Wheat
Developed-Irrigated Agriculture
Developed-Other
Developed-Revegetated or Other Planted Grassland
Grassland-Exotic Annual
Grassland-Native Perennial
Riparian-Trees
Shrub-steppe-Basin Big Sagebrush
Shrub-steppe-Rabbitbrush/ Snakeweed
High Value Farmland **
* To be constructed and owned by the Umatilla Electric Cooperative or the Umatilla Electric Cooperative with the Columbia Basin Electric Cooperative
** High value farmland is not displayed on this index map due to constraints of scale. High value farmland is displayed on figures K-5.1 thru K-5.18
P:\GIS_PROJECT\SWheatridge_Wind_Energy_LLC\WheatridgeMXDs\FASC\exhibit\Report_Figures\WWE_Wheatridge_fASC_Fig_K05_Landuse_Index_GE17-103_11x17_20150305.mxd - Last Saved 3/18/2015

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Exhibit B

Project Description

Prepared for

Wheatridge Wind Energy, LLC

Wheatridge Wind Energy Facility

July 2015

Prepared by

TETRA TECH

Tetra Tech, Inc.

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Table of Contents

List of Tables

List of Figures

Terms and Definitions

Collector Line	An underground or overhead electrical 34.5 kV line transmitting power from the turbines to a Substation
Construction Yard	The temporary area for construction activities and Project component storage prior to installation
GE 1.7-103 Layout	Project turbine layout comprised of 292 GE 1.7MW turbines with 80m hub heights and 103m rotor diameters
GE 2.5-120 Layout	Project turbine layout comprised of 200 GE 2.5MW turbines with 85m hub heights and 120m rotor diameters
Gen-tie Line(s)	One or two 230 kV transmission line(s) conveying power from the Project to an interconnection point with the grid, which will be permitted and built by UEC or UEC/CB
Intraconnection Corridor	The intraconnection transmission line corridor connecting Wheatridge East with Wheatridge West
Intraconnection Line(s)	One or two overhead electrical 230 kV lines connecting the Project Substations in Wheatridge East and Wheatridge West.
Met Tower	Permanent meteorological tower
O&M Buildings	Permanent operations and maintenance buildings, including parking
Project	Wheatridge Wind Energy Facility
Site Access Road	Private road to be constructed or improved for the purpose of accessing turbines and associated Project facilities
Site Boundary	The boundary within which all Project facilities will be constructed, also known as the micrositing corridor
Substation	A facility in which electric power from the turbines is aggregated, stepped up in voltage, and connected to the Intraconnection Line(s) or the Gen-tie Line(s)
Turbine	A collective term for the foundation, tower, nacelle, blades and rotor that comprise a wind turbine generator in the Project
Turbine Pad	A cleared, graveled area around the base of each turbine encompassing primarily the turbine's foundation
Wheatridge	Wheatridge Wind Energy, LLC
Wheatridge East	The eastern group of turbines
Wheatridge West	The western group of turbines

Acronyms and Abbreviations

APLIC	Avian Power Line Interaction Committee
ASC	Application for Site Certificate
BMP	Best Management Practice
BPA	Bonneville Power Administration
CB	Columbia Basin Electric Cooperative
EFSC	Energy Facility Siting Council
EFU	Exclusive Farm Use
FAA	Federal Aviation Administration
GSU	Generator step-up transformer
kV	Kilovolt
mph	Miles per hour
MW	Megawatt
NESC	National Electrical Safety Code
OAR	Oregon Administrative Rules
ODOE	Oregon Department of Energy
ORS	Oregon Revised Statutes
rpm	Revolutions per minute
RPS	Renewables Portfolio Standard
RSA	Rotor swept area
SCADA	Supervisory control and data acquisition
UEC	Umatilla Electric Cooperative

1.0 Introduction

Exhibit B provides a description of the proposed Wheatridge Wind Energy Facility (Project), as required to meet the submittal requirements of Oregon Administrative Rule (OAR) 345-021-0010(1)(b) paragraphs (A) through (F). OAR 345 Division 22 does not provide an approval standard specific to Exhibit B.

2.0 Overview of Proposed Facility

Wheatridge Wind Energy, LLC (Wheatridge), proposes to construct the Wheatridge Wind Energy Facility (Project), a wind generation facility with a maximum nominal generating capacity of 500 megawatts (MW) in Morrow and Umatilla counties, Oregon (see Figures C-1 and C-2). The Project is comprised of up to 292 turbines divided into two groups: a western group of turbines (Wheatridge West) and an eastern group of turbines (Wheatridge East). Wheatridge West and Wheatridge East are electrically connected by an 'Intraconnection Corridor' containing up to two parallel overhead 230-kilovolt (kV) transmission lines (Intraconnection Lines), each no longer than 35 miles in length. Other Project components include access roads (Site Access Roads), an electrical collection and control system, the Project's substations (Substations), operations and maintenance buildings (O&M Buildings), and temporary construction yards (Construction Yards). These facilities are all described in greater detail in Section 3.0.

Wheatridge West is located entirely within Morrow County, approximately 5 miles northeast of Lexington, and approximately 7 miles northwest of Heppner. Wheatridge West is bisected by Oregon Highway 207 (OR-207). Wheatridge East is located approximately 16 miles northeast of Heppner and encompasses land in both Morrow and Umatilla counties. The Intraconnection Corridor is located entirely within Morrow County and adjoins to the southeastern portion of Wheatridge West and the southern portion of Wheatridge East.

2.1 Definition of the Site Boundary

The Site Boundary establishes the micrositing corridors within which all Project facilities will be located. Permitting micrositing corridors allows Wheatridge the flexibility to adjust the specific location of Project facilities at the time of construction (a process referred to as micrositing), while establishing outer boundaries of potential construction which can then be used for purposes of impact assessment. The Site Boundary establishes the locations of turbine strings, and would encompass all of the permanent and temporary Project facilities. The Site Boundary is a minimum of approximately 660 feet in width around turbines, and wider in some locations. The Site Boundary width around Site Access Roads and electrical collection lines (Collector Lines) is narrower, between 200 feet and 500 feet in width. The Intraconnection Corridor is approximately 1,000 feet in width, and would contain all Intraconnection Lines and associated Site Access Roads. Wider areas of the Site Boundary would encompass the Substations, meteorological towers (Met

Towers), the O&M Buildings, and Construction Yards. The Site Boundary excludes areas where appropriate to avoid impacts to sensitive cultural, biological, or environmental resources such as wetlands.

2.2 Turbine Options

In order to allow flexibility in the choice of wind turbines at the time of construction, Wheatridge has analyzed impacts for two layouts using two different turbine models, while limiting the total generating capacity to 500MW. This approach would allow Wheatridge to select the most appropriate turbine model available at the time the turbines are acquired so long as the turbines are of no greater impact than allowed for in the Site Certificate and satisfy all the pre-construction conditions of Site Certificate. This flexibility is required because turbine manufacturers offer new turbine models with improved technology and retire older models approximately every 1 to 2 years.

Turbine layout Option 1 utilizes 292 1.7MW GE turbines with 80-meter (262-foot) hub heights and 103-meter (337-foot) rotor diameters and is referred to as the GE 1.7-103 layout in the Application for Site Certificate (ASC). Turbine layout Option 2 utilizes 200 2.5MW GE turbines with 85-meter (278-foot) hub heights and 120-meter (393-foot) rotor diameters and Option 2 is referred to as GE 2.5-120 layout in the ASC. This approach of analyzing impacts for two turbine types allows for the representation of a range of turbine technologies currently available and forecasted across all turbine vendors and their corresponding impacts in the Project. Wheatridge seeks micrositing flexibility within the Site Boundary in regard to the final layouts for both the studied GE 1.7-103 layout and GE 2.5-120 layout and any turbine model whose impacts are less than or equal to these two studied layouts and their associated facilities.

These two turbine layout options define the maximum number, size, visual impact, and noise limits of wind turbines for the Project. The ultimate number of wind turbines and the specific model and manufacturer used would be determined near the time of construction; however, the impacts associated with any turbine model chosen for construction would not exceed the impacts as bounded by this ASC. The number of turbines would not be greater than 292 (based on the GE 1.7-103 layout), the specific model selected for construction would not have a total rotor swept area (RSA) larger than the GE 2.5-120 layout, and the received sound levels at noise sensitive receptors from the ultimately selected turbine model and layout would not exceed the noise emissions of either the studied GE 1.7-103 or GE 2.5-120 layouts.

The preliminary Project layouts presented in the ASC are layouts which have involved significant engineering design work guiding the placement of turbines and supporting facilities while minimizing their impacts. These layouts were used to define the Site Boundary, which consists of corridors around all the turbines as currently designed and as likely designed during the final micrositing of the turbines and Project facilities. These preliminary Project layouts define the maximum impacts and are representative of the final layout but are not necessarily the specific location for each turbine, the final turbine model, or the final location of all the supporting Project facilities. For this reason, the analysis of the impacts of the turbines assumes both turbine types and

the Project layout with the largest potential impact to each element of the environment. The turbine type used may not be the same for each analysis. For example, the turbine with the largest RSA may not be the turbine with the loudest noise or the largest visual impact. The final layout will be determined prior to construction and will reflect additional survey data, final engineering design, and Wheatridge's ongoing process of avoiding and minimizing impacts.

2.3 Grid Interconnection

Wheatridge anticipates that the Project will connect to the Bonneville Power Administration (BPA) transmission system via overhead 230kV transmission lines (Gen-tie Line[s]) to be owned by either Umatilla Electric Cooperative (UEC) or UEC in partnership with the Columbia Basin Electric Cooperative (CB), but operated by BPA. The Gen-tie Line(s) will be permitted by UEC and/or CB separately from the Wheatridge Project; therefore, this application does not address impacts associated with the Gen-tie Line(s) and their associated substation(s).

The specific location of the future Gen-tie Line(s) is not yet known; however, several potential routes have been identified and are shown as conceptual alignments on figures in the ASC (see Figures C-4a/b/c/d). With the proposed Intraconnection Line(s) and multiple Substations, the Project is designed to accommodate a variety of Gen-tie Line route options. Several likely points of interconnection to the BPA transmission system exist, including the planned Stanfield substation near Stanfield, Oregon (Umatilla County) and the planned Longhorn substation at the Port of Morrow, Oregon (Morrow County). These two points of interconnection are the most likely and are shown throughout this ASC as illustrative of the Project's grid interconnection options, but other options may exist. The timeline and control of the interconnection options are largely established by BPA and other transmission customers in the area, which means the Project's construction timeline requires flexibility to be able to start construction when the interconnection facilities are ready.

3.0 Project Components, Structures, and Systems

3.1 Wind Turbines

The Project is designed around two representative wind turbine models: a GE 1.7MW 103-meter rotor diameter turbine and a GE 2.5MW 120-meter rotor diameter turbine. Table B-1 shows the key characteristics for each turbine layout option for Wheatridge East and Wheatridge West. The use of two layout options defines a representative range of turbine technical specifications and maximum impact parameters for the Project. The Project's total nominal generating capacity will be 500MW. The two turbine models represent the likely range of wind turbine generator ratings of 1.7MW to 2.5MW resulting in a maximum number of 292 turbines with the 1.7MW model. Rotor diameters are anticipated to be in the range of 103 meters (337 feet) to 120 meters (393 feet). Tower heights are similarly anticipated to range from 80 meters (262 feet) to 85 meters (278 feet). Total height (tower height plus blade length) for the turbines is likely in the range of 132 meters (433 feet) to 145 meters (476 feet). Turbines would be arrayed in rows, or strings, spaced approximately 700 to

1,000 feet apart within each string, with approximately 1 mile separating each row of turbines. This spacing is required by turbine manufacturers to minimize the turbines' turbulence. Figures C-5 and C-10 show representative turbine locations for the GE 1.7-103 and the GE 2.5-120 layouts.

Table B-1. Wind Turbine Option Characteristics

Project Area	Turbine Model	Generating Capacity	Tower Height	Rotor Diameter	Total Height	Total Number	Total Generating Capacity
GE 1.7-103 Layout							
Wheatridge East	GE 1.7-103	1.715MW	80m (262ft)	103m (338ft)	131.5m (431ft)	66 /1	113.2MW
Wheatridge West	GE 1.7-103	1.715MW	80m (262ft)	103m (338ft)	131.5m (431ft)	226	387.6MW
Total Project						**292**	**500MW**
GE 2.5-120 Layout							
Wheatridge East	GE 2.5-120	2.5MW	85m (279ft)	120m (394ft)	145m (476ft)	50 /2	125MW
Wheatridge West	GE 2.5-120	2.5MW	85m (279ft)	120m (394ft)	145m (476ft)	150	375MW
Total Project						**200**	**500MW**

1. 31 turbines in Morrow County, and 35 in Umatilla County
2. 20 turbines in Morrow County, and 30 in Umatilla County

A wind turbine generator consists of a three-bladed rotor, attached to a nacelle mounted atop a tubular tower (see Figure B-1); these components are described in greater detail below.

Nacelle

The nacelle sits atop the turbine tower and houses the gearbox, generator, brakes, and control systems for the turbine. Access to the nacelle is via a ladder inside the turbine tower, which is accessed by a locked doorway at the base of the tower. The nacelle is mounted to the turbine tower on a geared plate that functions to rotate the turbine horizontally on the tower, allowing the nacelle to turn and orient the rotor to face into the wind and maximize capture of the available wind resource.

The roof of the nacelle is designed to be removable or opened from within to accommodate major maintenance activities such as the replacement of a gearbox. The floor of the nacelle acts as a pan to contain any potential spills of gearbox or hydraulic fluid.

Blades and Rotors

The turbine blades are attached to the rotor hub, which is mounted to the front of the nacelle. A rotor blade is made of laminated fiberglass and carbon fiber and typically is constructed as a single piece. The rotor diameter of turbine models under consideration for the Project for maximum impact calculations and that are representative of ultimately selected turbine model range from 103 meters (337 feet) for the GE 1.7-103 layout to 120 meters (393 feet) for the GE 2.5-120 layout.

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Each blade would therefore be approximately 51 meters (167 feet) or 60 meters (197 feet) in length.

When operating, the rotor turns at a rate between 10 and 20 revolutions per minute (RPM). The turbine begins generating electricity at wind speeds of approximately 6 miles per hour (mph). At wind speeds greater than about 55mph, the turbine shuts down; the blades are feathered so they do not catch the wind, brakes are applied to slow and stop the rotor, and once stopped the rotor may be locked to prevent damage to the turbine.

Turbine Tower

The turbine tower is a cylindrical, usually steel, structure tapered from the base to the top, on top of which is mounted the nacelle. Tower heights vary by turbine model and manufacturer; those under consideration for the Project for maximum impact calculations and that are representative of ultimately selected turbine model would be either 80 meters (262 feet) for the GE 1.7-103 layout or 85 meters (278 feet) for the GE 2.5-120 layout. The interior of a tower is accessible by a locked door at ground level, and the tower features an internal ladder system providing protected access to the nacelle. A typical turbine tower would be approximately 15 feet (4.5 meters) across at the base, tapering to less than 10 feet across at the nacelle. Each tower would arrive at the Project in three or four sections, to be assembled on-site.

Turbine Foundation

Each turbine would be secured to a reinforced concrete foundation. Typical wind turbine foundations are reinforced concrete, spread-footing or plate foundations; other foundation types such as pile or caisson-type foundations may be considered based on site-specific soil conditions. The actual foundation design for each tower will be determined prior to construction based on site-specific geotechnical studies; however, for the purposes of the ASC, Wheatridge assumes that typical spread-footing foundations would be used (Figures B-2 and B-3). A typical spread-footing foundation consists of a reinforced concrete pad, up to 80 feet in diameter, extending to approximately 12 feet below grade. The center of the foundation would be approximately 6 feet thick, tapering to approximately 3 feet thick at the outer edges. A pedestal, upon which the turbine tower is mounted, projects from the center of the footing to above ground level.

Permanent Turbine Pad Impact Area

An engineered earth and gravel pad is maintained for the life of the Project atop the outer edges of the foundation footing. The earth and gravel effectively add weight to the foundation and further stabilizes the turbine; the gravel pad also serves as a parking area for maintenance vehicles. The permanent impact area within the maintained gravel pad is approximated by a 20-meter (65-foot) diameter circle, or 0.08 acres per turbine.

Temporary Turbine Construction Area

Construction of each turbine will require the temporary disturbance of an area around the foundation in order to accommodate foundation excavation and soil storage and to provide a stable area for the staging and assembly of turbine and tower components and the operation of

construction cranes and other heavy equipment (Figures B-4 and B-5). This temporary disturbance area is approximated by a 30-meter (98-foot) diameter circle around the turbine, or about 0.18 acres in size. Following erection of the turbines, the Construction Yards would be reclaimed through regrading to pre-construction contours, restoration of topsoil as needed, soil decompaction if necessary, and seeding and/or planting to restore habitat as appropriate. Wheatridge will coordinate with landowners for final restoration requirements in agricultural areas.

Turbine Marking and Lighting

The turbines will be marked and lighted according to Federal Aviation Administration (FAA) guidelines, but no other lighting would be used on the turbines. FAA guidelines call for painting the turbines and towers white or light gray, while making them highly visible to pilots from the air. Flashing red aviation lighting will be mounted atop selected turbines; FAA guidelines usually dictate for lighting at the end of each turbine string or around the perimeter of a project, and within a project such that the gap between lights is no greater than 0.5 miles. Under current FAA guidelines, all of the lights would be programmed to flash in unison, allowing the entire Project to be perceived as a single unit by pilots flying at night. The specific location of aviation lighting and the operation of the lighting system will be determined in consultation with FAA prior to beginning construction on the Project.

3.2 Electrical Collection System

The electrical collection system will carry power generated by the turbines to one of the Substations. Power would be initially generated at 575 to 690 volts (V) by the turbines, and then stepped up to 34.5kV through generator step-up (GSU) transformers installed at the base of each turbine. The Collector Lines would then carry the power to one of the Substations, at which the voltage would be stepped up from 34.5kV to 230kV for overhead transmission, either through the Intraconnection Line(s) or onto the Gen-tie Line(s).

Typically, the GSU transformer is a rectangular box with a footprint approximately 7.5 feet x 8.5 feet, located a few feet from the base of the turbine tower; it is therefore called a pad-mounted GSU transformer[1] (Figure B-6). A pad-mounted GSU transformer is typically mounted on an 8-inch thick concrete pad foundation, set within the engineered earth and gravel fill above the turbine foundation.

Electrical connections will be made underground or in enclosed junction boxes between the turbine and the pad-mounted GSU transformer, then from the transformer to the Collector Lines. The 34.5kV Collector Lines would typically run in trenches no less than 3 feet deep in tilled ground, generally located alongside the Site Access Roads, with junction splice boxes positioned intermittently along the lines for maintenance access (Figure B-7). Where land use and soil conditions make a buried depth of 3 feet infeasible, Collector Lines may be buried at a depth of less than 3 feet, while still adhering to National Electrical Safety Code (NESC) standards. Each Collector

[1] Note that in some Turbine models the GSU transformer is located in the nacelle or in the base of the tower.

Line circuit would consist of three wires, or phases; each wire would be an insulated, stranded metal conductor in a size range of 1/0 – 4/0 American wire gauge, nearly 3 inches in diameter.

It is possible that the Collector Lines may need to be run overhead in situations where a buried cable would be infeasible or would create unnecessary impacts, such as at stream or canyon crossings. In such instances overhead Collector Lines will be supported by a wooden or steel pole structure. Each support pole would be buried approximately 6 feet in the ground and would extend to a height of approximately 60 feet above ground, spaced 100 to 200 feet apart. Collector Lines are only anticipated to potentially need overhead placement in Wheatridge West. Based on existing topographic data, there would be no greater than 10.83 miles of overhead Collector Lines in the Project; however, the specific locations where Collector Lines may need to run overhead will not be known until site geotechnical work has been done.

The total length of Collector Lines needed would depend on the turbine model and number of turbines constructed. With the use of the GE 1.7-103 layout, approximately 88 miles of Collector Lines would be needed, while approximately 80 miles would be needed for the GE 2.5-120 layout. Tables C-3 and C-4 presents the Collector Line mileage for Wheatridge East and Wheatridge West by turbine layout option.

There would be no permanent impacts associated with the Collector Lines buried underground. Where not placed within a Site Access Road, the area above the buried line would be restored and revegetated following construction. For the purposes of the ASC, Wheatridge assumes a temporary impact corridor approximately 8 meters (26 feet) for the buried Collector Lines. Where Collector Lines may need to run overhead the permanent impact would be only the support poles for the overhead Collector Lines. Each pole's permanent impact would be a 1.5 meter diameter circle centered on the support pole; comprising no greater than 0.17 acres assuming all 10.83 miles of potential overhead support is needed for the Collector Lines.

Collector Substation(s)

The Project would likely include up to three Substations, in which power from the Collector Lines would be aggregated and stepped up to transmission voltage: with one or two Substations being located in Wheatridge West and one additional Substation being located in Wheatridge East. The proposed Substation locations for both Wheatridge East and Wheatridge West are shown on Figures C-4a/b/c/d and C-10.

This proposal describes three alternative locations for the Substations in Wheatridge West (Substations 1, 2a and 2b). While only two Substations are likely to be constructed in Wheatridge West, for the purposes of impact calculations all three potential Substation locations are considered within Wheatridge West. The final number and location of Substations in Wheatridge West will depend on the final location of the UEC or UEC/CB Gen-tie Line(s), as well as the route option used for the Intraconnection Line(s) (see Section 3.3).

Each Substation would occupy between 2 and 5 acres and would be enclosed by a locked 8-foot tall wire mesh fence to prohibit unauthorized access. Substation equipment would include transformers, transmission line termination structures, a bus bar, circuit breakers and fuses,

control systems, meters, and other equipment. The area within the fence line would be graded approximately flat, with a bed of crushed rock applied for a durable surface.

Substation 1 would likely be located near the Wheatridge West O&M Building on the southern side of Baseline Road. Substation 2a would likely be located south of Strawberry Lane, approximately 0.5 miles west of Bombing Range Road. Substation 2b would likely be located 0.5 miles east of Cutsforth Road, east of its intersection with Dolven Road. Substation 3 would likely be located near the Wheatridge East O&M Building, along an existing private road to be improved, west of Vey Road and approximately 1.25 miles north of the Umatilla County line.

3.3 Intraconnection Line(s)

Wheatridge East and Wheatridge West would be electrically connected by the Intraconnection Line(s), either single or a double circuit 230kV transmission line(s) running between the Substations in each area (Figures C-4a/b/c/d). If the Intraconnection Line is a single circuit, then one set of transmission line structures, either H-frame or monopole, will be constructed to carry the circuit. If the Intraconnection Line(s) is two circuits, then either one set of transmission line monopole structures carrying both circuits or two sets of parallel transmission line monopole structures each carrying one circuit will be constructed. The Intraconnection Line(s) would be designed to maintain a minimum conductor-to-ground clearance of 30 feet and the structures would be typically 60 feet tall and spaced approximately 400-800 feet apart depending on the terrain. The Intraconnection Line(s) will be designed following Avian Power Line Interaction Committee (APLIC) (2006) recommendations to prevent electrocution of birds. APLIC recommended measures are intended to protect raptors, cranes, and other large birds from accidental electrocution and are sufficient to protect even the largest birds that may try to roost on the Project Intraconnection Line(s). The engineering options for the Intraconnection Line structures are discussed in detail in Exhibit AA, including example drawings. The construction schedule of the Project may require that one circuit is constructed before the second circuit; discussed in greater detail in section 6.0.

The final Intraconnection Line routes will depend on the point of interconnection to the BPA grid, likely either the planned Longhorn or Stanfield substations, and on the number of Project Substations; likely there will be two or three. A shown on Figures C-4a/b/c/d, there are four Intraconnection Line route options, none of which is dependent upon the layout options. Any of these routes would work with either the GE 1.7-103 or GE 2.5-120 layouts. The Intraconnection Line route options are as follows:

- Option 1: Two Project Substations to Longhorn
    - This option would run from Substation 3 in Wheatridge East to Substation 1 in Wheatridge West and then on to the proposed UEC/CB Strawberry substation, just to the west of Wheatridge West, for interconnection to a UEC or UEC/CB operated Gen-tie Line going to the proposed BPA Longhorn substation. The Intraconnection Line routes would be 31.5 miles (50.5 kilometers) in length.

(43)

- Option 2: Three Project Substations to Longhorn
    - This option would run from Substation 3 in Wheatridge East to Substation 2b in Wheatridge West, then on to Substation 2a in Wheatridge West, and then on to the proposed UEC/CB Strawberry substation, just to the west of Wheatridge West, for interconnection to a UEC or UEC/CB operated Gen-tie Line going to the proposed BPA Longhorn substation. The Intraconnection Line routes would be 31.3 miles (50.3kilometers) in length.
- Option 3: Two Project Substations to Stanfield
    - This option would run from Substation 1 in Wheatridge West to Substation 3 in Wheatridge East for interconnection to a UEC operated Gen-tie Line going to the proposed BPA Stanfield substation. The Intraconnection Line routes would be 24.5miles (39.4 kilometers) in length.
- Option 4: Three Project Substations to Stanfield
    - This option would run from Substation 2a in Wheatridge West to Substation 2b in Wheatridge West, and then on to Substation 3 in Wheatridge East for interconnection to a UEC operated Gen-tie Line going to the proposed BPA Stanfield substation. The Interconnection Line routes would be 27.8 miles (44.7 kilometers) in length.

For the purposes of impact assessment in the ASC, the longest route, Option 1, with two parallel overhead Intraconnection Lines, has the maximum impact of the options considered and is used for calculating the maximum impact of the Interconnection Lines. The use of any of the other Intraconnection Line route options would result in lesser impacts. The shortest route, Option 3, also assumes two parallel overhead Intraconnection Lines and is used to represent the minimum impacts of the Intraconnection Lines.

OAR 345-021-0010(1)(b)(D) requires a corridor selection assessment if the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a transmission line or pipeline that, by itself, is an energy facility under the definition in ORS 469.300. ORS 469.300 defines a transmission line as an energy facility if it is (a) more than 10 miles in length, (b) with a capacity of 230,000 volts or more, and (c) would be constructed in more than one city or county. The proposed Intraconnection Line(s) would be more than 10 miles in length, would operate at 230kV, and would be located in both Morrow and Umatilla counties. The Intraconnection Line(s) alone would therefore be considered an energy facility according to ORS 469.300, and a corridor selection assessment is required.

Wheatridge examined a number of potentially viable routes for the Intraconnection Line(s); however, none appeared to be particularly advantageous or disadvantageous in terms of satisfying the requirements of the corridor selection assessment. Many routes could have been designed that would meet the corridor selection criteria. Ultimately, the route became defined based on the participation of landowners in the area.

Per the requirements of OAR 345-021-0010(1)(b)(D), "*In the assessment, the applicant shall discuss the reasons for selecting the corridor(s), based upon evaluation of the following factors:*

(i) Least disturbance to streams, rivers and wetlands during construction.

The Project and the Intraconnection Corridor are designed to avoid as many impacts to streams, rivers, and wetlands as possible during construction and operation. Where necessary, streams would be spanned by the proposed Intraconnection Line(s), with the nearest support poles accessed from opposite sides of the stream; no impacts to the streambed or riparian vegetation would occur. In areas of steep terrain, a helicopter may be used to bring Intraconnection Line components and construction personnel to access these areas.

Wheatridge feels that the potential use of a helicopter in construction of the Intraconnection Line(s) is exempt from state noise regulations under OAR 340-035-0035(5) which exempts sounds that originate at construction sites (g) and sounds created in the construction or maintenance of capital equipment (h) from Oregon state noise regulations. Wheatridge anticipates construction requiring the use of a helicopter to last no more than 2 weeks, during which periodic deliveries of Intraconnection Line(s) equipment and personnel will be airlifted between the area under construction within the Intraconnection Corridor and the temporary Construction Yards in Wheatridge East.

Additionally, in the areas within which a helicopter may be required for construction of the Interconnection Line(s), the area of the Interconnection Corridor south of Big Butter Creek Lane for approximately 6 miles to Little Butter Creek Road, there are no protected areas or recreation sites within 10 miles. See Exhibit X, Section 2.2.1 for more detail on exemptions to Oregon state noise regulations.

All impacts to wetlands have been avoided through the siting of Project facilities. Given the general scarcity of these resources in the area, other routes for the Intraconnection Corridor exist with similar impacts, but no alternative was identified with materially less impacts to these resources than the chosen route.

(ii) Least percentage of the total length of the pipeline or transmission line that would be located within areas of Habitat Category 1, as described by the Oregon Department of Fish and Wildlife.

The Intraconnection Line(s) would have no impacts to areas of Category 1 Habitat, which in this region is largely limited to Washington ground squirrel colonies and surrounding suitable habitat. It is likely that other routes could be defined that would also avoid all impacts to Category 1 Habitat.

(iii) Greatest percentage of the total length of the pipeline or transmission line that would be located within or adjacent to public roads and existing pipeline or transmission line rights-of-way.

The Intraconnection Line(s) would not be located within or adjacent to public roads or existing utility rights-of-way, except where it would cross roadways. There are no existing pipeline or transmission line rights-of-way in the area that could be utilized as a connection between Wheatridge East and Wheatridge West. The proposed Intraconnection Line route does not follow

existing roads, partially to avoid an unnecessary visual impact for users of those road segments. Rather, the proposed Intraconnection Line route runs in remote areas, in locations where it would be visible to only a few area residents or participating landowners.

(iv) Least percentage of the total length of the pipeline or transmission line that would be located within lands that require zone changes, variances or exceptions.

The proposed Intraconnection Line(s) are located entirely on land zoned for exclusive farm use (EFU), and does not require a zone change, variance, or exceptions to County regulations to be permitted. Exhibit K provides a discussion regarding zoning and compliance with local zoning regulations. All potentially viable alternative Intraconnection Line routes would similarly need to cross EFU-zoned land.

(v) Least percentage of the total length of the pipeline or transmission line that would be located in a protected area as described in OAR 345-022-0040.

The proposed Intraconnection Line(s) would not be located within or otherwise affect any protected area. All other potentially viable Intraconnection Line routes would similarly have been far from any protected area.

(vi) Least disturbance to areas where historical, cultural or archaeological resources are likely to exist.

Surveys of historical, cultural and archaeological resources throughout the Site Boundary have been completed, and the Project has been modified to avoid impacts to all known cultural resource sites. With the very limited impact footprint of the Intraconnection Line(s) and the sparse nature of cultural resources in the region, it is unlikely that previously unknown cultural resources would be found or impacted during construction. Exhibit S describes the findings of cultural resource surveys and avoidance efforts. All other potentially viable Intraconnection Line routes would cross a similar landscape and would likely have a similar level of sparsely distributed cultural resources, for which impacts could likewise be avoided.

(vii) Greatest percentage of the total length of the pipeline or transmission line that would be located to avoid seismic, geological and soils hazards.

As described in Exhibit H and Exhibit I, the Intraconnection Line routes have been sited to avoid known seismic, geologic, and soil hazards. They would not be located within any landslide or rock fall hazard areas, nor in any liquefaction or subsidence areas. The nature of the Intraconnection Line design is such that it would not be particularly vulnerable to damage from earthquakes, which have historically occurred in the region. To the extent that the route of the Intraconnection Lines may be affected by faults, earthquakes, or other geologic hazards, the use of robust engineering design would alleviate safety concerns related to geologic hazards. Exhibit I describes a number of soil hazards, which include disturbance and potential loss of soils susceptible to water or wind erosion, hydric soils, and soils with qualities that may make post-construction revegetation difficult. To the extent that Site Access Roads or construction activities cross soils particularly susceptible to erosion, the loss of soil would be limited through the use of Best Management Practices (BMPs) for erosion control, and spraying of water in open construction areas to avoid wind erosion. The

Revegetation and Weed Management Plan (see Exhibit P attachment) provides guidance for establishing vegetation in challenging sites.

The landscape that any other potentially viable Intraconnection Line route might cross is similarly largely free of geologic hazards, such that known hazard areas could similarly be avoided. To the extent that some geologic hazards cannot be avoided (e.g. the potential for future earthquakes), robust engineering design would be similarly employed to prevent safety concerns. Impacts to sensitive soils would likely be similar in scale, and would be mitigated through identical actions.

(viii) Least percentage of the total length of the pipeline or transmission line that would be located within lands zoned for exclusive farm use.

The entire Intraconnection Line route options are located in lands zoned EFU. In the area where the Intraconnection Lines are proposed, there are no lands that are not zoned EFU that could be used. All potentially viable alternative Intraconnection Line routes would similarly need to cross EFU-zoned land.

OAR 345-021-0010(1)(b)(E) If the proposed energy facility is a pipeline or transmission line, or has, as a related or supporting facility, a related or supporting facility, a transmission line or pipeline of any size:

(i) The length of the pipeline or transmission line.

The proposed Intraconnection Line(s) would be approximately 24.5 to 31.5 miles in length, depending on the route option selected.

(ii) The proposed right-of-way width of the pipeline or transmission line, including to what extent new right-of-way will be required or existing right-of-way will be widened.

The Intraconnection Line routes would require a 150-foot wide right-of-way, and would be approximately centered within that right-of-way. There is currently no existing utility right-of-way in the location of the proposed Intraconnection Line(s), and no utility right-of-way nearby that would provide appropriate routing for the Intraconnection Line(s). Wheatridge will obtain right-of-way easements from the private landowners along the proposed Intraconnection Line routes prior to construction; it is assumed that this will be a condition of the Site Certificate.

(iii) If the proposed transmission line or pipeline corridor follows or includes public right-of-way, a description of where the transmission line or pipeline would be located within the public right-of-way, to the extent known. If the applicant proposes to locate all or part of a transmission line or pipeline adjacent to but not within the public right-of-way, describe the reasons for locating the transmission line or pipeline outside the public right-of-way. The applicant must include a set of clear and objective criteria and a description of the type of evidence that would support locating the transmission line or pipeline outside the public right-of-way, based on those criteria.

Wheatridge does not intend to use public road right-of-ways. The proposed corridor for the Intraconnection Line(s) will not include public rights-of-way, except where the lines would cross existing public roads. There is currently no existing utility right-of-way in the location of the

proposed Intraconnection Line(s), and no utility right-of-way nearby that would provide appropriate routing for the Intraconnection Line(s).

(iv) For pipelines

[N/A]

(v) For transmission lines, the rated voltage, load carrying capacity, and type of current and a description of transmission line structures and their dimensions.

The proposed Intraconnection Line(s) would be comprised of one or two parallel overhead 230kV transmission lines supported by H-frame or monopole structures likely constructed of wood or steel. The transmission line structures would be approximately 60 to 150 feet tall and spaced approximately 400 to 800 feet apart depending on the terrain. The Intraconnection Line is designed as a single or double circuit transmission line, or as two parallel, single circuit transmission lines on two separate, parallel pole structures. The circuits consist of 3-phase alternating current transmitted on single or twin-bundled conductors usually of aluminum and steel. The peak line loading value assumed for the overhead 230kV Intraconnection Line is 500MW, or approximately 1,280 amperes per phase. The Intraconnection Line design is described in greater detail in Exhibit AA.

3.4 Meteorological Towers

The Project includes up to 12 permanent Met Towers spaced throughout the Project: five Met Towers are sited in Wheatridge East and seven in Wheatridge West. The number of Met Towers proposed is identical for both the GE 1.7-103 and GE 2.5-120 layouts. The Met Towers are required to measure the wind speeds around the Project separate from the wind turbines for verification of the wind turbines' performance in accordance with IEC standards and wind farm best practice operations. The Met Towers would be a freestanding, non-guyed design, with a height of approximately 100 meters (328 feet). FAA lighting may be installed on some of the Met Towers, depending on the overall lighting scheme for the Project as a whole, to be determined prior to construction and in consultation with FAA. Each Met Tower would have a foundation footprint approximated by a 10-meter (32-foot) diameter circle. The temporary disturbance area associated with the construction of each Met Tower is approximated by a 30-meter (98-foot) diameter circle (Figure B-8).

3.5 Communication and SCADA System

A communication system consisting of fiber optic and copper communication lines will connect the turbines, Met Towers, and Substations to the O&M Buildings. This communication system allows each turbine and Substation to be monitored by a Supervisory Control and Data Acquisition (SCADA) system, installed in the O&M Buildings. This system monitors each turbine and the Met Tower data for variables such as meteorological conditions, critical operating parameters, and power output. The turbines are controlled via the SCADA system, which can also be controlled remotely. SCADA software is tuned specifically to the needs of each wind project by the turbine

manufacturer or a third-party SCADA vendor. The communication lines for the SCADA system run alongside the Collector Lines, typically in a trench at least 3 feet deep or overhead, if necessary.

3.6 Operations and Maintenance Buildings

The Project includes sites for two O&M Buildings, the first in Wheatridge East and a second in Wheatridge West. Each O&M Building would be a single-story structure of approximately 6,000 to 9,000 square feet. Immediately adjacent to each building would be a parking lot for employees, visitors and Project equipment. Each O&M Building would occupy a total of approximately 1.1 acres likely within a fenced enclosure. Each O&M Building would include an office, break room, kitchen, lavatory with shower, utility room, covered vehicle parking, storage for maintenance supplies and equipment, and the SCADA system. Electricity and telephone service would be provided to each O&M Building from local providers using overhead and/or underground lines. Water would be provided by an on-site well at each building. Water use is not anticipated to be greater than 5,000 gallons per day, so a water right would not be required for such a well. The kitchen, toilets, and shower would drain into an on-site septic system, to be permitted for each building prior to construction through either Morrow or Umatilla Counties.

Likely locations for the Wheatridge West O&M Building would be located on the southern side of Baseline Road, 0.75 miles east of Nichols Road near the Project Substation 1. The Wheatridge East O&M Building would be located in the portion of Wheatridge East in Umatilla County, along an existing private road to be improved by Wheatridge, approximately 1.5 miles west of Vey Road, about 1.25 miles north of the Umatilla County line, near Project Substation 3 (see Figures C-5 through C-10).

3.7 Access Roads

3.7.1 Access to the Site – Offsite Public Roads

The primary access to the Project would be from Interstate 84 (I-84) via Bombing Range Road or Oregon Route 207 (OR-207). Within the Site Boundary and surrounding area, existing county and private roads would provide access to the Project; these include, but are not limited to: Strawberry Lane, Kilkenny Road, Kemp Lane, Sand Hollow Road, Spur Lane, Butter Creek Road, Big Butter Creek Lane, and Little Butter Creek Road. Some improvements to existing public roads are likely to be needed to accommodate Project construction, such as flattening crests or filling dips, widening sharp corners, or adding road base material; specific improvements will be identified in consultation with the appropriate county road master prior to construction. Upgrades to existing roads will be done according to applicable state and county road standards and after consultation with Morrow and Umatilla County staff. A road use agreement with each county will specify requirements, including that all existing public roads used to access the Project will be left in as good or better condition than that which existed prior to the start of construction. See Figure U-2 for potential county road improvements.

3.7.2 Access Within the Site – Onsite Private Roads

Access to the turbines, Construction Yards, Substations, and O&M Buildings would be via a network of private Site Access Roads to be constructed or improved by Wheatridge as part of the Project's construction. In order to minimize impacts to agricultural operations, grazing lands, and wildlife habitat, existing private roads and farm access tracks would be utilized to the greatest extent practicable.

All newly constructed and improved Site Access Roads would be graded and graveled to meet load requirements for heavy construction equipment, as necessary. Most Site Access Roads would be initially constructed to be wider than needed for operations, to accommodate the large equipment needed for construction. Following turbine construction, the Site Access Roads would be narrowed for use during operations and maintenance. The additional disturbed width required during construction would be restored following the completion of construction by removing gravel surfacing, restoring appropriate contours with erosion and stormwater control Best Management Practices (BMPs), decompacting as needed, and revegetating the area appropriately. For purposes of impact assessment, a temporary impact corridor 12 meters (39 feet) in width and a permanent impact corridor 5 meters (16 feet) in width are used; these corridors would encompass the Site Access Roads and most cut and fill slopes and any necessary drainage or erosion control features. Where there are existing roads to be improved, the existing road area is assumed to be approximately 3 meters (10 feet) in width; this area has been subtracted out of the Project's impacts.

The total mileage of the Site Access Roads would vary slightly depending on the turbine option chosen at the time of construction. The GE 1.7-103 layout would require approximately 73 miles of Site Access Roads, of which approximately 61 miles would be new, and 12 miles would be improvements to existing roads. The GE 2.5-120 layout would require approximately 65 miles of Site Access Roads, of which nearly 53 miles would be new and 12 miles would be improved. Tables C-3 and C-4 present the length of Site Access Roads for Wheatridge East, Wheatridge West, and the Project as a whole for each turbine layout option, along with the areas of temporary and permanent disturbance associated with the Site Access Roads.

Site Access Roads would also be needed for the construction of the Intraconnection Line(s). All of the Site Access Roads for the Interconnection Line(s) would be temporary in nature, utilizing existing farm roads and edges of fields to access the Intraconnection Corridor. Because the Intraconnection Line(s) can be constructed and maintained using only large trucks rather than heavy construction cranes, and construction would take place during the dry time of year when the ground surface is hard enough to support those vehicles, it is expected that no Site Access Road improvements will be necessary. The same unimproved farm access tracks and field crossings would sufficiently serve the light trucks generally used for maintenance operations. As with other Site Access Roads, a 12 meter (39 feet) wide temporary impact corridor is used for purposes of assessing impacts of Site Access Roads used for constructing the Intraconnection Line(s); however, there is no permanent impact associated with these Site Access Roads.

The total mileage of the Site Access Roads used for constructing the Intraconnection Line(s) would vary depending on the Intraconnection Line route option chosen at the time of construction. The shortest route would require approximately 22.75 miles of Site Access Roads, while the longest would require approximately 25.5 miles. Table C-5 presents the length of Site Access Roads for the Intraconnection Line(s), for the longest and shortest routes, along with the areas of temporary and permanent disturbance associated with the Site Access Roads.

3.8 Construction Yards

During construction, Wheatridge would establish up to four Construction Yards within the Site Boundary, to facilitate the delivery and assembly of material and equipment. As many as two Construction Yards would be utilized in Wheatridge West, as well as up to two more in Wheatridge East. The Construction Yards would contain field construction offices; would be used to store construction equipment when not in use; would be used for storage of construction supplies and materials; may contain temporary concrete batch plants; and may be used for assembly of some Project components. Typically turbine and tower components would be delivered directly to each turbine site rather than being received and stored at the Construction Yards.

Each Construction Yard would occupy between 15 and 20 acres, and would be graded approximately level and surfaced in gravel. Construction Yards would be signed as private, no trespassing with on-site security staff.

All Construction Yards will be restored to pre-construction conditions unless an agreement with the landowner leads to some or all of a Construction Yard being retained after construction. Restoration of a Construction Yards would typically involve removal of gravel surfacing; regrading to pre-construction contours; restoration of topsoil as needed; soil decompaction if necessary; and seeding and/or planting to restore agricultural or habitat lands as appropriate. Wheatridge will coordinate with landowners for final restoration requirements in agricultural areas.

Figures C-5 through C-10 show the locations of proposed temporary Construction Yards. Construction Yards 1 and 2 are located in Wheatridge West. Construction Yard 1 is located on the south side of OR-207 approximately 0.4 miles west of Bombing Range Road, and Construction Yard 2 is be located to the southeast of the intersection of Nichols Road and Baseline Road. Within Wheatridge East are Construction Yards 3 and 4. Construction Yard 3 would be located to the west side of Vey Road, in Morrow County. Construction Yard 4 would also be located to the west of Vey Road but in Umatilla County, approximately 4 miles south of the Lexington-Echo Highway (a.k.a. OR-320 or Oregon Trail Road).

Temporary Concrete Batch Plant

Wheatridge anticipates that the construction contractor would utilize on-site temporary concrete batch plants instead of sourcing concrete from existing suppliers. Therefore, for the purposes of the ASC, Wheatridge assumes that one or more temporary concrete batch plants would be utilized during construction of the Project. The concrete batch plants would be located within the temporary Construction Yards, and therefore do not have associated independent impact areas. The

use of temporary batch plants will be permitted by the construction contractor through the county in which it will be located. In addition, each concrete batch plant requires a state air quality permit, which would also be held by the construction contractor or a qualified third-party contractor. These third-party permits are described in more detail in Exhibit E. Wheatridge may at the time of construction choose to instead purchase concrete directly from a licensed third-party contractor and have it delivered directly to the site as required, thereby removing the need for on-site batch plants.

Wheatridge assumes that rock for road construction and concrete mixing would be obtained from existing, permitted quarries near the Project, and therefore has not included rock quarrying or gravel mining as an integral part of the Project. However, if a new quarry is found to be necessary or advantageous, it would be permitted and developed at a future time by the construction contractor.

4.0 Other Systems and Information

4.1 Fuel and Chemical Storage

During construction of the Project, small quantities of a few hazardous materials may be utilized or stored in the Construction Yards. Such materials may include cleaners, insecticides or herbicides, paint, or solvents. None would be present in substantial reportable quantities; the amounts present (if at all) would be no greater than household quantities. When not in use these would be stored in a secure location within the Construction Yards.

Fuels would be the only hazardous material that may be stored in substantial quantities on-site during construction; Wheatridge anticipates that up to 1000 gallons of diesel fuel and 500 gallons of gasoline may be kept on-site for fueling of construction equipment. These would both be stored in temporary above-ground tanks in the construction yard(s), within an area that provides for secondary containment. Fuels would be delivered to the construction yard by a licensed specialized tanker vehicle. There would be no substantial quantities of lubricating oils, hydraulic fluid for construction equipment, or other hazardous materials maintained on-site during construction. Lubricating oil or hydraulic fluids for construction equipment would similarly be brought in on an as-needed basis for equipment maintenance by a licensed contractor using a specialized vehicle, and waste oils removed by the same maintenance contractor. Lubricating oils and hydraulic oils for the turbines and dielectric oils for the transformers would similarly arrive on an as-needed basis and transferred into the receiving components, such that none would be stored on-site.

During operations, there would be no substantial quantities of fuels, oils, or chemicals on-site, except as contained in qualified oil-filled equipment including the turbine gearboxes and Substation transformers. Lubricating oil would be brought in on an as-needed basis for periodic oil changes in the turbine gearboxes, by a maintenance contractor using a specialized vehicle, and waste oils would be removed in the same way. Small quantities of gear oil would likely be maintained on-site for occasional top-off; it is anticipated that less than 20 gallons would be stored in the O&M

Buildings at any given time. Very small quantities of pesticides or herbicides, paint, solvents or cleaners may also be kept on-site; when not in use these would be stored in the O&M Buildings. Due to the limited quantities of petroleum products or hazardous materials, no secondary containment systems are planned for the O&M buildings; however, sorbent materials will be maintained on-site to capture any small spills that may occur.

There are multiple viable alternatives for secondary containment for the fueling/fuel storage area. For example, a liner may be installed under the gravel surfacing, or the area may be surfaced with concrete; stormwater and any spilled liquids would pass through an oil-water separator and the spilled fuels would then flow into an enclosed sump that would be pumped out for disposal. Other satisfactory options include the use of drip pans while fueling, or provision of sorbent materials to capture minor spills, The specific methods and design will be determined by the construction contractor in conjunction with EPA prior to storing bulk quantities of fuel on-site.

Secondary containment is optional for the transformers and for the turbine gearboxes, as these are classified as qualified oil-filled operational equipment under the EPA's Amended Spill Prevention, Control, and Countermeasure (SPCC) Rule issued in 2006 (EPA-550-F-06-008). Per the Amended Rule, instead of providing secondary containment for qualified oil-filled operational equipment, an owner or operator may prepare an oil spill contingency plan and a written commitment of manpower, equipment, and materials to quickly control and remove discharged oil; the plan must include an inspection or monitoring program for the equipment to detect a failure and/or discharge. Alternatively, the transformers may be installed on foundations that provide secondary containment, or sorbent materials may be kept on-hand to capture minor leaks. The specific methods and design (if appropriate) will be determined prior to construction of the substations. The nacelles and turbine foundation will effectively function as secondary containment for the turbine gearboxes, such that no additional secondary containment systems are needed for the turbines.

4.2 Fire Prevention and Control

The greatest risk of fire would occur during construction of the Project, when welding and metal cutting for foundation rebar frames would take place, and vehicles and construction equipment may be used in areas of tall, dry grass. In order to prevent fires from occurring, the construction contractor will implement a number of systems and procedures. These would include requirements to conduct welding or metal cutting only in areas cleared of vegetation, and to keep emergency firefighting equipment on-site when potentially hazardous operations are taking place. Construction workers will be prohibited from parking vehicles in areas of tall dry vegetation, to prevent fires caused by contact with hot mufflers or catalytic converters.

The risk of fire during the operational phase of the Project is low. While incidents of wind turbine fires have occurred, these incidents are rare and have generally been traceable to poor maintenance or electrical malfunction. The risk of turbine fires will be minimized through proper maintenance of the turbine and its critical mechanical and electrical components. In addition, internal fire suppression systems would be installed in all of the turbines to prevent a catastrophic

turbine fire. Lightning protection systems are built into the turbine blades and tower to electrically ground the entire structure and eliminate the potential for lightning-caused fires. The electrical collection system and Intraconnection Line(s) are unlikely to cause a fire.

5.0 Rights-of-way

The Intraconnection Line(s) would require the acquisition of an approximately 150-foot wide right-of-way from private landowners; all of the landowners along the proposed Intraconnection Line routes are Project participants or have expressed a willingness to grant such rights-of-way to Wheatridge. The necessary legal documents granting the rights-of-way will be finalized and recorded with the appropriate county prior to beginning construction of the Intraconnection Line(s).

6.0 Construction Schedule

Wheatridge requests a Site Certificate from the Energy Facility Siting Council (EFSC) valid for 6 years within which to begin construction on one or more phases of the Project for the following reasons. The construction of the planned BPA Longhorn and/or Stanfield substations, into which the Project will interconnect to the grid, is dependent on the BPA, which is outside the control of Wheatridge and requires approximately a 3-year lead time to procure a 230kV to 500kV step-up transformer. Additionally, the market demand for renewable power is expected to significantly increase around 2020. According to Renewable Northwest, Oregon and Washington utilities are forecasted to have a shortfall of over 700 average MW in complying with the Renewable Portfolio Standard (RPS) requirements by 2020. The shortfall can be supplied by approximately 2000 MW of Northwest wind power. A 6-year Site Certificate allows Wheatridge to meet this strong and growing market demand and RPS requirement immediately and incrementally over 6 years.

The Project will be constructed in one or more phases each lasting up to 18 months. Wind projects of similar or larger sizes as Wheatridge built in Oregon and other parts of the country have been built in one or more phases due to constraints on wind turbine delivery schedules, the normal rate of wind farm construction, and the size of off-take agreements with purchasers of the wind power. Constructing the Project in phases also allows for each phase to satisfy incremental market demand, serve power to different customers, and possibly to different interconnections during the 6-year Site Certificate. Since the Project is likely to be built in phases, up to two Intraconnection Line circuits may be required so that power can be supplied to different customers at different times or interconnects from two different phases or groups of phases. For example, the first phase may supply power on the first circuit and then the second and third phases may supply power on a second circuit constructed later. Any phased construction schedule scenario or configuration of the Intraconnection Line(s) would not have greater impacts than the maximum impacts of the Project discussed throughout this ASC.

Each Project phase will be commissioned after the completion of its construction, testing, inspection, and interconnection to the grid. This includes inspections by state and county inspectors to satisfy permitting requirements and conditions of the Site Certificate. Inspection and testing of the turbines, Collector Lines, Substations, Intraconnection Line(s), SCADA system, and all supporting Project infrastructure will also occur to ensure safe and reliable operations of the Project in accordance with equipment manufacturer guidelines, NESC, and other applicable standards.

7.0 Submittal Requirements and Approval Standards

7.1 Submittal Requirements

Table B-2. Submittal Requirements Matrix	
Requirement	**Location**
OAR 345-021-0010(1)(b)(A) A description of the proposed energy facility, including as applicable:	
(i) The nominal electric generating capacity and the average electrical generating capacity, as defined in ORS 469.300.	Section 2.0
(ii) Major components, structures and systems, including a description of the size, type and configuration of equipment used to generate electricity and useful thermal energy.	Section 2.0 and 3.0
(iii) A site plan and general arrangement of buildings, equipment and structures;	Figures C-5 and C-7
(iv) Fuel and chemical storage faculties, including structures and systems for spill containment	Section 4.1
(v) Equipment and systems for fire prevention and control.	Section 4.2
(vi) For thermal power plants: (i) A discussion of the source, quantity and availability of all fuels proposed to be used in the facility to generate electricity or useful thermal energy. (ii) Process flow, including power cycle and steam cycle diagrams to describe the energy flows within the system; (iii) equipment and systems for disposal of waste heat; (iv) The fuel chargeable to power heat rate.	N/A
(vii) For surface facilities related to underground gas storage, estimated daily injection and withdrawal rates, horsepower compression required to operate at design injection or withdrawal rates, operating pressure range and fuel type of compressors.	N/A
(viii) For facilities to store liquefied natural gas, the volume, maximum pressure, liquefaction and gasification capacity in thousand cubic feet per hour.	N/A
OAR 345-021-0010(1)(b)(B) A description of major components, structures and systems of each related or supporting facility.	Section 3.0
OAR 345-021-0010(1)(b)(C) The approximate dimensions of major facility structures and visible features.	Section 3.0
OAR 345-021-0010(1)(b)(D) If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a transmission line or pipeline that, by itself, is an energy facility under the definition in ORS 469.300, a corridor selection assessment explaining how the applicant selected the corridor(s) for analysis in the application. In the assessment, the applicant shall evaluate the corridor adjustments the Department has described in the project order, if any. The applicant may select any corridor for analysis in the application and may select more than one corridor. However, if the applicant selects a new corridor, then the applicant must explain why the applicant did not present the new corridor for comment at an information meeting under OAR 345-015-0130. In the assessment, the applicant shall discuss the reasons for selecting the corridor(s), based upon evaluation of the following factors:	
(i) Least disturbance to streams, rivers and wetland during construction.	Section 3.3

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Table B-2. Submittal Requirements Matrix	
Requirement	**Location**
(ii) Least percentage of the total length of the pipeline or transmission line that would be located within areas of Habitat Category 1, as described by the Oregon Department of Fish and Wildlife.	Section 3.3
(iii) Greatest percentage of the total length of the pipeline or transmission line that would be located within or adjacent to public roads, and existing pipeline or transmission line rights-of-way.	Section 3.3
(iv) Least percentage of the total length of the pipeline or transmission line that would be located within lands that require zone changes, variances or exceptions.	Section 3.3
(v) Least percentage of the total length of the pipeline or transmission line that would be located in a protected area as described in OAR 345-022-0040.	Section 3.3
(vi) Least disturbance to areas where historical, cultural or archaeological resources are likely to exist.	Section 3.3
(vii) Greatest percentage of the total length of the pipeline or transmission line that would be located to avoid seismic, geological and soils hazards.	Section 3.3
(viii) Least percentage of the total length of the pipeline or transmission line that would be located within lands zoned for exclusive farm use.	Section 3.3
OAR 345-021-0010(1)(b)(E) If the proposed energy facility is a pipeline or transmission line, or has, as a related or supporting facility, a transmission line or pipeline of any size:	
(i) The length of the pipeline or transmission line.	Section 3.3
(ii) The proposed right-of-way width of the pipeline or transmission line, including to what extent new right-of-way will be required or existing will be widened.	Section 3.3
(iii) If the proposed transmission line or pipeline corridor follows or includes public right-of-way, a description of where the transmission line or pipeline would be located within the public right-of-way, to the extent known. If the applicant proposes to locate all or part of a transmission line or pipeline adjacent to but not within the public right-of-way, describe the reasons for locating the transmission line or pipeline outside the public right-of-way. The applicant must include a set of clear and objective criteria and a description of the type of evidence that would support locating the transmission line or pipeline outside the public right-of-way, based on those criteria.	Section 3.3
(iv) For pipelines, the operating pressure and delivery capacity in thousand cubic feet per day and the diameter and location, above or below ground, of each pipeline.	N/A
(v) For transmission lines, the rated voltage, load carrying capacity, and type of current and a description of transmission line structures and their dimensions.	Section 3.3
OAR 345-021-0010(1)(b)(F) A construction schedule including the date by which the applicant proposes to begin construction and the date by which the applicant proposes to complete construction. Construction is defined in OAR 345-001-0010. The applicant shall describe in this exhibit all work on the site that the applicant intends to begin before the Council issues a site certificate. The applicant shall include an estimate of the cost of that work. For the purpose of this exhibit, "work on the site" means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor that the applicant anticipates or has performed as of the time of submitting the application.	Section 6.0

Table B-2. Submittal Requirements Matrix	
Requirement	**Location**
Project Order Comments	**Location**
All paragraphs apply except (A)(vi)(vii) and (viii).	
Paragraph (D) only applies if any of the proposed transmission lines associated with the Wheatridge Wind Energy Facility meet the definition of an energy facility under ORS 469.300.	Section 3.3

7.2 Approval Standard

OAR 345 Division 22 does not provide an approval standard specific to Exhibit B.

8.0 References

APLIC (Avian Power Line Interaction Committee) 2006. Suggested Practices for Raptor Protection on Power Lines; the State of the Art in 2006. Edison Electric Institute, APLIC and the California Energy Commission Washington, D.C and Sacramento, CA.

EPA (U.S. Environmental Protection Agency). 2006. Spill Prevention, Control, and Countermeasure (SPCC) Rule Amendment, Option for Qualified Oil-Filled Operational Equipment. EPA publication EPA-550-F-06-008. December 2006. Available online at: http://www.epa.gov/oem/content/spcc/factsheet_oilfilledeq_dec06.htm

Exhibit K

Land Use

Prepared for

Wheatridge Wind Energy, LLC

Wheatridge Wind Energy Facility
July 2015

Prepared by

TETRA TECH

Tetra Tech, Inc.

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Terms and Definitions

Collector Line	An underground or overhead electrical 34.5 kV line transmitting power from the turbines to a Substation
Construction Yard	The temporary area for construction activities and Project component storage prior to installation
GE 1.7-103 Layout	Project turbine layout comprised of 292 GE 1.7MW turbines with 80m hub heights and 103m rotor diameters
GE 2.5-120 Layout	Project turbine layout comprised of 200 GE 2.5MW turbines with 85m hub heights and 120m rotor diameters
Gen-tie Line(s)	One or two 230 kV transmission line(s) conveying power from the Project to an interconnection point with the grid, which will be permitted and built by UEC or UEC/CB
Intraconnection Corridor	The intraconnection transmission line corridor connecting Wheatridge East with Wheatridge West
Intraconnection Line(s)	One or two overhead electrical 230 kV lines connecting the Project Substations in Wheatridge East and Wheatridge West.
Met Tower	Permanent meteorological tower
O&M Buildings	Permanent operations and maintenance buildings, including parking
Project	Wheatridge Wind Energy Facility
Site Access Road	Private road to be constructed or improved for the purpose of accessing turbines and associated Project facilities
Site Boundary	The boundary within which all Project facilities will be constructed, also known as the micrositing corridor
Substation	A facility in which electric power from the turbines is aggregated, stepped up in voltage, and connected to the Intraconnection Line(s) or the Gen-tie Line(s)
Turbine	A collective term for the foundation, tower, nacelle, blades and rotor that comprise a wind turbine generator in the Project
Turbine Pad	A cleared, graveled area around the base of each turbine encompassing primarily the turbine's foundation
Wheatridge	Wheatridge Wind Energy, LLC
Wheatridge East	The eastern group of turbines
Wheatridge West	The western group of turbines

Acronyms and Abbreviations

CB	Columbia Basin Electric Cooperative
CTUIR	Confederated Tribes of the Umatilla Indian Reservations
EFSC	Energy Facility Siting Council
EFU	Exclusive Farm Use
ESCP	Erosion and Sediment Control Plan
kV	kilovolts
LCDC	Land Conservation and Development Commission
MCCP	Morrow County Comprehensive Plan
MCZO	Morrow County Zoning Ordinance
MW	megawatts
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
OAR	Oregon Administrative Rule
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
OR-##	Oregon State Highway ##
ORS	Oregon Revised Statutes
UCCP	Umatilla County Comprehensive Plan
UCDO	Umatilla County Development Ordinance
UEC	Umatilla Electric Cooperative

1.0 Introduction

Wheatridge Wind Energy, LLC (Wheatridge), proposes to construct the Wheatridge Wind Energy Facility (Project), a wind generation facility with a maximum nominal generating capacity of 500 megawatts (MW) in Morrow and Umatilla counties, Oregon (see Figures C-1 and C-2). The Project is comprised of up to 292 turbines divided into two groups: a western group of turbines (Wheatridge West) and an eastern group of turbines (Wheatridge East). Wheatridge West and Wheatridge East are electrically connected by an 'Intraconnection Corridor' containing up to two parallel overhead 230-kilovolt (kV) transmission lines (Intraconnection Lines), each no longer than 35 miles in length. Other Project components include access roads (Site Access Roads), an electrical collection and control system, the Project's substations (Substations), operations and maintenance buildings (O&M Buildings), and temporary construction yards (Construction Yards). These facilities are described in greater detail in Exhibit B.

Wheatridge West is located entirely within Morrow County, approximately 5 miles northeast of Lexington, and approximately 7 miles northwest of Heppner. Wheatridge West is bisected by Oregon Highway 207 (OR-207). Wheatridge East is located approximately 16 miles northeast of Heppner and encompasses land in both Morrow and Umatilla counties. The Intraconnection Corridor is located primarily within Morrow County and adjoins to the southeastern portion of Wheatridge West and the southern portion of Wheatridge East.

This exhibit demonstrates that the Wheatridge Wind Energy Project (Project) complies with Energy Facility Siting Council's (EFSC) land use standard, which provides:

> ***OAR 345-022-0030, Land Use***
>
> *(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.*

Wheatridge has elected to address EFSC's land use standard by obtaining a land use determination from EFSC pursuant to Oregon Revised Statutes (ORS) 469.504(1)(b). EFSC's rules state that an applicant seeking EFSC's land use approval must identify the "applicable substantive [land use] criteria" of the relevant local governments and must describe how the proposed facility complies with those criteria, as well as any Land Conservation and Development Commission (LCDC) rules, goals, or land use statutes that apply directly to the facility under ORS 197.646(3). If an applicant cannot demonstrate compliance with one or more of the applicable substantive criteria, the applicant must describe how the proposed facility complies with the Statewide Planning Goals adopted by the LCDC, or alternatively, warrants a goal exception (OAR 345-021-0010(1)(k)).

This exhibit demonstrates that the Project complies with the majority of the applicable local substantive criteria from the comprehensive plans and zoning codes for the jurisdictions in which the Project is located, and to the extent the Project cannot comply with an applicable criterion, EFSC should approve a variance to the applicable criterion or a goal exception.

Pursuant to the Project Order, the analysis area for purposes of this exhibit is "the area within the Site Boundary and one-half mile from the Site Boundary." Figure K-1 shows both the Site Boundary and the analysis area for this Exhibit. The alternative Project layouts for the GE 1.7-103 and 2.5-120 turbines are shown in Figures K-3 and K-4, respectively.

2.0 Compliance with Applicable Substantive Criteria

The Project and all related and supporting facilities will be located entirely within the Exclusive Farm Use (EFU) zones of both Morrow and Umatilla counties (Figure K-2). Both counties replied to the Project Notice of Intent (NOI) by identifying applicable substantive criteria from their respective codes, ordinances, plans and other authorities. The following section provides an assessment of compliance with the applicable local substantive criteria identified by the counties.

2.1 Applicable Criteria for Morrow County

This section demonstrates how the portion of the Project located in Morrow County satisfies the Morrow County applicable substantive criteria. In its April 12, 2013 response to the NOI, Morrow County identified the following applicable substantive criteria:

- Morrow County Comprehensive Plan (MCCP), Agricultural Policy 1 and Energy Policies 2 and 3;
- Fish and Wildlife Habitat Protection Plan for Morrow County dated January 1979;
- Morrow County Zoning Ordinance (MCZO), Sections 3.010, subsections A, C, D, D[1] and G, 4.165, 6.015, 6.020, 6.030, and 6.050;
- Morrow County Solid Waste Ordinance, Section 5.000; and
- Morrow County Weed Control Ordinance MC-C-3-90, as amended by Ordinance MC-C-2-99.

These substantive criteria are discussed in Sections 2.1.1 through 2.5.5 below.

2.1.1 MCCP Policies

Agricultural Policy 1: It shall be the policy of Morrow County, Oregon, to preserve agricultural lands, to protect agriculture as its main economic enterprise, to balance economic and environmental considerations, to limit non-compatible nonagricultural development, and to maintain a high level of livability in the County.

> Response: Wind energy facilities are not inconsistent with an agriculturally-focused economy and land base, as evidenced by the multitude of existing wind projects in productive agricultural areas of Morrow County and elsewhere in the state and region. The Project will provide an economic benefit to Morrow County, will not degrade the environment and will provide positive environmental effects by reducing greenhouse gases

[1] MCZO Section 3.010 has two subsections identified as "D."

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and combating climate change. Wind projects have not been shown to have any significant deleterious effect on livability, in Morrow County or other rural areas. Wind projects are expressly permitted in the Morrow County EFU zone. Agricultural Policy 1 is met.

Energy Policy 2: [It shall be the policy of Morrow County, Oregon,] to conserve energy and develop and use renewable resources.

Response: The Project is a wind energy facility, a renewable resource that furthers Energy Policy 2.

Energy Policy 3: [It shall be the policy of Morrow County, Oregon,] to encourage development of solar and wind resources.

Response: The Project is a wind energy facility in furtherance of Energy Policy 3.

2.1.2 Fish and Wildlife Habitat Protection Plan for Morrow County

Morrow County's letter identified as substantive criteria the Fish and Wildlife Habitat Protection Plan for Morrow County dated January 1979 (Protection Plan).

Response: The Project would have no significant impacts to the areas in Morrow County identified in the Protection Plan as sensitive habitat for fish or wildlife. Areas designated in the Protection Plan as sensitive big game habitat are located more than 10 miles to the south of the Site Boundary. Sensitive waterfowl habitat is limited to areas around the Columbia River and the Umatilla National Wildlife Refuge, which are more than 15 miles north of the Site Boundary. Sensitive nongame habitat is limited to the area within the Boardman Bombing Range. The Project would avoid all impacts to waters and potential sensitive fish habitat. Sensitive habitat for upland game birds and furbearers consists primarily of riparian habitat areas and three established wildlife management areas, none of which would be directly impacted by the Project. Potential Project effects to riparian areas would be limited to overhead transmission line(s) crossing the areas, with no direct disturbance to riparian vegetation. As discussed in Exhibit P, potential impacts to these areas have been previously discussed with the Oregon Department of Fish and Wildlife (ODFW) and were determined to be insignificant. The Project is a widely spaced series of turbines with minimal supporting infrastructure, much of which is located underground; as such it will not interfere with game movement or habitat. Further analysis of fish and wildlife impacts and mitigation is found in Exhibits P and Q.

2.1.3 MCZO Criteria

Morrow County's letter in response to the NOI identified the following provisions of the MCZO as applicable to the Project:

SECTION 3.010. EXCLUSIVE FARM USE, EFU ZONE.

In an EFU Zone, the following regulations shall apply:

(dd)

A. PURPOSE: The purpose of the Exclusive Farm Use Zone is to preserve and maintain agricultural lands for farm use consistent with historical, existing, and future needs, including economic needs that pertain to the production of agricultural products, and to permit the establishment of only those uses that are compatible with agricultural activities.

Uses, buildings, or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the Exclusive Farm Use Zone shall comply with the following regulations.

Response: The uses proposed in connection with the Project all are permissible uses within the Morrow County EFU zone, either outright or as conditional uses. Consequently, all proposed uses are consistent with the purpose of the County's EFU zone.

C. USES PERMITTED OUTRIGHT.

In an EFU Zone the following uses and accessory uses thereof are permitted outright:

16. Utility and transmission towers not exceeding 200 feet in height.

Response: The towers for the above-ground electrical Collector Lines (should any above-ground segments be necessary), and for the Intraconnection Line(s) between Wheatridge East and Wheatridge West, would all be less than 200 feet in height. Thus, such uses are permitted outright.

D. CONDITIONAL USES PERMITTED. In an EFU Zone, the following uses and their accessory uses are permitted subject to demonstration of compliance with the requirements of Article 6 of this ordinance and Section (G) below:

16. Commercial utility facilities for the purposes of generating power for public use by sale. A power generation facility shall not preclude more than 12 acres of high value farmland or 20 acres of other land from commercial farm use unless an exception is approved pursuant to OAR 660 Division 4.

Response: The Project is commercial utility facility for the purpose of generating power for public use by sale. As shown in Table K-1, the Project would permanently preclude agricultural use of approximately 0.01 acres of high-value farmland and up to 146.26 acres of other farmed land in Morrow County. Consequently, MCZO 3.010.D.16 is not met, but the Applicant demonstrates below in Section 5 that a Goal 3 exception should be taken under ORS 469.504(2).

The lands devoted to farm use in Morrow County are used primarily for cultivation of wheat and grazing of livestock, and related accessory uses. Figures K-5 and K-6 show the areas dedicated to farm use, as well as the areas defined by the MCZO as High Value Farmlands.

Table K-1. Impacts to Farmland in Morrow County		
Total Area Within Site Boundary in Morrow County	11,395 acres	
Area Within Site Boundary in Morrow County Devoted to Farm Use[1/]	10,815 acres total, of which 85.78 acres are High Value Farmland[2/]	
Acres Permanently Impacted by Project	**Not High Value Farmland**	**High Value Farmland[2/]**
Wheatridge West		
GE 1.7-103 layout	128.83	0
GE 2.5-120 layout	108.56	0
Wheatridge East		
GE 1.7-103 layout	17.18	0
GE 2.5-120 layout	14.65	0
Intraconnection Lines		
Option 1 (Longest)	0.85	0.01
Option 3 (Shortest)	0.65	0.01
SUBTOTALS (worst-case scenario)[3/]	146.26 acres	0.01 acres
TOTAL (worst-case scenario)	**146.27 acres**	

1/ Consistent with the definition of "farm use" in ORS 215.203 and OAR 660-033-0020(7), all land shown on Figures K-5 and K-6 as Developed-Dryland Wheat, Developed-Irrigated Agriculture, Developed-Revegetated or Other Planted Grassland, Grassland-Exotic Annual and Grassland-Native Perennial has been included in the calculation of land devoted to farm use for this Exhibit.

2/ Pursuant to MCZO 3.010.D.16, this calculation applies the definition of "high-value farmland" from OAR 660-033-0020(8)(a) for lands in Eastern Oregon: land with soils that are irrigated or not irrigated, and classified as prime, unique, Class I or Class II by the USDA National Resource Conservation Service (NRCS).

3/ The worst-case scenario is the GE 1.7-103 layout with the longest Intraconnection Line.

17. Utility facilities "necessary" for public service, excluding commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height. A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, 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 factors listed in OAR 660-033-0130(16).

Response: This Section implements ORS 215.275, which applies only to utility facilities necessary for public service. The Project is a commercial facility for the purpose of generating electrical power for public use by sale, and therefore is excluded from the definition of a utility facility necessary for public service. ORS 215.283(1)(c). Per discussion with Morrow County Planning Director Carla McLane on April 22, 2014, this criterion was included in the County's response to the NOI because of uncertainty at the time as to whether the transmission line (Gen-tie Line(s)) delivering energy from the Project Substations to the point of interconnection (POI) would obtain land use approval as part of the Project. It has since been determined that the Gen-tie Line(s) will be separately

permitted, constructed and owned by Umatilla Electric Cooperative (UEC) or UEC/ Columbia Basin Electric Cooperative (CB). Accordingly, MCZO 3.010(D)(17) does not apply to this proposal.

D. LIMITATIONS ON CONDITIONAL USES. In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by Article 6 of this ordinance, the following limitations shall apply to a Conditional Use in the EFU Zone.

1. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

Response: There is no forest use within the analysis area. As shown in Table K-1, within the Site Boundary approximately 10,815 acres in Morrow County are "devoted to farm use." Once built, permanent Project facilities would occupy (at most) approximately 146.27 acres, or about 1.4% of the agricultural lands within the Site Boundary.

The lands devoted to farm use in Morrow County are used primarily for cultivation of wheat and grazing of livestock, and related accessory uses.

The impact of the Project would not force a significant change in accepted farm practices or significantly increase the cost of farm practices, for the reasons discussed below:

- Facility components and temporary construction laydown and staging areas would be sited to minimize disturbance to farming operations.
- Land permanently lost to farm use due to siting of permanent Project improvements is a de minimis percentage of the total farm use land in Morrow County; therefore the inability to use the land for farm purposes is not significant.
- Project Site Access Roads and other facilities would be constructed and maintained by Wheatridge, such that the cost burden for maintenance does not fall upon the farm or ranch owners.
- Private access roads improved or developed for the Project would benefit agricultural users of the land through improved access to farm fields and resulting lower fuel costs.
- Wheatridge will implement a weed control plan consistent with the Morrow County Weed Control Ordinance, which will reduce the risk of weed infestation in cultivated land and the associated cost to the farmer for weed control.
- Wheatridge will record a covenant not to sue against its Project leasehold interests with regard to generally accepted farming practices on adjacent farmland.
- Construction and operation of the Project could cause changes in routes of access to fields and changes in the pattern of cultivation, seeding, fertilizing and harvesting

near the turbines and Site Access Roads. To minimize this, Wheatridge, in consultation with the landowners, has laid out the facility components to minimize obstacles to farming in cultivated fields (facility components around which the farmer would have to plow, plant and harvest).

- Wheatridge will consult with area landowners during construction and operation of the facility to determine further measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs.
- Construction of the Project could adversely affect soil quality by erosion or compaction. Some farmland would be temporarily disturbed and unavailable for farming during construction. To avoid or reduce adverse impacts to soil quality, Wheatridge will implement dust control and erosion-control measures during construction and operation of the facility (see Exhibit I). To the extent practicable, Wheatridge proposes to reduce impact to soils by using areas that are already disturbed and limiting the area of new disturbance.
- Construction vehicles will use previously disturbed areas including existing roadways and tracks. When practical, temporary Construction Yards and laydown areas will be located within the future footprint of permanent structures. The width of new permanent roadways will be the minimum consistent with safe use. Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable, and turbine foundations will abut roadways as closely as possible. Upon completion of construction, Wheatridge will restore temporarily disturbed areas to their pre-construction condition.

G. DIMENSIONAL STANDARDS. In any EFU zone, the following dimensional standards shall apply:
(Standards 1 through 6 omitted for brevity)

Response: This Section pertains to the size of parcels and the siting of dwellings. The Project does not involve subdivision of parcels or the development of dwellings. MCZO 3.010(G) contains no applicable substantive criteria for the Project.

SECTION 4.165 SITE PLAN REVIEW

Site Plan Review is a non-discretionary or "ministerial" review conducted without a public hearing by the County Planning Director or designee. Site Plan Review is for less complex developments and land uses that do not require site development or conditional use review and approval through a public hearing.

A. Purpose. The purpose of Site Plan Review (ministerial review) is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions. Site Plan review also addresses conformity to floodplain regulations, consistency with the Transportation System Plan, and other standards identified below.

C. Applicability. Site Plan Review shall be required for all land use actions requiring a Zoning Permit as defined in Section 1.050 of this Ordinance. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Site Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

Response: MCZO 1.050 defines "Zoning Permit" as "an authorization issued prior to a building permit, or commencement of a use subject to administrative review, stating that the proposed use is in accordance with the requirements of the corresponding land use zone." Upon issuance of an EFSC Site Certificate, Morrow County shall issue a Zoning Permit pursuant to ORS 469.401(3). The Applicant acknowledges that Site Plan Review will be required prior to issuance of building permits for the Project in Morrow County, and will demonstrate compliance with the development standards of the EFSC Site Certificate at that time. Wheatridge anticipates that Site Plan Review would be accomplished in stages commensurate with phasing of Project construction.

D. Review Criteria.

1. The lot area shall be adequate to meet the needs of the establishment.

Response: The Site Boundary encompasses about 11,395 acres in Morrow County, with the individual turbines and other project components sited according to prevailing standards in the wind energy industry. The land leased for the Project in Morrow County provides adequate space to site the Project as designed.

2. The proposed land use is permitted by the underlying land use district.

Response: The uses proposed in connection with the Project all are permissible uses within the Morrow County EFU zone, either outright or as conditional uses.

3. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any sub-district(s) are met.

Response: The land use standards of the EFU zone are met, as explained throughout this Exhibit. Any O&M Buildings and/or Substations in Morrow County will be sited to comply with all applicable development standards. The only other objective development standard in the Morrow County EFU zone that is applicable to the Project is MCZO 3.010.H.4 requiring septic installations be set back at least 100 feet from any lake or stream. This standard will be met with respect to the septic installation for the O&M Buildings.

4. Development in flood plains shall comply with Section 3.100 Flood Hazard Overlay Zone of the Ordinance.

Response: MCZO Section 3.100 applies to the development of "structures" in flood hazard areas. A "structure" is defined as "a walled and roofed building including a gas or liquid storage tank that is principally above ground." The Project does not involve the construction of any "structures" in flood hazard areas of Morrow County. Accordingly, the regulations of MCZO Section 3.100 are not implicated by the Project.

To the extent any improvements that are not "structures" are constructed in flood hazard areas, those improvements are either: (a) located underground and not susceptible to flood damage, or (b) consist of transmission lines high above the ground and with sufficient foundations or pole bedding to withstand even the most severe flood. Also, these types of improvements would not substantively alter the flood regime or flood water storage volume, and therefore would not exacerbate a flood hazard locally or elsewhere along a stream. The design of the Project is therefore consistent with the intent of MCZO Section 3.100.

5. Development in hazard areas identified in the Morrow County Comprehensive Plan shall safely accommodate and not exacerbate the hazard and shall not create new hazards.

Response: The MCCP, Natural Hazards Element, identifies hazard areas as "areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards" unique to the area in question. MCCP Natural Hazards Policy #8 places the burden on the project applicant to identify the existence and degree of natural hazards.

Flood hazards are discussed above in response to MCZO Section 4.165.D.4. Other potential geologic hazards as listed in the Natural Hazards Element are discussed in Exhibit H, which demonstrates that the Project will accommodate and not exacerbate existing hazards, nor create new ones.

6. Off-street parking and loading-unloading facilities shall be provided as required in Section 4.040 and 4.050 of the Morrow County Zoning Ordinance. Safe and convenient pedestrian access to off-street parking areas also shall be provided as applicable.

Response: Adequate off-street parking will be provided at the O&M Buildings and at Project Substations as required. No Project vehicles will be permitted to park within a public right-of-way.

7. County transportation facilities shall be located, designed and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.

Response: Improvements to public roads, whether necessary at the site access points or elsewhere on public roads to permit passage of construction or maintenance equipment and materials, will be designed and constructed in accordance with Morrow County standards.

8. Site planning, including the siting of structures, roadways and utility easements, shall provide, wherever practicable, for the protection of trees eight inch caliper or greater measured four feet from ground level, with the exception of noxious or invasive species, such as Russian olive trees.

Response: Wheatridge does not anticipate that development of the Project would cause impacts to any trees.

9. Development shall comply with Section 3.200 Significant Resources Overlay Zone or 3.300 Historic Buildings and Sites protecting inventoried significant natural and historic resources.

Response: Morrow County updated the Natural Resources Element of the MCCP on October 1, 2013. The updated Natural Resources Element calls for an ongoing four-step process to identify the following significant natural resources in the County: wetlands, wildlife habitat, groundwater resources, natural areas, historic resources, open space and scenic views and sites. The Project is in compliance with MCZO 3.200 and 3.300 regarding these significant resources as follows:

- The Project has been designed to avoid all impacts to wetlands, as discussed in Exhibit J.
- As discussed above in Section 2.1.2 and in Exhibits P and Q, the Project has been sited and designed to minimize impacts to wildlife habitat.
- The Project will have no material impact on groundwater resources due to its minimal operational water demand. Water for construction will be obtained from permitted municipal sources and will not exceed the combined available water rights for those sources.
- There are no designated natural areas or public open space, and the County has no protected scenic views or sites, within the analysis area.
- The Project would not impact any structure listed in the MCCP inventory of significant historical resources, as no such listed resources exist in the analysis area. Nonetheless, Wheatridge will protect all cultural and historic resources in Morrow County eligible or potentially eligible for regulatory protection consistent with the recommendations of the Confederated Tribes of the Umatilla Indian Reservations (CTUIR).
- The Project is located entirely on private land, none of which is designated as open space, and actually impacts only a very small percentage of the Project site. The Project will not significantly impact the existing open space character of the Project lands.

The impacts of the Project on scenic, protected, historic and recreational areas are also discussed in further detail in Exhibits R, L, S and T respectively.

10. The applicant shall determine if compliance is required with Oregon Water Resources Department water quantity and/or Oregon Department of Environmental Quality water quality designations.

Response: Water quantity issues are discussed in Exhibit O, and water quality issues are discussed in Exhibits I and O. As to water quantity, the Project will obtain water from existing municipal water providers not in excess of their service capacity and available water rights. As to water quality, the Project will obtain a National Pollutant Discharge Elimination System (NPDES) discharge permit and will implement all required best

management practices to preserve water quality. The Project will obtain appropriate permits from the Army Corps of Engineers to the extent required under the federal Clean Water Act. The Oregon Department of Environmental Quality (ODEQ) has previously confirmed that the Project will not have adverse impacts on any existing wells within the Site Boundary (personal communication between Robert Friedel, Tetra Tech and Krista Ratliff, ODEQ, November 27, 2013).

11. The applicant shall determine if previous Code Enforcement violations have been cleared as applicable.

Response: This is a new project and, as such, has no history of code enforcement in Morrow County.

12. The applicant shall determine the method of disposal for solid waste, with staff providing information to the applicant about recycling opportunities.

Response: Solid waste management and disposal are discussed in Exhibit V of this application. Wastes will be collected at each construction site and then consolidated at the construction laydown area for removal by a qualified third party for disposal at the Finley Butte landfill. Wastes will be recycled to the extent practicable.

13. The applicant shall obtain the necessary access permit through the Public Works Department as required by Morrow County Resolution R-29-2000.

Response: Prior to beginning construction of the Project, Wheatridge will obtain appropriate permits to allow access into the Project site from public rights-of-way.

E. Submittal Requirements. A site plan shall be submitted including all of the following information except for specific items determined at the pre-application review not to be applicable. All site plans shall have dimensions clearly indicated. An applicant may provide the information on separate sheets, if necessary or desirable for clarity.

(Submittal Requirements 1 through 10 omitted for brevity)

Response: Wheatridge will submit site plans with the required information at the time of Site Plan Review.

ARTICLE 6. CONDITIONAL USES

SECTION 6.015. REQUIREMENTS UNDER A STATE ENERGY FACILITY SITE CERTIFICATE.

If a holder of a Site Certificate issued by the Oregon Energy Facility Siting Council requests a conditional use permit for an energy facility as outlined under ORS 469.401(3) and pays the requisite fee, the Planning Director shall issue such conditional use permit. The conditional use permit shall incorporate only the standards and conditions in Morrow County's land use and other ordinances as contained in the site certificate. Issuance of the Conditional Use Permit shall be done promptly, not taking more than four weeks once it has been determined that a valid Site Certificate has been issued, the applicant has submitted a complete application and the fee has been received.

Response: Wheatridge will request issuance of a conditional use permit pursuant to Section 6.015 upon issuance of the requested EFSC Site Certificate.

SECTION 6.020. GENERAL CRITERIA.

In judging whether or not a conditional use proposal shall be approved or denied, the Commission shall weigh the proposal's appropriateness and desirability, or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met or can be met by observance of conditions.

A. The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies and regulations of the County.

Response: Issuance of an EFSC Site Certificate is dependent on a finding by the Council that the substantive criteria identified by the County as relevant to the proposed project, and addressed in this Exhibit, have been satisfied or otherwise resolved. Accordingly, this criterion is met upon a determination that all the Morrow County substantive criteria have been satisfactorily addressed.

B. If located within the Urban Growth Boundary of a city, that said city has had an opportunity to review and comment on the subject proposal.

Response: The Project is not located within any Urban Growth Boundary, so this criterion does not apply.

C. The proposal will not exceed carrying capacities of natural resources or public facilities.

Response: As described in Exhibit U of this application, the Project would not adversely affect any public facilities, and as described in Exhibits I, J, O, P and Q, the Project would not cause significant adverse effects to soils, surface or groundwater resources, or protected plant or animal species or their habitats.

SECTION 6.030. GENERAL CONDITIONS.

In addition to the standards and conditions set forth in a specific zone, this article, and other applicable regulations; in permitting a new conditional use or the alteration of an existing conditional use, the Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the County as a whole. These conditions may include the following:

Response: The County may not impose conditions on a conditional use permit issued in furtherance of an approved EFSC Site Certificate. ORS 469.401(3). The following discussion demonstrates how the Project would satisfy the conditions that would typically be applied to a conditional use under MCDO 6.030.

A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

Response: The Project has been designed to minimize environmental effects. The Project will not cause air pollution or odors, and does not include equipment that would cause vibration. The Project is designed to comply with state noise standards, as described in Exhibit X of this application. The Project would have minimal outdoor lighting, at the O&M building and substation. Where outdoor lighting is necessary it will be shielded and aimed downward and inward to prevent offsite glare. Additionally, all outdoor lighting will use motion sensors and/or timers to ensure that lights are only on when needed. Red flashing lights must be installed atop select turbines per FAA marking requirements, but no other turbine lighting will be used.

B. Establishing a special yard or other open space or lot area or dimension.

Response: The Project incorporates several special setbacks for the wind turbines to avoid impacts to public roads and adjacent non-participating properties, and will adhere to existing County setback requirements for the O&M facility and substations. The Project does not involve the subdivision of land so lot area and dimensional standards are not applicable. The Project is located entirely on private land, none of which has been designated as open space; open space set-asides are inappropriate in this case.

C. Limiting the height, size or location of a building or other structure.

Response: Height, size and location limits for the wind turbines are established through the EFSC process as opposed to being established by the County. The O&M building and substations will be located and designed to comply with standard County height and setback limits.

D. Designating the size, number, location and nature of vehicle access points.

1. *Where access to a county road is needed, a permit from Morrow County Public Works department is required. Where access to a state highway is needed, a permit from ODOT is required.*

   Response: The Project will require the development or improvement of access roads intersecting with county roads and state highways. The Applicant will work with the Morrow County Road Department to permit specific access locations and improvement requirements, as necessary, prior to making improvements at each county road access point. Similarly, the Applicant will work with ODOT for access roads that would intersect with a state highway.

2. *In addition to the other standards and conditions set forth in this section, a Traffic Impact Analysis (TIA) will be required for all projects generating more than 400 passenger car equivalent trips per day. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)*

   Response: The Project would generate minimal amounts of traffic once in operation, likely less than 50 vehicle trips per day. On average, construction of the Project is likely to

generate fewer than 300 vehicle trips per day, but may generate more than 400 trips per day at peak times, depending on the timing of construction activities (see Exhibit U); however, construction traffic would be temporary and volumes will fluctuate. The traffic analysis in Exhibit U assumes that the entire Project would be constructed in a single phase, maximizing predicted construction traffic counts; however, the Project is likely to be built in several phases, such that construction activities are highly unlikely to generate more than 400 trips per day even at peak times. The Applicant will work with the Morrow County Road Department to identify specific construction traffic-related concerns, and will develop a traffic management plan prior to construction which will specify necessary traffic control measures to mitigate for the effects of the temporary increase in traffic volumes.

E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.

1. *It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8-98)*

   Response: All Project access roads will be constructed to accommodate heavy construction equipment, which will also make those roads suitable for emergency vehicles.

F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.

Response: Parking and loading areas associated with the O&M building and substations will be surfaced with gravel, and will be graded to incorporate appropriate stormwater drainage to prevent erosion and offsite impacts. These facilities will be located and designed to comply with Morrow County standards. No screening or landscaping is currently proposed, as is consistent with most residential and agricultural facilities in the area; however, the Applicant will work with Morrow County either during the Site Plan Review process or at the building permit issuance stage to determine whether landscaping or screening may be necessary.

G. Limiting or otherwise designating the number, size, location, height, and lighting of signs.

Response: The Applicant does not propose any signage beyond a small business identification sign at the O&M facility, necessary safety signage at the substations, and a small identifying number sign on the base of each turbine. With the exception of the business identification sign, no commercial signage is proposed or will be permitted.

H. Limiting the location and intensity of outdoor lighting and requiring its shielding.

Response: The Project would have minimal outdoor lighting, at the O&M building and substation. Where outdoor lighting is necessary it will be shielded and aimed downward and inward to prevent offsite glare. Additionally, all outdoor lighting will use motion sensors and/or timers to ensure that lights are only on when needed. Red flashing lights must be installed atop select turbines per FAA marking requirements, but no other turbine lighting will be used.

I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

Response: No screening or landscaping is currently proposed, as is consistent with most residential and agricultural facilities in the area; however, the Applicant will work with Morrow County either during the Site Plan Review process or at the building permit issuance stage to determine whether landscaping or screening may be necessary.

J. Designating the size, height, location and materials for a fence.

Response: No fencing is proposed; this standard is not applicable.

K. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

Response: As described throughout this application, the Project is designed to protect and preserve existing natural resources to the extent practicable. The Project would have minimal effects on water resources, and no trees are expected to be affected. The Project has been designed to avoid impacts to critical habitat areas, and maintains the vast majority of the participating properties as open lands.

L. Other conditions necessary to permit the development of the County in conformity with the intent and purpose of this Ordinance and the policies of the Comprehensive Plan.

Response: Morrow County has not identified other potential conditions as necessary to achieve compliance with the MCDO or MCCP.

SECTION 6.050. STANDARDS GOVERNING CONDITIONAL USES.

A conditional use shall comply with the standards of the zone in which it is located and with the standards set forth in this subsection.

O. Radio, television tower, utility station or substation:

1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.

Response: The Project is not proposed within a residential zone, so this standard does not apply.

2. The use may be required to be fenced and provided with landscaping.

Response: The Project Substations, O&M Buildings and temporary Construction Yards will be fenced for security. No other fencing or landscaping is proposed. As a final stage of Project construction, areas temporarily disturbed will be restored and revegetated to conditions appropriate for the use of the area. Where the intended use of a temporary disturbance area is non-agricultural, the area will be revegetated using a seed mix consisting of primarily native plants, as described in the draft Revegetation Plan (see Exhibit P). Where the intended use of a temporary disturbance area is agricultural, the area will be reseeded per the requirements of the landowner. These actions will minimize the

long-term visual effects of the Project, such that additional fencing or landscaping would be unnecessary.

3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effects to adjacent property.

Response: The minimum lot size for a public utility facility is not applicable, as no new lots are being created and all Project assets are located on existing large EFU parcels which exceed the public utility facility lot size minimum.

4. Transmission towers, hoses, overhead wires, plumbing stations, and similar gear shall be so located, designed and installed as to minimize their conflict with scenic values.

Response: There are no identified scenic views or resources located within or in the vicinity of the Site Boundary. Nonetheless, the proposed Intraconnection Line(s) have been routed to minimize their visibility for area residents and travelers on public roads, and designed to minimize visual impact through the use of monopoles or wooden H-frames and non-reflective finishes. Collector Lines will be placed underground to the extent practicable.

2.1.4 Morrow County Solid Waste Management Ordinance

In its response to the Project's Notice of Intent, Morrow County identified its Solid Waste Management Ordinance as containing applicable substantive criteria. Morrow County later clarified that the Solid Waste Ordinance does not contain applicable substantive land use criteria; therefore the ordinance is not addressed in this Exhibit. The Solid Waste Management Ordinance is instead addressed in Exhibit V of this application.

2.1.5 Morrow County Weed Control Ordinance

In its response to the Project's Notice of Intent, Morrow County identified its Weed Control Ordinance as containing applicable substantive criteria. Morrow County later clarified that the Weed Control Ordinance does not contain applicable substantive land use criteria; therefore the ordinance is not addressed in this Exhibit. The Weed Control Ordinance is instead addressed in Exhibit P of this application.

As described in Exhibit P, Wheatridge shall develop and implement a Weed Management Plan meeting the requirements of the Morrow County Weed Control Ordinance and the requirements of the Morrow County Weed Control District Advisory Board. A draft weed control plan is incorporated into a draft Revegetation Plan provided with this application (see Exhibit P, Attachment P-2).

2.2 Applicable Criteria for Umatilla County

This Section demonstrates how the portion of the Project located in Umatilla County satisfies the Umatilla County applicable substantive criteria. In its April 12, 2013 response to the NOI, Umatilla County identified the following applicable substantive criteria:

- Umatilla County Development Ordinance (UCDO) Sections 152.060, 152.061, 152.615 and 152.616(HHH)
- The following Umatilla County Comprehensive Plan (UCCP) policies:
    - Citizen Involvement, Policies 1 and 5;
    - Agriculture, Policies 1, 8 and 17;
    - Open Space, Scenic & Historic Areas, and Natural Areas, Policies 1(a), 5(a & b), 6(a), 8(a), 9(a), 10(c, d & e), 20 (a), 20(b)(1-8), 22, 23(a), 24(a), 26, 37 & 38(a-c), 39(a) and 42(a);
    - Air, Land, Water Quality, Policies 1, 7 and 8;
    - Natural Hazards, Policies 1 and 4;
    - Recreational Needs, Policy 1;
    - Economy of the County, Policies 1, 4 and 8(a-f);
    - Public Facilities and Services, Policies 1(a-d), 2, 9 and 19;
    - Transportation, Policies 18 and 20; and
    - Energy Conservation, Policy 1.

These substantive criteria are discussed in Sections 2.2.1 and 2.2.2 below. Umatilla County also submitted other miscellaneous comments which are addressed below in Section 2.2.3.

2.2.1 UCDO Criteria

152.060 CONDITIONAL USES PERMITTED.

In an EFU zone the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of this section, the applicable criteria in § 152.061, §§ 152.610 through 152.615, 152.617 and §§ 152.545 through 152.562. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional uses and listed in this section may be expanded subject to administrative review and subject to the requirements listed in OAR 660, Division 033.

(F) Commercial utility facilities for the purpose of generating power for public use by sale as provided in § 152.617 (I)(C). (For specific criteria for Wind Power Generation see § 152.617 (I)(W)[2])

> Response: The Project meets the definition of a commercial utility facility as defined in UCDO § 152.617 (I) (C). Upon issuance of an EFSC Site Certificate for the Project, Umatilla County shall issue a zoning permit without further conditions pursuant to ORS 469.401(3).

152.061 Standards for Conditional Uses on EFU lands.

[2] UCDO 152.617(I)(W) has been deleted in its entirety and the reader is cross-referenced to UCDO 152.616(HHH), which is discussed below.

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The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

Response: There is no forest use within the analysis area. As shown in Table K-2, within the Site Boundary in Umatilla County approximately 1,689 acres, or 99% of the area, are "devoted to farm use." Once built, permanent Project facilities would occupy (at most) approximately 24.37 acres, or about 1.4% of the agricultural lands within the Site Boundary in Umatilla County.

The lands devoted to farm use in Umatilla County are used primarily for cultivation of wheat and grazing of livestock, and related accessory uses. Figures K-5 and K-6 show the areas dedicated to farm use, as well as the areas defined by the UCDO as High Value Farmlands.

Table K-2. Impacts to Farmland in Umatilla County		
Total Area within Site Boundary in Umatilla County	1,702 acres	
Area Within Site Boundary in Umatilla County Devoted to Farm Use[1/]	1,689 acres total, of which 569.17 acres are High Value Farmland[2/]	
Acres Permanently Impacted by Project	**Not High Value Farmland**	**High Value Farmland[2/]**
Wheatridge West		
GE 1.7-103	0	0
GE 2.5-120	0	0
Wheatridge East		
GE 1.7-103	14.97	9.36
GE 2.5-120	14.42	9.20
Intraconnection Lines		
Option 1 (Longest)	0.02	0.02
Option 3 (Shortest)	0.02	0.02
SUBTOTALS (worst-case scenario)[3/]	14.99	9.38
TOTAL (worst-case scenario)	**24.37 acres**	

1/ Consistent with the definition of "farm use" in ORS 215.203 and OAR 660-033-0020(7), all land shown on Figures K-5 and K-6 as Developed-Dryland Wheat, Developed-Irrigated Agriculture, Developed-Revegetated or Other Planted Grassland, Grassland-Exotic Annual and Grassland-Native Perennial has been included in the calculation of land devoted to farm use for this Exhibit.

2/ Pursuant to UCDO 152.616(HHH)(6)(k) this calculation applies the definition of "high-value farmland" from ORS 195.300(10) for lands in Eastern Oregon: land with soils that are irrigated or not irrigated, and classified as prime, unique, Class I or Class II by the USDA National Resource Conservation Service (NRCS); and lands within the Columbia Basin Viticultural Area (which encompasses the entirety of the Project Area) that are below 3,001 feet elevation, with slopes no greater than 15% and an aspect between 67.5 and 292.5 degrees.

3/ The worst-case scenario is the GE 1.7-103 layout with the longest Intraconnection Line.

The impact of the Project would not force a significant change in accepted farm practices or significantly increase the cost of farm practices, for the reasons discussed below:

- Facility components and temporary construction laydown and staging areas would be sited to minimize disturbance to farming operations.
- Land permanently lost to farm use due to siting of permanent Project improvements is a de minimis percentage of the total farm use land in Umatilla County; therefore the inability to use the land for farm purposes is not significant.
- Project Site Access Roads and other facilities would be constructed and maintained by Wheatridge, such that the cost burden for maintenance does not fall upon the farm or ranch owners.
- Private access roads improved or developed for the Project would benefit agricultural users of the land through improved access to farm fields and resulting lower fuel costs.

- As part of the lease agreements, each landowner must approve the site plan for facilities located on his lands; this mechanism assures that Project facilities would not be considered disruptive to the practices of each landowner.
- Wheatridge has confirmed that no landowners in the Project Area utilize aerial spraying of pesticides or fertilizers; the Project would not affect the application of pesticides or fertilizers using ground-based methods.
- Wheatridge will implement a weed control plan that will reduce the risk of weed infestation in cultivated land and the associated cost to the farmer for weed control.
- Wheatridge will record a covenant not to sue against its Project leasehold interests with regard to generally accepted farming practices on adjacent farmland.
- Construction and operation of the Project could cause changes in routes of access to fields and changes in the pattern of cultivation, seeding, fertilizing and harvesting near the turbines and access roads. To minimize this, Wheatridge, in consultation with the landowners, will minimize obstacles to farming in cultivated fields (facility components around which the farmer would have to plow, plant and harvest).
- Wheatridge will consult with area landowners during construction and operation of the facility to determine further measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs.
- Construction of the Project could adversely affect soil quality by erosion or compaction. Some farmland would be temporarily disturbed and unavailable for farming during construction. To avoid or reduce adverse impacts to soil quality, Wheatridge will implement dust control and erosion-control measures during construction and operation of the facility (see Exhibit I). To the extent practicable, Wheatridge proposes to reduce impact to soils by using areas that are already disturbed and limiting the area of new disturbance.
- Construction vehicles will use previously disturbed areas including existing roadways and tracks. When practical, temporary Construction Yards and laydown areas will be located within the future footprint of permanent structures. The width of new permanent roadways will be the minimum consistent with safe use. Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable, and turbine foundations will abut roadways as closely as possible. Upon completion of construction, Wheatridge will restore temporarily disturbed areas to their pre-construction condition.

The measures above are intended to avoid or minimize the impacts of the Project on farming operations, and to mitigate for necessary impacts. The Project is designed and legally structured such that the cost burden of constructing and maintaining access roads and other facilities would not fall on the landowner and would not increase the costs of farming for affected landowners. Additionally, each participating landowner will be compensated for the loss of agricultural lands,

and the new income stream from lease payments will help to stabilize often-fluctuating agricultural income, making farming more sustainable.

152.615 Additional Conditional Use Permit Restrictions

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions: [list of conditions omitted for brevity]

Response: To the extent any restrictions or conditions of the type listed in Section 152.615 are deemed necessary to mitigate the impacts of the Project, they can and will be implemented through the EFSC Site Certificate process. ORS 469.401(2).

152.616 (HHH) Conditional use criteria for commercial wind energy facilities

Response. UCDO 152.616(HHH)(1) provides that the procedural requirements of 152.616(HHH)(1) through (5) do not apply to a wind energy facility permitted via an EFSC Site Certificate. UCDO 152.616(HHH)(1) through (4) contain only procedural requirements, while UCDO 152.616(HHH)(5) provides both procedural and substantive requirements in the form of a list of conditional use application submittal requirements. Consequently, this application only discusses the substantive criteria of 152.616(HHH)(5) through (11)

152.616(HHH)(5) Application Requirements

The following information shall be provided as part of the application, or subject to the County's discretionary authority, be require prior to the construction or operation of the Wind Power Generation Facility through a condition of approval: [subsections (a) through (l) omitted for brevity]

Response. UCDO 156.616(HHH)(5) lists information that would be required as part of an application for a County Conditional Use Permit. The information submitted as part of this application, and information that will be provided as a condition of approval attached to the Site Certificate, satisfy all of the information requirements identified by Umatilla County.

152.616(HHH)(6) Standards/Criteria of Approval.

The following requirements and restrictions apply to the siting of a Wind Power Generation Facility:

(a) Setbacks. The minimum setback shall be a distance of not less than the following:

(1) From a turbine tower to a city urban growth boundary (UGB) shall be two miles. The measurement of the setback is from the centerline of a turbine tower to the edge of the UGB that was adopted by the city as of the date the application was deemed complete.

Response: The Project is consistent with this standard. The Site Boundary is located no closer than 5.5 miles from the nearest UGB in Umatilla County, for the city of Echo.

(2) From turbine tower to land zoned Unincorporated Community (UC) shall be 1 mile.

Response: The Project is consistent with this standard. There are no lands zoned UC within one mile of the Site Boundary.

(3) From a turbine tower to a rural residence shall be 2 miles. For purposes of this section, "rural residence" is defined as a legal, existing single family dwelling meeting the standards of §152.058 (F)(1)-(4), or a rural residence not yet in existence but for which a zoning permit has been issued, on a unit of land not a part of the Wind Power Generation Facility, on the date a Wind Power Generation Facility application is submitted. For purposes of this section, the setback does not apply to residences located on properties within the Wind Power Generation Facility project application. The measurement of the setback is from the centerline of the turbine tower to the center point of the rural residence.

Response: The Project is consistent with this standard. There is only one dwelling within Umatilla County located within two miles of any turbines, and it is located on a unit of land that is part of the Project. See Figures K-7 and K-8.

(4) From a turbine tower to the boundary right-of-way of County Roads, state and interstate highways, 110% of the overall tower-to-blade tip height. Note: The overall tower-to-blade tip height is the vertical distance measured from grade to the highest vertical point of the blade tip.

Response: Because the tallest turbine type under consideration is 145 meters (476 feet) in overall height, the minimum setback would be 159.5 meters (523 feet). The micrositing corridors are defined such that any turbine will be a minimum of 160 meters (525 feet) from the right-of-ways of any public roads. The Project is, therefore, in compliance with this requirement.

(5) From tower and project components, including transmission lines, underground conduits and access roads, to known archeological, historical or cultural sites shall be on a case by case basis, and for any known archeological, historical or cultural site of the Confederated Tribes of the Umatilla Indian Reservations the setback shall be no less than 164 feet (50 meters).

Response: The Project is designed to maintain a minimum 50 meter setback to all identified archaeological, historic and cultural resources of the CTUIR in Umatilla County. Additionally, the Project has been designed to avoid impacts to all other known archaeological, historic and cultural resources deemed eligible or potentially eligible for listing on the National Register of Historic Places. In only one case would any Project infrastructure be located closer than 50 meters to a listed or potentially eligible historic resource in Umatilla County that is not associated with the CTUIR: the remaining evidence of the Vey Ranch phone line. A Project access road must cross what was once a linear feature but is now only a collection of widely scattered roadside utility poles with no wiring (although some are now used as fence posts); the remaining poles at this location are close enough to each other that it is not possible to achieve a setback of 50 meters. The access road would be approximately centered between two existing poles that are approximately 94.5 meters (310 feet) apart, yielding a setback of approximately 41 meters to each pole. This access road routing maximizes the setback to each pole and avoids direct impacts to

the remaining evidence of the Vey Ranch Phone Line. In the event of unforeseen discoveries during construction, Wheatridge would immediately stop work in the area of the discovery and respond as described in Exhibit S.

(6) New electrical transmission lines associated with the project shall not be constructed closer than 500 feet to an existing residence without prior written approval of the homeowner, said written approval to be recorded with county deed records. Exceptions to the 500 feet setback include transmission lines placed in a public right of way. Note: Transmission and distribution lines constructed and owned by the applicant that are not within the project boundary are subject to a separate land use permit.

Response: No dwellings in Umatilla County are located within 500 feet of the Intraconnection Line(s). Wheatridge does not intend to construct or own any other transmission or distribution lines outside the Site Boundary in connection with the Project.

(7) The turbine/towers shall be of a size and design to help reduce noise or other detrimental effects. At a minimum, the Wind Power Generation Facility shall be designed and operated within the limits of noise standard(s) established by the State of Oregon. A credible noise study may be required to verify that noise impacts in all wind directions are in compliance with the State noise standard.

Response: The analysis presented in Exhibit X demonstrates that the Project is designed and can be operated within the limits of the State of Oregon's noise standards.

(b) Reasonable efforts shall be made to blend the wind turbine/towers with the natural surrounding area in order to minimize impacts upon open space and the natural landscape.

Response: Although no part of the analysis area is designated open space, the Project nonetheless is designed to minimize impacts upon undeveloped lands and the natural landscape by utilizing existing farm access roads as much as possible, and by siting roads at the edges of farm fields rather than in native grasslands where possible. This approach minimizes the need for grading and cut-and-fill slopes, allowing the Project to maintain natural contours to the greatest extent practicable. The turbines shall be painted standard white per FAA guidelines.

(c) The development and operation of the Wind Power Generation Facility will include reasonable efforts to protect and preserve existing trees, vegetation, water resources, wildlife, wildlife habitat, fish, avian, resources, historical, cultural and archaeological site.

Response: The Project design and development plan include efforts to protect and preserve existing vegetation, wildlife and wildlife habitat (including avian resources), and historic, cultural and archeological resources, as described in Exhibits P, Q and S. The Project would have no impact upon fish or water resources, as described in Exhibits J and O.

(d) The turbine towers shall be designed and constructed to discourage bird nesting and wildlife attraction.

Response: The considered turbine types are designed to discourage bird nesting and wildlife attraction. The turbine towers are hollow cylinders that do not provide perching or nesting opportunities. Likewise, the turbine nacelles are constructed with a smooth outer shell that does not facilitate perching or nesting.

(e) Private access roads established and controlled by the Wind Power Facility shall be gated and signed to protect the Wind Power Generation Facility and property owners from illegal or unwarranted trespass, illegal dumping and hunting and for emergency response.

Response: The Project is consistent with this standard. Wheatridge will install gates and no-trespassing signs at all access roads established or improved for the purpose of Project construction and operation.

(f) Where practicable the electrical cable collector system shall be installed underground, at a minimum depth of 3 feet; elsewhere the cable collector system shall be installed to prevent adverse impacts on agriculture operations.

Response: The electrical collector system lines will be installed underground to the extent practicable. In agricultural fields, the minimum depth will be 3 feet such that they would not interfere with or be susceptible to damage from agricultural operations. In other areas the lines will be established as deep as practicable and will be designed and constructed to comply with National Electrical Safety Code (NESC) standards.

(g) Required permanent maintenance/operations buildings shall be located off site in one of Umatilla County's appropriately zoned areas, except that such a building may be constructed on site if:

(1) The building is designed and constructed generally consistent with the character of similar buildings used by commercial farmers or ranchers, and

(2) The building will be removed or converted to farm use upon decommissioning of the Wind Power Generation Facility consistent with the provisions of §152.616 (HHH) (7).

Response: Any O&M Building constructed in Umatilla County will be a one-story building of about 6,000-9,000 square feet with adjacent parking, similar in appearance and construction to agricultural buildings commonly found in Umatilla County, and will be constructed within the Site Boundary. Upon decommissioning of the Project, Wheatridge will either convey the building to the underlying landowner for farm use or remove it in accordance with its approved decommissioning plan. The County will be protected against decommissioning costs pursuant to the decommissioning bond discussed in Exhibit W.

(h) A Wind Power Generation Facility shall comply with the Specific Safety Standards for Wind Energy Facilities delineated in OAR 345 024 0010 (as adopted at time of application).

Response: The Project is consistent with the Specific Safety Standards for Wind Energy Facilities, as discussed in Exhibit DD.

(i) A Covenant Not to Sue with regard to generally accepted farming practices shall be recorded with the County. Generally accepted farming practices shall be consistent with the definition of Farming

Practices under ORS 30.930. The Wind Power Generation Facility owner/operator shall covenant not to sue owners, operators, contractors, employees, or invitees of property zoned for farm use for generally accepted farming practices.

Response: Wheatridge will record a Covenant Not to Sue against its leasehold interests prior to construction of the Project.

(j) Roads.

(1) County Roads. A Road Use Agreement with Umatilla County regarding the impacts and mitigation on county roads shall be required as a condition of approval.

Response: Wheatridge acknowledges and will accept a condition of approval requiring that it enter into a Road Use Agreement with Umatilla County prior to beginning construction on the Project. Under the terms of the agreement, Wheatridge will leave all public roads utilized during construction of the Project in as good or better condition as exists at the time construction commences.

(2) Project Roads. Layout and design of the project roads shall use best management practices in consultation with the Soil Water Conservation District. The project road design shall be reviewed and certified by a civil engineer. Prior to road construction the applicant shall contact the State Department of Environmental Quality and if necessary, obtain a storm water permit (National Pollution Discharge Elimination System).

Response: Wheatridge will implement best management practices for storm water management as described in Exhibit I, and as will be required under the terms of the NPDES permit and the associated Erosion and Sediment Control Plan (ESCP). All Project roads will be designed and reviewed by certified civil engineer.

(k) Demonstrate compliance with the standards found in OAR 660-033-0130 (37).

OAR 660-033-0130(37) provides, in pertinent part, as follows:

(37) ... A proposal for a wind power generation facility shall be subject to the following provisions:

(a) For high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:

(A) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

(i) Technical and engineering feasibility;

(ii) Availability of existing rights of way; and

(iii) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph (B);

Response: As shown in Table K-2 and Figures K-5 and K-6, approximately one-third of the land within the analysis area in Umatilla County is high-value farmland. Within Umatilla County, the Project would permanently impact up to approximately 9.38 acres of high value farmland, which represents approximately 1.6% of the high value farmland within the Site Boundary in Umatilla County. As shown on Figures K-5 and K-6, surrounding lands within the analysis area have the same land use classifications, similar uses, and a similar proportion of high-value farmland as lands outside the Site Boundary, making any alternative siting unlikely to materially reduce the impact on high-value farmland while still meeting Project objectives.

Based on the proportion and location of high value farmland in and around the Project Area, it is not possible to completely avoid or to substantially further reduce impacts to high value farmlands without compromising the technical feasibility of the Project. Wind energy projects have specific siting needs that require turbines to be located near the tops of hills and ridges, away from objects or landforms that could shield the wind or cause turbulence. The relationship between turbine sites is also strictly controlled so as to avoid turbulence impacts from one turbine on another. Consequently, changing the proposed Project layouts would likely have significant detrimental economic and energy-generation impacts on the Project. Additionally, the location of turbines and associated facilities must be approved by each participating landowner pursuant to Wheatridge's lease agreements; the Project has been designed with landowner input to minimize disruption to current agricultural lands and practices, and does so in large part by utilizing existing agricultural access routes and placing turbines at the edges of farm fields.

Although some adjustments to facility locations are expected to occur during final engineering design, which are expected to result in further reductions of impacts, neither minor adjustments nor significant relocations of Project facilities would be likely to materially reduce the impact on high value farmland, due to the high proportion of high value farmland within the Site Boundary. Moreover, even if the Project were to be developed on similar agricultural lands in the general area, it is unlikely that a similar project would have significantly lower impacts to high value farmland or lands dedicated to agricultural use due to the similar land uses and proportion of high value farmland in the surrounding area. Development of the Project in another location would require a similar amount of land disturbance, and would likely have similar social and environmental consequences as the proposed Project.

Consequently, the evidence shows that feasible alternative layouts are not available that materially lessen the impacts on high-value farmland while still meeting Project objectives and not causing or increasing other adverse impacts.

(B) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site

with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;

Response: High-value farmlands and lands dedicated to agricultural use are found throughout the Project Area and the surrounding vicinity, such that any chosen location in the general area would be likely to encompass similar proportions of both high value farmland and agricultural lands. Additionally, due to the way that high value farmlands are defined, it is unlikely that a significant amount of agricultural land that is not also classified as high value farmland and is suitable to wind energy development could be found in the vicinity. The impact avoidance and minimization measures described throughout this application would be implemented during project design, construction and operation regardless of specific location. Therefore, even if the entire Project were to be moved elsewhere in the vicinity, it would have a similar level of impacts as a whole, and similar levels of impacts to high value farmland and lands dedicated agricultural use as the Project as proposed in this application.

(C) Costs associated with any of the factors listed in paragraph (A) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;

Response: See response to subsection (A) above. Feasible alternatives affecting materially less high-value farmland are not available in the general area, regardless of cost.

(D) The owner of a wind power generation facility approved under subsection (a) 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 subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and

Response: The Applicant will meet all County requirements to ensure decommissioning, as described below in response to 152.616(HHH)(l).

(E) The criteria of subsection (b) are satisfied.

Response: The requirements of OAR 660-033-0130(37) subsection (b) are addressed below:

(b) For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:

(A) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;

Response: Measures to be taken by the Applicant to minimize the negative impacts on agricultural operations on the underlying property are outlined above in response to UCDO 152.061. As discussed above, the impact of the Project would not force a significant change in accepted farm practices or significantly increase the cost of farm practices, for the reasons discussed below:

- Facility components and temporary construction laydown and staging areas would be sited to minimize disturbance to farming operations.
- Land permanently lost to farm use due to siting of permanent Project improvements is a de minimis percentage of the total farm use land in Umatilla County; therefore the inability to use the land for farm purposes is not significant.
- Project Site Access Roads and other facilities would be constructed and maintained by Wheatridge, such that the cost burden for maintenance does not fall upon the farm or ranch owners.
- Private access roads improved or developed for the Project would benefit agricultural users of the land through improved access to farm fields and resulting lower fuel costs.
- As part of the lease agreements, each landowner must approve the site plan for facilities located on his lands; this mechanism assures that Project facilities would not be considered disruptive to the practices of each landowner.
- Wheatridge has confirmed that no landowners in the Project Area utilize aerial spraying of pesticides or fertilizers; the Project would not affect the application of pesticides or fertilizers using ground-based methods.
- Wheatridge will implement a weed control plan that will reduce the risk of weed infestation in cultivated land and the associated cost to the farmer for weed control.
- Wheatridge will record a covenant not to sue against its Project leasehold interests with regard to generally accepted farming practices on adjacent farmland.
- Construction and operation of the Project could cause changes in routes of access to fields and changes in the pattern of cultivation, seeding, fertilizing and harvesting near the turbines and access roads. To minimize this, Wheatridge, in consultation with the landowners, will minimize obstacles to farming in cultivated fields (facility components around which the farmer would have to plow, plant and harvest).

- Wheatridge will consult with area landowners during construction and operation of the facility to determine further measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs.
- Construction of the Project could adversely affect soil quality by erosion or compaction. Some farmland would be temporarily disturbed and unavailable for farming during construction. To avoid or reduce adverse impacts to soil quality, Wheatridge will implement dust control and erosion-control measures during construction and operation of the facility (see Exhibit I). To the extent practicable, Wheatridge proposes to reduce impact to soils by using areas that are already disturbed and limiting the area of new disturbance.
- Construction vehicles will use previously disturbed areas including existing roadways and tracks. When practical, temporary Construction Yards and laydown areas will be located within the future footprint of permanent structures. The width of new permanent roadways will be the minimum consistent with safe use. Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable, and turbine foundations will abut roadways as closely as possible. Upon completion of construction, Wheatridge will restore temporarily disturbed areas to their pre-construction condition.

The measures above are intended to avoid or minimize the impacts of the Project on farming operations, and to mitigate for necessary impacts. The Project is designed and legally structured such that the cost burden of constructing and maintaining access roads and other facilities would not fall on the landowner and would not increase the costs of farming for affected landowners. Additionally, each participating landowner will be compensated for the loss of agricultural lands, and the new income stream from lease payments will help to stabilize often-fluctuating agricultural income, making farming more sustainable.

(B) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;

Response: Mitigation of geologic impacts including soil erosion are discussed in Exhibits H and I, and in response to UCDO 152.061. Further, the Applicant will comply with the terms of its NPDES permit and the associated Erosion and Sediment Control Plan (ESCP).

(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and

Response: Minimization of impacts to soil are discussed in Exhibit I and in response to UCDO 152.061.

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

Response: As discussed in response to UDCO 152.061, Wheatridge will implement a weed control plan that will reduce the risk of weed infestation in cultivated land and the associated cost to the farmer for weed control.

(c) For nonarable lands, meaning lands that are not suitable for cultivation, the governing body or its designate must find that the requirements of OAR 660-033-0130(37)(b)(D) are satisfied.

Response: The Project is located primarily on arable lands, but would impact some non-arable lands as well. The above discussion demonstrates compliance with the requirements of OAR 660-033-0130(37)(b)(D).

(d) In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in OAR 660-033-0130(37)(b) and (c) the approval criteria of 660-033-0130(37)(b) shall apply to the entire project.

Response: The Project would impact some nonarable land around the edges of existing farm fields, thus would include both arable and nonarable lands. The above discussion demonstrates compliance with the approval criteria of OAR 660-033-0130(37)(b).

(l) Submit a plan for dismantling of uncompleted construction and/or decommissioning and/or re-powering of the Wind Power Generation Facility as described in §152.616 (HHH) (7).

Response: The Project is designed to have a useful life of approximately 50 years, at which time it may be repowered or decommissioned. If the Project is to be decommissioned, Wheatridge will provide a decommissioning plan to Umatilla County prior to beginning decommissioning activities. Providing a decommissioning/repowering plan prior to initial construction of the Project is not an optimal approach because technologies and practices for wind project decommissioning and repowering are certain to change significantly between Project approval and the time at which decommissioning or repowering becomes

necessary. The County will be protected against decommissioning costs pursuant to the decommissioning bond discussed in Exhibit W.

(m) A surety bond shall be established to cover the cost of dismantling uncompleted construction and/or decommissioning of the Wind Power Generation Facility, and site rehabilitation pursuant to §152.616 (HHH) (7) and (8). The intent of this requirement is to guarantee performance (not just provide financial insurance) to protect the public interest and the county budget from unanticipated, unwarranted burden to decommission wind projects. For projects being sited by the State of Oregon's Energy Facility Siting Council (EFSC), the bond or letter of credit required by EFSC will be deemed to meet this requirement.

Response: As described in Exhibit W, Wheatridge will provide a bond or letter of credit to cover the cost of site rehabilitation in the event of decommissioning or dismantling of uncompleted construction, which will also satisfy the County's standard.

(n) The actual latitude and longitude location or Stateplane NAD 83(91) (suitable for GPS mapping) coordinates of each turbine tower, connecting lines, O & M building, substation, project roads and transmission lines, shall be provided to Umatilla County on or before starting electrical production.

Response: Prior to beginning commercial operations, Wheatridge will provide actual locational data to Umatilla County and area emergency service providers, in a form to be agreed upon at that time.

(o) An Operating and Facility Maintenance Plan shall be submitted and subject to County review and approval.

Response: Prior to beginning commercial operations, Wheatridge will provide an Operating and Facility Maintenance Plan for Umatilla County's review and approval.

(p) A summary of as built changes to the original plan, if any, shall be provided by the Wind Power Generation Facility owner/operator 90 days of starting electrical production.

Response: Within 90 days after beginning commercial operations, Wheatridge will provide a summary of any as built changes to the original plan to Umatilla County.

(q) Submit a Socioeconomic Assessment of the Wind Power Generation Facility.

Response: A socioeconomic assessment of the impacts of the Project is provided as part of Exhibit U and will be reviewed and approved by EFSC.

152.616(HHH) (7) Dismantling/Decommissioning.

A plan for dismantling and/or decommissioning that provides for completion of dismantling or decommissioning of the Wind Power Generation Facility without significant delay and protects public health, safety and the environment in compliance with the restoration requirements of this section. [Detailed list of plan contents omitted for brevity.]

Response: The Project is designed to have a useful life of approximately 50 years, at which time it may be repowered or decommissioned. If the Project is to be decommissioned, Wheatridge will provide a decommissioning plan to Umatilla County prior to beginning

decommissioning activities. Providing a decommissioning/repowering plan prior to initial construction of the Project is not an optimal approach because technologies and practices for wind project decommissioning and repowering are certain to change significantly between Project approval and the time at which decommissioning or repowering becomes necessary. The County will be protected against decommissioning costs pursuant to the decommissioning bond discussed in Exhibit W.

152.616(HHH)(8) Decommissioning Fund.

The Wind Power Generation Facility owner/operator shall submit to Umatilla County a bond acceptable to the County, in the amount of the decommissioning fund naming Umatilla County beneficiary or payee. [Detailed list of bond conditions omitted for brevity.]

Response: As described in Exhibit W, Wheatridge will provide a bond or letter of credit to cover the cost of site rehabilitation in the event of decommissioning or dismantling of uncompleted construction, which will also satisfy the County's standard.

152.616(HHH)(9) Annual Reporting.

Within 120 days after the end of each calendar year the Wind Power Generation Facility owner/operator shall provide Umatilla County a written and oral annual report including the following information: [Detailed list of report contents omitted for brevity.]

Response: Wheatridge will provide Umatilla County with annual reports of Project operations, within 120 days of the end of each calendar year, meeting the requirements of this subsection.

152.616(HHH)(10)Permit Amendments.

The Wind Power Generation Facility requirements shall be facility specific, but can be amended as long as the Wind Power Generation Facility does not exceed the boundaries of the Umatilla County conditional use permit where the original Wind Power Generation Facility was constructed. ... An amendment to a Site Certificate issued by EFSC will be governed by the rules for amendments established by [EFSC].

Response: As noted in the criterion, any amendment to the EFSC Site Certificate shall be processed with EFSC according to the applicable statutes and administrative rules governing amendment of Site Certificates.

152.616(HHH)(11) Walla Walla Watershed.

Response: This criterion applies only to land within the Walla Walla sub-basin east of Highway 11 and, as such, does not apply to this Project.

2.2.3 UCCP Policies

Citizen Involvement:

1. *Provide information to the public on planning issues and programs, and encourage continuing citizen input to planning efforts.*

   Response: The ASC approval process incorporates opportunities for citizen input on the planning and permitting process, through the NOI, scoping meetings, informal informational meetings, official notices to surrounding property owners and solicitation of comments, and the public hearings process. Accordingly, this UCCP policy regarding citizen involvement is satisfied.

5. Through appropriate media, encourage those County residents' participation during both city and County deliberation proceedings.

Response: The Site Certificate process with EFSC provides ample opportunity for public review of application materials and input into the planning process, including at least one hearing in the local area. The EFSC process is consistent with Statewide Land Use Planning Goal 1 regarding citizen involvement. Accordingly, the UCCP policies regarding citizen involvement are also met.

Agriculture:

1. Umatilla County will protect, with Exclusive Farm Use zoning pursuant to ORS 215, lands meeting the definition of farmland in this plan and designated as Agricultural on the Comprehensive Plan Map.

Response: Umatilla County has adopted zoning and allocated lands identified as Agricultural on the Comprehensive Plan Map to the Exclusive Farm Use zoning district pursuant to ORS 215. The Site Boundary is located entirely within the EFU zone. As discussed above, the proposed project meets the applicable substantive criteria of the Umatilla County EFU zone.

8. The county shall require appropriate procedures/ standards/policies be met in the Comprehensive Plan and Development Ordinance when reviewing non-farm uses for compatibility with agriculture.

Response: The Project is located in the EFU zone, and this exhibit demonstrates consistency with applicable substantive criteria for the EFU zoning district in Umatilla County.

17. Continue to encourage timber management to occur on lower elevation seasonal grazing as permitted in the Exclusive Farm Use Zone.

Response: As noted in Umatilla County's letter dated April 12, 2013, most but not all comprehensive plan policies are implemented by the UCDO. In the case of these agricultural policies, they are implemented by the regulations of the EFU zone including the substantive criteria of the UCDO discussed above in Section 2.2.1. Specifically with respect to policy 17, there is no active timber management within the Site Boundary in Umatilla County.

Open Space, Scenic & Historic Areas, and Natural Areas:

1. (a) The County shall maintain this resource [Open Space] by limiting development mainly to existing built up areas.

Response: The Project will be built on existing, cultivated farmlands and will consist of wind turbines spaced at large intervals, and supporting infrastructure, much of which will be

buried underground. The Project is located entirely on private land, none of which is designated as open space, and actually impacts only a very small percentage of the Project site. The Project site is crossed by several highways, and there is an existing wind energy facility immediately to the west. The Project will not significantly alter the rural, sparsely developed character of the Project lands. The impacts of the Project on scenic, protected and recreational areas are discussed in further detail in Exhibits R, L and T respectively.

5. (a) The County shall maintain rural agricultural lands, Development shall be of low density to assure retention of upland game habitat,

Response: Although the Project encompasses a fairly large geographic area, the density of developed areas due to the Project and existing land uses will remain very low, and the vast majority of land within the Site Boundary will remain undeveloped. Additionally, most Project impacts will occur on agricultural lands such that upland game habitat, and particularly the streams, wetlands and riparian areas on which game relies, will be minimally affected.

(b) Land uses should maintain the vegetation along stream banks, fence rows, woodlots, etc. Research ways to reduce harassment and loss of upland game by free roaming dogs and cats.

Response: Existing agricultural uses of the Project lands will be able to continue with minimal disruption after Project construction is complete. The Project is a widely spaced series of turbines with minimal supporting infrastructure, much of which is located underground; as such it will not interfere with game movement or habitat. Sensitive habitat and vegetated areas along stream banks, fence rows and woodlots will not be permanently disturbed by the Project. There are no characteristics of the Project that would attract or exacerbate the problem of free roaming dogs and cats.

6. (a) Developments or land uses that require drainage, channelization, filling or excessive removal of riparian vegetation in sensitive waterfowl areas should be identified.

Response: The Project does not require drainage, channelization, filling or excessive removal of riparian vegetation in sensitive waterfowl areas.

8. (a) Setbacks shall be established to protect significant and other wetlands.

Response: Setbacks shall be established and met as required by UCDO 152.616(HHH)(a) for wind energy facilities. The Project has been designed to avoid impacts to wetlands, and maintains sufficient setbacks from wetland edges to prevent indirect impacts to nearby wetlands.

9. (a) The County shall encourage land use practices which protect and enhance significant wetlands.

Response: The Project has no impact on wetlands in Umatilla County, as further discussed in Exhibit J.

10. (c) Compatible land use shall maintain the riparian vegetation along streams in the floodplain. Stream bank vegetation shall be maintained along streams outside of the floodplain by utilizing appropriate setbacks.

Response: The Project has been designed to avoid impacts to riparian or other stream bank vegetation. All setbacks required by the UCDO will be met.

(d) Development or land use that requires channelization, excessive removal of streamside vegetation, alteration of stream banks and filling into stream channels shall be restricted in order to maintain streams integrity.

Response: The Project has been designed to avoid nearly all impacts to streams, and would impact only ephemeral streams where access roads must cross. Where this would occur, all appropriate measures will be implemented to maintain stream integrity. The streams would be channelized only to the extent necessary to flow through a culvert under a road. Streamside vegetation removal will be avoided to the extent practicable, and areas disturbed temporarily will be restored to approximately original contours and reseeded with native species.

(e) New roads, bridges and access rights-of-way shall be designed to avoid channel capacity, and minimize removal of shoreline vegetation.

Response: These policies are largely addressed above. Any new or improved roads shall be sited in consultation with the affected landowner to minimize removal of shoreline vegetation, if any exists on the Project site. No new roads, bridges or access rights-of-way will adversely affect channel capacity.

20. (a) Developments of potentially high visual impacts shall address and mitigate adverse visual effects in their permit application, as outlined in the Development Ordinance standards.

Response: Visual impacts are mitigated as discussed in Exhibit R.

(b) It is the position of the County that the Comprehensive Plan designations and zoning already limit scenic and aesthetic conflicts by limiting land uses or by mitigating conflicts through ordinance criteria. However, to address any specific, potential conflicts, the County shall insure special consideration of the following when reviewing a proposed change of land use:

(1) Maintaining natural vegetation whenever possible.

(2) Landscaping areas where vegetation is removed and erosion might result.

(3) Screening unsightly land uses, preferably with natural vegetation or landscaping.

(4) Limiting rights-of-way widths and numbers of roads intersecting scenic roadways to the minimum needed to safely and adequately serve the uses to which they connect.

(5) Limiting signs in size and design so as not to distract from the attractiveness of the area.

(6) Siting Developments to be compatible with surrounding area developments and recognizing the natural chrematistics or the location.

(7) Limiting excavation and filling only to those areas where alteration of the natural terrain is necessary and re-vegetating such areas as soon as possible.

(8) Protection vistas and other views which are important to be recognized because of their limited number and importance to the visual attractiveness of the area.

Response: Wind energy projects are a conditional use in the Umatilla County EFU zone. As called for by this UCCP policy, aesthetic and scenic conflicts are already largely mitigated through the substantive criteria applicable to the Project. Additionally, there are no identified or designated scenic views or resources in the vicinity of the Project, indicating that there are no specific scenic or aesthetic conflicts to be addressed. Nonetheless, the Project incorporates many of the design guidance elements enumerated in this policy, minimizing aesthetic impacts as well as other impact types. For example, vegetation removal would be largely limited to agricultural crops, with very little impacts to native vegetation and no impacts to trees. Disturbed area will be revegetated as soon as practicable following construction to restore the visual quality of the land and to prevent erosion. Project access roads have been reduced to the minimum length needed to develop the Project, and they will be narrowed following construction to a minimum width needed for typical maintenance vehicles. No Project access roads intersect with designated scenic roadways. Signage will be limited to small identifying markers and "no trespassing" signs at the base of each turbine, safety signage within each Substation, and a small identifying sign at the O&M Buildings; commercial signage (e.g., advertising) is not proposed and will not be permitted. Electrical Collector Lines will be underground to the extent practicable, while the Intraconnection Corridor has been routed to minimize the visibility of the Intraconnection Line(s) from major public roads. The access road routes and turbine locations have been chosen to limit the need for cut and fill, and to follow existing terrain as much as possible. While the turbines represent a nontraditional structure on the landscape that cannot reasonably be screened, the O&M Buildings will appear similar to other existing agricultural structures in the area.

22. The County shall cooperate with state agencies and other historical organizations to preserve historic buildings and sites, cultural areas, and archeological sites and artifacts.

Response: The Project would not impact historic buildings, as there are none located within the Site Boundary. All other known historic, cultural and archaeological resources have been avoided through modifications to the Project layout. The CTUIR was contracted to survey the area for cultural and archaeological resources, and provided a full report of their findings to SHPO. In the event that previously undiscovered sites or artifacts are found during construction, Wheatridge will coordinate with SHPO regarding an appropriate course of action to conserve the resource. Avoidance of impacts to cultural or archaeological resources is discussed in Section 4 of this exhibit, and Exhibit S.

23. (a) Umatilla County shall encourage and cooperate in developing a detailed county-wide historic site inventory.

Response: Any historic site information developed in the course of Project development shall be provided for inclusion in the Umatilla County historic site inventory.

24. (a) Umatilla County shall protect significant historical and cultural sites from land use activities which diminish their value as historical resources.

Response: Avoidance of impacts to cultural or historical resources is discussed in Section 4 of this exhibit, and Exhibit S. All identified sites eligible or potentially eligible for regulatory protection are avoided as required by applicable standards, except as discussed in Section 4 of this exhibit. There are no sites within the Project area presently listed on the National Register of Historic Places.

26. The County shall cooperate with the Tribe, Oregon State Historic Preservation Office, and others involved in concern identifying and protecting Indian cultural areas and archeological sites.

Response: Wheatridge has cooperated and consulted with the CTUIR and Oregon SHPO regarding cultural and archaeological resources, and, except as discussed in Section 4 of this exhibit, all identified Indian cultural and archaeological sites eligible or potentially eligible for regulatory protection are avoided as required by applicable standards.

37. The County shall ensure compatible interim uses provided through Development Ordinance standards, and where applicable consider agriculturally designated land as open space for appropriate and eventual resource or energy facilities use.

Response: The Project is an energy facility on agricultural open space, as encouraged by this policy.

38. (a) The County shall encourage mapping of future agencies [sic] sites, ensure their protection from conflicting adjacent land uses, and required reclamation plans.

Response: The Project does not impact any known aggregate sites, and no Project landowner has disclosed the existence of any such sites or prospective sites within the Project area. The Project would not prevent the future development of aggregate or mineral extraction sites , and would not represent a conflicting land use that would adversely affect or be adversely affected by mining activities in the vicinity.

(b) Aggregate and mineral exploration, extraction, and reclamation shall be conducted in conformance with the regulations of the Department of Geology and Mineral Industries.

Response: The Project does not involve aggregate or mineral exploration, extraction or reclamation, and would not impact any existing aggregate or mineral extraction site except to the extent that the Project may purchase aggregate from an existing, permitted mine.

(c) The County Development Ordinance shall include conditional use standards and other provisions to limit or mitigate conflicting uses between aggregate sites and surrounding land uses.

Response: The Project does not impact any known aggregate sites, and no Project landowner has disclosed the existence of any such sites or prospective sites within the Project area. The Project does not include the development of any aggregate or other

mining sites. The Project complies with all applicable substantive criteria related to protection of aggregate resources.

39. (a) The County shall strictly enforce state and county development standards pertaining to gravel extraction/processing uses through appropriate agencies; whether new operations or expansions of existing sites.

Response: The Project does not propose any new mining sites, nor the expansion of existing mining sites. Wheatridge will obtain gravel as needed from permitted providers outside the Project area.

42. (a) Encourage development of alternative sources of energy.

Response: This is an alternative energy project in furtherance of this policy.

Air, Land, Water Quality:

1. Discharges from existing and future developments shall not exceed applicable environmental standards.

Response: Wheatridge will obtain and comply with an NPDES permit for storm water discharge, and shall follow best management practices to minimize discharges and emissions during construction. Once operational, the Project will not discharge any pollutants or other materials regulated by environmental law.

7. Consider cumulative noise impacts and compatibility of future developments, including the adoption of appropriate mitigating requirements of plan updates.

Response: Noise impacts and mitigation are discussed in Exhibit X, which demonstrates that the Project is designed and can be operated to comply with state noise regulations.

8. Recognize that protection of existing wells has priority over development proposals requiring additional subsurface sewage disposal.

Response: The only subsurface sewage disposal will be at the O&M Buildings, which will be located sufficiently far from any existing wells to avoid any potential conflict.

Natural Hazards:

1. The County will endeavor, through appropriate regulations and cooperation with applicable governmental agencies, to protect life and property from natural hazards and disasters found to exist in Umatilla County.

Response: The Project would incorporate many features protective of life and property, and is in an area largely free of natural hazards. The Project incorporates substantial setbacks to public roads and existing structures, such that it would not represent a hazard to public health or safety even in the event of a catastrophic failure. Project facilities, in particular the turbines, will be located away from known hazard areas, and structures, in particular the turbine foundations, will be designed and build to rigorous engineering standards as required by current building codes so that they can withstand earthquakes.

4. Potentially hazardous major developments (e.g. power plants) must address earthquake hazard possibilities.

Response: There are no known liquefaction, subsidence or landslide risk areas within the Project site in Umatilla County. All foundations will be built to applicable engineering standards for earthquake safety, and all County setbacks from other structures and roads will be observed, reducing the risk that Project improvements could collapse onto other structures or roads.

Recreation Needs:

1. Encourage and work with local, state, federal agencies and private enterprise to provide recreational areas and opportunities to citizens and visitors to the County.

Response: The Project does not impact any existing recreational resources.

Economy:

1. Encourage diversification within existing and potential resource-based industries.

Response: The Project represents a diversification of existing resource-based industries. The existing economic use of Project land – agriculture – will not be significantly impacted by the Project, so the Project is an addition to the County economy rather than a replacement of one economic use for another.

4. Participate in selected economic development programs and projects applicable to the County desired growth.

Response: The Project monetizes the wind resource of Umatilla County without injury to other wind projects or natural resource uses. The Project will generate economic growth and jobs within Umatilla County.

8. Evaluate economic development proposals upon the following:

Will the proposal:

a. increase or decrease available supplies?

b. improve or degrade qualities?

c. balance withdrawal with recharge rates?

d. be a beneficial use?

e. have sufficient quantities available to meet needs of the proposed project and other existing and reassembly anticipated needs?

f. reduce other use opportunities and if so, will the loss be compensated by other equal opportunities?

Response: All of these policies are advanced by the Project. The Project monetizes the wind resource of Umatilla County without injury to other wind projects or natural resource uses. The Project will generate economic growth and jobs within Umatilla County. The Project has

no effect on natural resource supplies or quality, and will be a net beneficial use by reducing the need for carbon-intensive energy sources. The primary energy input – wind – is free and limitless. The existing economic use of Project land – agriculture – will not be significantly impacted by the Project, so the Project is an addition to the County economy rather than a replacement of one economic use for another. Additionally, the landowners' loss of available agricultural land will be compensated by lease payments to each landowner.

Public Facilities and Services:

1. The county will control land development in a timely, orderly, and efficient manner by requiring that public facilities and services be consistent with established levels of rural needs consistent with the level of service requirements listed on pages J-27 and J-28 of the Technical Report. Those needs are identified as follows:

a. Fire protection shall be provided consistent with Policies 8,9.,10.

Response: Policies 8, 9 and 10 call for the formation or expansion of rural fire districts in areas designated for non-resource use; the provision of adequate fire fighting water supplies for significant new rural developments in coordination with the appropriate fire district; and assistance by the County in locating satellite fire stations, respectively. As described in Exhibit U, the Project is located in an area served by several fire protection agencies. If the area within the Site Boundary is not already covered by an existing fire department, Wheatridge will work with one or more of the local fire districts, to extend under contract their coverage to the area(s) in question. During construction, and particularly during activities that present a potential fire hazard, Wheatridge will maintain water trucks on site for rapid response in the event of a fire. None of the fire departments have suggested that water supplies should be maintained for the Project; any specific requirements will be determined prior to beginning construction. The development of the Project would not preclude the use of other portions of the participating properties for use as the location of a future fire station.

b. Police protection shall be provided consistent with Policy 7.

Response: Policy 7 calls for the allocation of county funding to maintain at least the state average of 0.34 officers per 1,000 people. The Project would have 10 to 15 permanent employees, some of whom may be new residents in Umatilla County; however, the addition of a small number of families would not significantly affect the provision of police services. Additionally, the Project will contribute toward funding of police services through increase taxes, allowing the County to maintain this minimum level of service.

c. Surface. Water Drainage-Roadside drainage shall be maintained and plans for drainage shall be required in multiple use areas.

Response: Roadside drainage will be maintained on all roads developed or improved for the county, including at locations where Project access roads intersect county roads or state

highways. The specific requirements for roadside drainage will be determined through the NPDES permit and the associated Erosion and Sedimentation Control Plan.

d. Roads shall be maintained or improved to standards adopted by the County Road Department which are consistent with nationally accepted standards that correlate traffic to desired road conditions.

Response: Exhibit U demonstrates the adequacy of public services to serve the Project, and also that the impact of the Project on those services will not be significant.

2. Require that domestic water and sewage disposal systems for rural areas be provided and maintained at levels appropriate for rural use only. Rural services are not to be developed to support urban uses.

Response: Water supply and sewage disposal plans for the Project are consistent with the rural nature of the site. Once in operation the Project will not have significant water needs; water for the O&M Buildings will be provided by an exempt well. Construction water will be obtained from municipal water suppliers in quantities within the service capacity of those providers, and hauled to the Project site. Sewage disposal will be handled by an onsite septic system.

9. Require adequate water supplies for firefighting as part of significant new developments in rural areas in coordination with the appropriate rural fire district.

Response: Wind projects do not pose a significant fire risk. This policy is directed more at occupied development such as residential and commercial buildings. Nonetheless, Wheatridge has confirmed the adequacy of fire protection services in Umatilla County as discussed in Exhibit U.

19. Where feasible, all utility lines and facilities shall be located on or adjacent to existing public or private rights-of-way so as to avoid dividing existing farm or forest units; and transmission lines should be located within existing corridors as much as possible.

Response: Electrical Collector Lines will be placed adjacent to Project access roads, which are routed to avoid dividing existing farm fields and generally follow existing farm access tracks. Due to the location of the turbines it is not practical to place electrical Collector Lines in public rights-of-way. There are no existing transmission corridors in the vicinity of the Project that could be used to electrically connect Wheatridge East and Wheatridge West, therefore the route has been chosen to limit the visibility of the Intraconnection Line(s) from major public roads and minimize the lines' visual impact.

Transportation:

18. The County will review right-of-way acquisitions and proposals for transmission lines and pipelines so as to minimize adverse impacts on the community.

Response: No right-of-way acquisitions are needed for the Project. Electric transmission lines that are part of the Project will be reviewed by EFSC as part of this Site Certificate application.

20. Request larger industrial and commercial development proposals, consider sponsoring carpooling programs.

Response: The Project will permanently employ 8-12 people in a rural location. It will not generate enough traffic to justify carpooling arrangements.

Energy Conservation:

1. Encourage rehabilitation /weatherization of older structures and the utilization of locally feasibly renewable energy resources through use of tax and permit incentives.

Response: The Project does not involve the reuse of existing structures. The Project is a wind energy facility that utilizes locally feasible renewable energy resources, in furtherance of this policy.

2.2.3 Other Miscellaneous Comments from Umatilla County

Umatilla County notes that the Gen-tie Line delivering power from the Project to the point of interconnection (POI) has not been identified as a related and supporting facility. The Gen-tie Line, which will be proposed and permitted separately by UEC or UEC/CB, does not meet the definition of a "related and supported facility" under ORS 469.300(24) and OAR 345-001-0010(49) because it is not proposed by the applicant, and because it is not certain that the transmission line "would not be built [by UEC or UEC/CB] but for construction or operation" of the Project. As noted in Umatilla County's April 12, 2013 letter, it is anticipated that EFSC will condition any Site Certificate on proper permitting and construction of the gen-tie line and any associated Substation, and Wheatridge has no objection to such a condition.

Umatilla County requests that operation and maintenance of the Gen-tie Line be addressed in this application. It also states that it may require Wheatridge to survey any transmission route located in county road right-of-way. Since the Gen-tie Line is a separate and independent project to be permitted, built and operated by UEC or UEC/CB, and not a "related and supporting facility" to this Project, Umatilla County's assertions are misplaced. Siting, operations and maintenance issues for the gen-tie line will be addressed in the UEC or UEC/CB transmission line permitting process. Similarly, Umatilla County can work through the available regulatory processes to ensure that UEC or UEC/CB constructs the gen-tie line in accordance with NESC standards.

Umatilla County refers to a new 5-10 acre private substation adjacent to a BPA substation; however, Wheatridge has not included such a substation as part of the Project. The option for a private substation was discussed in the Notice of Intent but is no longer part of the Project.

Access road standards are discussed above in Section 2.2.1 in response to UCDO 152.616(HHH). Wheatridge acknowledges that a Road Use Agreement will be required for Project use of County roads.

Umatilla County has identified the Umatilla County Transportation System Plan as a source of policies and standards that may apply to the Project. Umatilla County has identified Transportation policies 18 and 20 specifically, and those have been addressed in Section 2.2.2 above. As noted above, Wheatridge will comply with the UCDO requirements for access roads and enter into a Road Use Agreement with Umatilla County to use county roads and ensure that they are left in "as good or better" condition following completion of Project construction as currently exists.

Wheatridge will agree to a condition requiring the filing of an Emergency Response Plan with Umatilla County.

3.0 LCDC Administrative Rules

The Project Order requires the Applicant to identify any LCDC administrative rules and goals and any land use statutes that apply directly to the Project. Pursuant to OAR 660-033-0120, wind power generation facilities must comply with the standards set forth in OAR 660-033-0130(5) and (37). The standards of OAR 660-033-0130(5) are discussed above in response to MCZO 3.010(D) and UCDO 152.061. The standards of OAR 660-033-0130(37) are discussed above in response to UCDO 152.616(HHH)(6)(k). All standards are met.

4.0 MCZO 3.010(D) - Goal 3 Exception

As shown in Table K-1, under the "worst-case" scenario, the Project will permanently impact about 146.27 acres of land devoted to farm use in Morrow County, of which about 0.01 acres is high-value farmland and about 146.26 acres is not high-value farmland. MCZO 3.010(D)(16) limits the permissible impacts to 12 acres of high-value farmland or 20 acres of other land devoted to farm use unless an exception is approved pursuant to OAR 660 Division 4. The Project impacts would be less than the 12 acre cap for high value farmland. However, it will impact more than 20 acres of non-high-value farmland that is devoted to farm use in Morrow County, so a Goal 3 exception is needed.

ORS 469.504(2) provides that, notwithstanding the requirements of ORS 197.732 or applicable LCDC rules, EFSC may approve a goal exception for an energy facility in any of three circumstances as described in ORS 469.504(2)(a), (b), or (c). See also OAR 345-022-0030(4)(c). In this case, an exception to Goal 3 to permit permanent impacts to more than 20 acres of non-high-value farmland is warranted as a "reasons" exception under ORS 469.504(2)(c) and OAR 345-022-0030(4)(c) because the Project is a locationally dependent facility that will significantly advance important state and local goals for renewable energy development and economic growth, while having minimal impacts on agricultural use.

ORS 469.504(2)(c) and OAR 345-022-0030(4)(c) require the following:

(A) Reasons justify why the state policy embodied in the applicable goal should not apply;

Response: As discussed above in Section 2 in response to MCZO 3.010(D) and UCDO 152.061, the Project will not have significant adverse effects on accepted farm or forest practices. Beyond that, an exception to Goal 3 for the Project is justified for three primary reasons.

1. The Project is locationally dependent and cannot be developed on non-agricultural lands while still meeting the overall Project objective to take advantage of excellent wind resources in the general area. Neither County has sufficient non-agricultural land to support a wind energy facility, and the Applicant is unaware of any meteorological information showing significant, developable wind resources on any non-agricultural land in the general area of the Project. The only significant non-agricultural land in the general area of the Project is in cities and towns, which are not suitable locations for a wind energy facility and do not have the necessary wind resources, adequately sized parcels of land, or proximate transmission system necessary to build the Project. Also, 94.9% of the land within the Site Boundary in Morrow County is devoted to farm use, and this percentage is not significantly different in other parts of the same general area. Thus, relocation of the Project to non-agricultural land is not feasible.

2. The Project will further important County and state policies. As discussed above in Section 2, both the MCZO and UCDO (and state law) expressly contemplate wind power generation facilities as a conditional use on EFU-zoned land, and both counties encourage renewable energy development on EFU land in their comprehensive plans. At the state level, ORS 215.213 and 215.283 both expressly allow wind energy facilities as conditional uses on EFU land. Also, the Oregon Renewable Energy Action Plan (Oregon Department of Energy, 2005) calls for significant, additional development of the state's renewable resources, including wind energy, and in 2007 Oregon adopted a Renewable Portfolio Standard for electricity requiring that 25 percent of Oregon's electric load come from new renewable energy by 2025. In addition, Statewide Land Use Planning Goal 13 calls for the development of renewable energy resources; the Legislature has enacted numerous tax credits and economic development incentives favoring renewable energy development; and Oregon has numerous other statutory programs together reflect a broad state policy to support renewable energy development. See, for example, ORS 757.612 (creating public purpose charge, a portion of the funds from which go to renewable energy); ORS 757.603(2) (requiring Oregon electric utilities to provide retail customers with at least one option including significant percentage of renewable energy).

   At the same time, the actual impact to agricultural practices is minimal. While (at worst) 146.27 acres of farmland in Morrow County will be taken out of production (and 170.64 acres for the entire Project), this represents only 1.4%

of the land devoted to farm use within the analysis area in Morrow County (and 1.4% for the entire Project). Also, those acres will not come out of production as a single parcel or even a few large parcels. Rather, the land will come out of production in half-acre to two-acre pieces distributed across many properties as turbines, access roads and transmission lines are built. Most linear facilities such as roads and transmission lines will be sited at the edges of fields or along existing road or transmission corridors, further reducing impacts to agricultural use. For the most part, the owners of the surrounding property will be able to continue agricultural use of the surrounding lands with minimal disruption or inconvenience. Thus, the positive advancement of numerous County and state goals and policies for increased renewable energy and use of the state's wind resources far outweighs the relatively minimal negative impact on agricultural uses and Goal 3.

3. The Project will advance County and state policies to promote efficient development and economic growth. The Project will encourage the efficient siting of land uses, and facilitate multiple uses of land. The Project will allow access to farmland and continued agricultural operations while simultaneously using the land for renewable energy generation. This is not a case of replacing one use with another. Instead, the Project adds an additional use and source of energy and economic benefit to already productive agricultural lands, with minimal adverse impact on the ongoing use of the land for agriculture. The end result is a significant net increase in economic output from the same land.

   The Project will also benefit the local economy through employment opportunities, and provide contributions to the local tax base. Facility construction is anticipated to take approximately 18 months per phase (assuming two construction phases). During construction, an estimated average workforce of 200 people will be employed, with a maximum of 475 people during the peak months of construction. Operation of the Project will require 8 to 12 full-time employees. These permanent jobs will contribute to the local economy. The Project also will result in an increase in annual property tax revenue to Morrow and Umatilla counties. The additional tax revenue generated by the existence of the Project will increase the counties' ability to provide roadways, police and fire protection, schools and other services to their citizens. Based on the state's experience with operating facilities in other counties, wind energy projects contribute significant annual property tax revenue to their host communities over the course of their operational lives (Renewable Northwest, 2004).

   Lastly, the Project injects additional dollars into the local economy in the form of permanent and temporary wages, demand for supplies and services, and additional revenue to local landowners, all to the net economic benefit of the

counties and the state. In sum, the net economic and growth benefits far outweigh the minimal negative impact to agricultural uses in the counties.

(B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility;

Response: Impacts in each of the four categories have been identified and adequately mitigated as follows:

Environmental. The Project's environmental impacts and corresponding mitigation are discussed in Exhibits J, L, P and Q. These exhibits identify potential environmental consequences of Project construction and operation, and demonstrate that the Project, with implementation of the proposed mitigation measures, will not cause any significant adverse environmental consequences.

Economic and Social. Exhibits R, S and T show that the Project will have no significant, unmitigated adverse impacts on scenic, cultural, historical, archaeological, or recreational resources. Exhibit U demonstrates that the Project will not have significant, unmitigated adverse impacts on community services such as housing, sewer, water supply, waste disposal, health care, education, and transportation. As discussed above in response to ORS 469.504(2)(c)(A), the Project will create jobs and contribute significant income to the local communities without significant reduction of land available for agricultural use. These benefits far outweigh the relatively small amount of agricultural activity that will be displaced by the Project.

Energy. The energy consequences of the Project will be positive by producing renewable, emissions-free energy, thereby reducing carbon emissions and our society's reliance on fossil fuels, and contributing to the battle against climate change.

(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

Response: The Project is surrounded on all sides by rural, agricultural land which is used for growing crops, grazing and related agricultural uses, as well as existing wind energy facilities. As discussed above, the Project will have minimal impacts on the continued agricultural use of land both within the analysis area and surrounding it. Temporary impacts of construction will be mitigated as described elsewhere in this application. The Project is located far from any land uses that could reasonably suffer significant adverse impacts, such as residential areas. The adverse impacts of the Project on adjacent uses is minimal, and to the extent adverse impacts exist, they are all being mitigated to insignificant levels.

For the foregoing reasons, EFSC should take an exception to Goal 3 permitting permanent impacts to more than 12 acres of high-value farmland in Morrow County.

5.0 Conclusion

For the reasons set forth above, there is substantial evidence upon which EFSC can find that the Project meets the applicable land use standard for approval of a Site Certificate.

6.0 Submittal Requirements

Table K-3. Submittal Requirements Matrix	
Requirement	**Location**
OAR 3450-021-0010 (1)(k) Information about the proposed facility's compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant shall state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, "affected local government" means a local government that has land use jurisdiction over any part of the proposed site of the facility. In the application, the applicant shall:	
(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area.	Figure K-2
(B) If the applicant elects to obtain local land use approvals:	
(i) Identify the affected local government(s) from which land use approvals will be sought.	N/A
(ii) Describe the land use approvals required in order to satisfy the Council's land use standard.	N/A
(iii) Describe the status of the applicant's application for each land use approval.	N/A
(iv) Provide an estimate of time for issuance of local land use approvals.	N/A
(C) If the applicant elects to obtain a Council determination on land use:	
(i) Identify the affected local government(s).	Section 2.0
(ii) Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria;	Sections 2.0, 4.0

Table K-3. Submittal Requirements Matrix	
Requirement	**Location**
(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes.	Section 3.0
(iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals.	Section 4.0
(v) If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2).	Section 4.0
(D) If the proposed facility will be located on federal land:	N/A
(i) Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land;	N/A
(ii) Explain any differences between state or local land use requirements and federal land management requirements.	N/A
(iii) Describe how the proposed facility complies with the applicable federal land management plan.	N/A
(iv) Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval.	N/A
(v) Provide an estimate of time for issuance of federal land use approvals.	N/A
(vi) If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver.	N/A

Table K-4. Approval Standard	
Approval Standard	**Location**
OAR 345-022-0030 Land Use (1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.	
(2) The Council shall find that a proposed facility complies with section (1) if:	
(a) The applicant elects to obtain local land use approvals under ORS 469.504(1)(a) and the Council finds that the facility has received local land use approval under the acknowledged comprehensive plan and land use regulations of the affected local government; or	N/A

(111)

Table K-4. Approval Standard	
Approval Standard	**Location**
(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:	
(A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);	Sections 2-4
(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or	Section 4
(C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).	N/A
(3) As used in this rule, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.	N/A
(4) The Council may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the exception process, the Council may take an exception to a goal if the Council finds:	
(a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;	N/A
(b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or	N/A
(c) The following standards are met:	
(A) Reasons justify why the state policy embodied in the applicable goal should not apply;	Section 4

Table K-4. Approval Standard	
Approval Standard	**Location**
(B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility; and	Section 4
(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.	Section 4
(5) If the Council finds that applicable substantive local criteria and applicable statutes and state administrative rules would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.	N/A
(6) If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(10)(a)(C) to (E) or for a related or supporting facility that does not pass through more than one local government jurisdiction or more than three zones in any one jurisdiction, the Council shall apply the criteria recommended by the special advisory group. If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(10)(a)(C) to (E) or a related or supporting facility that passes through more than one jurisdiction or more than three zones in any one jurisdiction, the Council shall review the recommended criteria and decide whether to evaluate the proposed facility against the applicable substantive criteria recommended by the special advisory group, against the statewide planning goals or against a combination of the applicable substantive criteria and statewide planning goals. In making the decision, the Council shall consult with the special advisory group, and shall consider:	N/A
(a) The number of jurisdictions and zones in question;	N/A
(b) The degree to which the applicable substantive criteria reflect local government consideration of energy facilities in the planning process; and	N/A
(c) The level of consistence of the applicable substantive criteria from the various zones and jurisdictions.	N/A

OREGON DEPARTMENT OF ENERGY
ENERGY FACILITY SITING PROCESS

OREGON DEPARTMENT OF ENERGY

The Oregon Department of Energy (ODOE) administers the Energy Facility Siting Council (EFSC) facility siting process, which consolidates state agency and local government regulations into a single review process. State agencies and local governments participate throughout the process. The three orange oval stages indicate where public participation is encouraged.

Notice of Intent

- The NOI states the applicant's intention to submit an Application for a Site Certificate and includes general information about the project. It is not an application to construct the facility.
- The information in the NOI allows reviewing agencies, local governments, and the public to identify applicable requirements and special issues of concern the applicant must address in the application.

Public Comment Period

- ODOE sends notice of the comment period to affected landowners, reviewing agencies and parties on EFSC's general mailing list. ODOE publishes a public notice in a local newspaper.
- Information provided during this comment period can help identify issues the applicant must address in the application.

Project Order

- ODOE issues the Project Order, which defines the analysis area for various types of impacts and identifies the applicable statutes, rules and ordinances the applicant must address in the Application.

Application for a Site Certificate

- The applicant submits its Application for a Site Certificate which describes the facility, its anticipated impacts and how it will meet EFSC's standards.
- The applicant must choose to either obtain local land use approval or have the land use decision incorporated into the EFSC process. If an applicant chooses the EFSC option, the applicant must address all applicable local land use criteria in the Application.

Public Information Meeting

- ODOE staff and the applicant conduct a public information meeting to explain the Application and the EFSC evaluation process.

→ August 27th County Hearing; public comments to SAG

Draft Proposed Order

- ODOE issues a Draft Proposed Order that addresses applicable issues identified by state and local agencies and includes preliminary evaluation and findings on whether the Application meets EFSC standards. The Draft Proposed Order includes recommended conditions of approval for the construction, operation and retirement of the facility.

Public Hearing

- A hearing officer conducts a public hearing on the Draft Proposed Order.
- Members of the public and reviewing agencies have the opportunity to testify at the hearing or may submit written comments by the comment deadline.
- **Failure to raise a relevant issue either orally at the hearing or in a timely submitted written comment precludes further participation in the EFSC process.**

Proposed Order

- Following the public hearing, EFSC reviews the Draft Proposed Order during a Council meeting.
- Based on direction from EFSC, ODOE issues the Proposed Order and Notice of Contested Case.

Contested Case Hearing

- A hearing officer conducts the contested case proceeding.
- Only those persons who raised a relevant issue in person at the public hearing or in writing by the comment deadline on the Draft Proposed Order may participate in the contested case.
- The hearing officer issues a Recommended Contested Case Order.

Final Order & Site Certificate

- EFSC reviews the hearing officer's Recommended Contested Case Order and issues a Final Order approving or denying the Application for a Site Certificate. If the Council approves the Application, EFSC also issues a Site Certificate.
- An appeal of the Final Order goes directly to the Oregon Supreme Court.

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