

**MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, January 28, 2016**  
**6:30 p.m., Umatilla County Justice Center, Media Room**  
**Pendleton, Oregon**

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**COMMISSIONERS**

**PRESENT:** Randy Randall, Chair, Gary Rhinhart, David Lee, Suni Danforth, Don Marlatt, Don Wysocki, Tami Green, Cecil Thorne, Tammie Williams.

**ABSENT:** None

**STAFF:** Tamra Mabbott, Carol Johnson, Bob Waldher, Brandon Seitz, Tierney Dutcher, Gina Miller.

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**NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. A RECORDING OF THE MEETING IS AVAILABLE AT THE PLANNING DEPARTMENT OFFICE.**

**CALL TO ORDER:**

Chair Randy Randall called the meeting to order at 6:31 p.m. and read the opening statement.

**MINUTES:**

Chair Randall asked the Planning Commission to review the minutes from December 17, 2015 for adoption. Commissioner Danforth pointed out a grammatical error on page two. The word will be updated from peruse, to pursue. Commissioner Wysocki moved to adopt the minutes with the correction made. The motion was seconded by Commissioner Danforth. Motion carried by consensus.

**NEW HEARING:**

**CONDITIONAL USE PERMIT REQUEST, #C-1252-15 and LAND USE DECISION, #LUD-194-15, CHOPIN WIND, LLC, Richard Nerzig, Project Manager, Applicant; Property Owners, Ferguson Ranch, Inc. & Smith Frozen Foods** The applicant requests a Conditional Use Permit to construct and operate a 10 MW wind project on Ferguson Ranch land located north of Staggs Road and northeast of the City of Athena and southwest of the City of Milton-Freewater, identified as Tax Lots 3100 & 4900 on Assessors Map 5N 35. The conditional use permit request includes a project substation proposed on industrial zoned land owned by Smith Frozen Foods and identified as Tax Lot 500 on Assessors Map 4N 35 15. The proposed substation would be located on land south of the current PacifiCorp substation and east of the Smith Frozen

Foods wastewater pond. The request includes a Land Use Decision to construct a 34.5 kV underground transmission line within public right of way from Ferguson Ranch property (Tax Lot 4900) to the project substation proposed on industrial land (Tax Lot 500) within the Urban Growth Boundary of the City of Weston.

The Conditional Use Permit Standards applicable to the applicant's request are found in the Umatilla County Development Code Sections 152.616 (HHH), 152.615, 152.061 and in the City of Weston Development Code Sections 4.4 and 2.3.160. The Land Use Decision Standards applicable to the request are found in Umatilla County Development Code Sections 152.617 (II) (7).

Chair Randall called for declarations of ex-parte` contact, biases, conflicts of interest or abstentions from any member of the Planning Commission. There were none.

**Staff Report:** Carol Johnson, Senior Planner, presented the staff report. She stated that Chopin Wind LLC applied for a Conditional Use Permit to construct and operate a 10 MW wind project on EFU zoned land owned by Ferguson Ranch. This is a smaller version of the 99 MW Chopin project with 33 turbines that was proposed and approved in 2011, but was not constructed. The project is located north of the City of Weston. Mrs. Johnson referred to the map on the screen to point out the project area and show the route of the transmission line. The approval standards for the Conditional Use are found in Umatilla County Development Code Section 152.616 (HHH). In addition to the 10 MW project, they will add approximately 5 miles of underground transmission line from the project site to Weston's Urban Growth area, which is zoned Light Industrial, and will be the site for the project substation. The underground transmission line will follow Staggs Rd to York Rd, and then at Highway 11, there are two different routes that are conceivable to go into the city Urban Growth area. The transmission line would be in public right of way where it exits the project area all the way to where it enters into the Light Industrial land in the UGB of the City of Weston.

The approval standards for the project substation are found in City of Weston Development Code Section 4.4. The transmission line is a Land Use Decision and found in Umatilla County Development Code Sections 152.617 (II) (7). In addition, the Staff Report includes findings for the Planning Commission's consideration. Several comments have been submitted since the packets were mailed out. The comments are included in the additional packets distributed to the Commissioners. The comments were focused on access roads/access to the project site and the issue of wind projects impacts in general. There are two proposed routes from Highway 11 that come down into the Urban Growth area. The project Manager and representatives of Chopin Wind LLC are at the hearing to answer questions and provide more details about the project.

Commissioner Marlatt asked if the entire transmission line will be underground. Mrs. Johnson replied that is correct. He asked if the line will follow the road right of way and Mrs. Johnson said yes.

Chair Randall asked if the standards are met. Mrs. Johnson said there is a certain amount of subjective judgement involved in determining if they do or don't meet the set standards. It is a decision for the Planning Commission's consideration, as well as whatever revisions they find necessary.

**Applicant Testimony:** Steve Corey, Attorney, 222 SE Dorion in Pendleton. Mr. Corey stated that Chopin Wind, LLC is a subsidiary owned by BayWa, LLC, operating out of California. This is a 10 MW project which converts to 4-6 turbines, depending on what turbines are used. There are 3 possible turbine types that can be used. They have taken into consideration adjacent farmers and their land in deciding to bury the line, which is considerably more expensive. It would travel along county right of ways to the site in Weston. The project group has appeared twice before Weston Planning Commission and County Commissioners to obtain approval for the substation. Representatives for Chopin Wind, LLC have read the Staff Report and agree with the County's findings presented to the Planning Commission. They hope to construct the project in 2016, timing the construction to alleviate as much interruption to the farmers and harvest as possible.

**Applicant Testimony:** Richard Nerzig, 4365 Executive Dr., Suite 1470, San Diego, CA. Mr. Nerzig is the Project Manager/ Lead Developer. He stated that the project consists of 4-6 wind turbines to be placed on private land in 5N 35. A small substation will be constructed adjacent to the existing substation. All collection lines will be underground. An underground 34.5 kV power line will connect the turbines to the point of interconnection. At this point they expect to use GE 1.7 turbines, but that could change. Construction is expected to begin in April, or early May, with the majority of construction impacts completed by early summer. Best management practices will be prepared as part of the overall construction plan to ensure optimal road siting, minimize erosion and coordinate with other land uses.

The existing improved portions of county roads will not be widened except for certain turning points on a temporary basis. The portion of Staggs Road, which is currently a dirt track, would be widened slightly and improved with gravel. During the operational phase of the project, normal activities would consist of a standard pick-up truck visiting the site as needed. The operations office would be located either in Athena or Milton-Freewater. This project has striven to meet the standards and requirements provided in the County Development Code and they feel they fully meet the standards for approval. The project has a clearly defined and viable design, with minimal negative impacts. They believe, with wind, the good clearly outweighs the bad. They understand and respect differences of opinion.

**Applicant Testimony:** Patrick Gregg, 222 SE Dorion in Pendleton. Mr. Gregg stated that he appreciates the diligence and thoroughness that the staff has put into the Staff Report. From a legal prospective, they agree with the conclusions with the Staff Report and believe they have met all the requirements.

Commissioner Danforth asked Mr. Nerzig if there is any way the transmission line would not stay underground. She noted there is a possibility of archeological issues and there

has to be someone at the site during the digging. She sees this as one of the main conflicts. Mr. Nerzig said no, there is no possibility that will be changed. That's how it is designed, and that's how they will construct it. They have an archeological survey contracted and will clear the path prior to trenching or digging. They don't expect to find anything because it is a public right of way with other utilities existing there already.

Commissioner Rhinhart asked if the line will be cooled. Mr. Nerzig said it's a medium voltage line and does not need to be cooled.

**Applicant Testimony:** Joerg Beland, 3365 Executive Dr., Suite 1470, San Diego, CA. Mr. Beland stated that underground lines do not require cooling. Commissioner Rhinhart said he has been working with Pacific Power & Light about putting lines underground, and they have to be cooled. Mr. Nerzig said this is a very low voltage line compared to those. Commissioner Rhinhart said this project will be located on high value farm ground. He asked how many acres will be taken out of production. Mr. Nerzig said it will be 3.5 acres, including the roads. Commissioner Rhinhart asked if the bond has to be updated every 3 years. Mrs. Mabbott, Planning Director, said we could clarify that in the findings. Commissioner Danforth asked why the footprint is so much larger than the project itself. She asked if they were planning to expand the project. Mr. Nerzig said no, this was the agreement defined when the lease was established. There is no possibility at this time for more turbines.

**Applicant Testimony:** Micah Engum, 404 SE Dorian, Suite 226, Pendleton, OR. Mr. Engum referred to the map and stated that the blue boundary is the tax lot boundary. It shows the tax lots that are impacted and where the project lies. That's why it appears to be so much bigger. He said he cannot imagine any circumstances in which the line would not stay underground. Commissioner Danforth asked about transmission line pole locations, which are referred to on page 43 in her packet. She asked if this was language cut and pasted from another source, or if are there going to be poles. Mr. Nerzig said if there are pole locations mentioned in the report, those are typos. Mr. Engum said they had originally submitted the application with an overhead transmission line. After getting public feedback that there was concern about the overhead transmission line, they have decided to put it underground. It is an underground line and there will be no poles.

Commissioner Danforth asked about the figures provided showing estimated cost for site restoration. One turbine is estimated to cost \$17,500 to remove. They state that the salvage value will offset the cost of the removal. She asked if they are recyclable. Mr. Nerzig said the commodities that the turbines are made out of are desirable, reusable and recyclable. Commissioner Danforth said page 31 of their report says 10 acres of farmland will be taken out of production for the construction and operation of the wind project. That is in direct conflict with the 3.5 acres stated before. Mr. Engum said it's a possibility that figure was including the substation in the overhead transmission line design, near the turbines. The substation location has been updated to be located in Weston now, so that has changed. Most of the acreage will be turned back to production after construction.

Commissioner Marlatt asked if the only road construction will be on the Ferguson property. Mr. Nerzig said the last half mile of Staggs Road is currently dirt, but will be improved with gravel to match the rest of the road. Then, heading north on the Fergusons property there will be a road built with a road gate. Commissioner Marlatt asked how fire service will have access through the gate. Mr. Engum said they spoke with the Fire Chief of the East Umatilla Rural Fire District and plan to provide a junction box which would allow access through the gate using a code.

Commissioner Danforth asked what the industry standard foundation type is, and what is proposed to be used in this project. Mr. Beland said there are 2 main types of turbine foundation used in the United States. Spread mat foundation is the most conventionally used. It's 6-8 feet deep and 25-30 feet in diameter, made of reinforced concrete. There is also a P&H Tensionless Pier foundation which is a long concrete ring built 25-30 feet into the ground. It has not yet been decided which foundation will be used for this project and they have requested bids for both types. The decision will also depend on the geotechnical survey. Commissioner Danforth asked if there is any possibility this project will grow any larger in size in the future. Mr. Nerzig said they are only considering a 10 MW project at this time. Mr. Beland said there is a 2 mile set back requirement to meet and the only remaining area to build turbines is away from where the wind is. Therefore, there is no way to increase the project at this location.

Commissioner Green asked why they put the line on Ferguson Road instead of Staggs Road and asked if it could be moved. Mr. Nerzig said they designed the project this way seeking to minimize impact. He said there are a number of reasons why they wouldn't want to move. They did a lot already to improve the project by burying the line and Ferguson Road is not proving to be a viable alternative because of engineering, constructability, hauling, traffic, among other things. Staggs Road was considered favorable and less of an impact. They want to keep the road and the transmission line collinear. It makes more sense from a disturbance and construction standpoint to have them together in the same location.

**Applicant Testimony:** Bruce Walker, 676 W. Highland Dr., Camarillo, CA. Mr. Walker has his doctorate in Acoustical Engineering and has been working on various aspects of wind turbine measurement, analysis and modeling for about 30 years. He welcomed any questions about the Chopin Wind project. Commissioner Marlatt asked about the original study regarding noise impact. He asked if they will look at the new figures after the project is completed. Mr. Walker said he is not familiar with that. Commissioner Marlatt said machinery tends to get louder over a period of time. Mr. Gregg said the sound quality standards set by the state will be applicable from day one and continue over time. Mr. Nerzig also pointed out that the data shows the receptors are significantly below the required levels.

**Applicant Testimony:** Eric Hallingstad, West, Inc., Environmental & Statistical Consulting Firm, 415 W. 17<sup>th</sup> Street, Suite, 200, Cheyenne WY. Mr. Hallingstad stated that he has been a project manager with West, Inc. for 7 years. He worked on a few dozen

wind facilities, both predevelopment and post development, to assist clients in evaluating potential impacts and monitoring for impacts after development.

**Applicant Testimony:** Jerry Baker, PO Box 662, Athena, OR. Mr. Baker stated that he has worked for West, Inc. for 10 years. He completed the bird and bat studies in 2011 for the Chopin Wind project. They found very low bat activity in the project area. They had stations with microphones closest to the proposed turbines which indicated one bat pass per night. The area is not very attractive to bat species. Commissioner Rhinhart said the project is located in a bat migration route which is used certain times of year. This is a concern for the bat population. He asked how this will be addressed and how often they will check for bat fatalities. Mr. Hallingstad said they plan to visit the site monthly to check for bat fatalities. Commissioner Danforth asked if they have an overlay of the migratory path with the project. The project is located in close proximity to the Blue Mountains with many eagles and hawks in the region. Mr. Hallingstad said they conducted point counts throughout an annual cycle but saw no detectable spike in bird activity or presence during migration seasons. The data does not suggest that it lies along a major migration corridor.

**Applicant Testimony:** Charles Price, 53542 Price Ranch Ln., Weston, OR. Mr. Price stated that he owns property on York Rd, south from the intersection of Watts Road to the east side. He is the manager for Price Family Ranch, LLC and he is here representing the company. They have no objections to the power line and said it looks like progress to them. Commissioner Wysocki asked if he benefits from any wind towers. Mr. Price replied, no.

**Applicant Testimony:** Brooks Lieuallen, PO Box 426, Athena, OR. Mr. Lieuallen stated that he is here to talk about why he is in favor of wind towers. There are limited forms of clean power, so why not use wind. He has talked to many wind companies and is very impressed with this company changing plans to put the lines underground. Birds are a concern, but we have to have clean power. Commissioner Wysocki asked if he benefits from wind towers. Mr. Lieuallen said he doesn't have any wind towers, but does have property that qualifies. He is still deciding if he wants to have towers on his land.

**Neutral Testimony:** Jeff O'Harra, 53000 Highway 204, Weston, OR. Mr. O'Harra stated that he is not opposed to wind energy. His family would probably have wind energy on his property, but it is not legal in his area. He is concerned about using Staggs Road instead of Ferguson Road. He owns and farms property alongside Staggs Road. It seems to make more sense to use Ferguson Road for the power line and access to the property. He would like to see Ferguson Road used instead of Staggs Road.

**Opposition Testimony:** Cindy Severe, 82422 Vansycle Rd, Helix, OR. Cindy read her testimony letter. She is concerned about aerial chemical spray operations. She believes consideration of agricultural spray pilot safety and associated risk should be addressed. Regarding noise measurement standards, the applicant is relying on data gathered in a study conducted 6 years ago and did not account for all parameters known to influence sound emission. Once the windfarm is operational, the noise level may be higher than

was accounted for in the model. Noise is connected to human health, with possible long term affects. Sound propagation models cannot evaluate conditions that have vertical or horizontal turbulence, even though it is known they can add significant sound at a noise sensitive receiver when present. The result is sound levels that are understated in the noise models. She referred to several events when windfarms were initially permitted, then later the noise impact caused issues with surrounding landowners, sometimes leading to legal action. Commissioner Rhinhart asked if the state has ever spent time to do any windmill monitoring. She said she is not aware of any monitoring. When they receive complaints they hire noise experts. The applicant then hires their own noise experts and relies on the results to determine a resolution. Commissioner Wysocki asked who is responsible for monitoring noise levels. Mrs. Mabbott said it's a condition of approval. They self-monitor and we assume they are in compliance unless we have evidence to the contrary. If there is evidence, the applicant would be asked to provide information to verify they are in compliance. That is also how the condition is written for this permit. Commissioner Wysocki asked who is responsible for the burden of proof. Mrs. Mabbott said we have not had that tested yet.

Chair Randall stated that the Planning Commission did a regulatory review of the Wind Energy Code and agreed to a 2 mile setback. The intent was to account for the potential margin of error in measurements for vibration, wind, etc. The Commissioners established a setback that is far beyond what other counties have to ensure the best possible protection of land owners.

**Opposition Testimony:** Jesse Thompson, 51949 Johnson Rd., Weston, OR. Mr. Thompson has land on Staggs Road and read a prepared statement to the Commissioners. He stated his objection to using Staggs Road for any part of the Chopin Wind project. He is concerned about potential loss of ground at the corner of York Road and Johnson Road as the equipment is trucked in from Highway 11, requiring the widening of the corner. York Road will have to be resurfaced as it is not built for such heavy usage. Staggs Road is a dead end road that is 1.5 miles in length providing field access for 5 farmers to reach land owned by 10 different land owners. Ferguson Road provides access to 2 fields, the rest of the farmers are totally dependent on access via Staggs Road. The road is minimally maintained by the county, and not open in winter. When the county pushes snow off the road they push it off into their field, killing wheat under the snow pile. This is an added long term consequence for them to have Staggs Road be the access to the towers for maintenance. The project will result in widening and rebuilding Staggs Road and extending the road beyond its current length. They plan to start building the road in May requiring closure at times and use of heavy equipment. During this time there are no other roads to use as access. The construction of the road will interrupt their farming practices. He would like to propose Ferguson Road as a location for the project, instead of Staggs Road. Ferguson Road is closer to the towers and only one farmer operates off the road without another access. Ferguson Road is wider, maintained better by the county and kept open in the winter with minimum snow drifting problems. There is already a field access road from Ferguson's barn lot near the county road to the area where the towers will be placed. Since the Fergusons are the only beneficiaries of the project, the entire project should be on their property and on Ferguson Road, not involving the

neighbors. He would like to see the buried transmission line go down Ferguson Road to York Road and at Watts Road it should go east to the railroad right of way and use that directly to the substation in Weston. He believes property owners should have the right to do what they want with their land, as long as it does not hinder others rights. He believes this project hinders his rights to his property and farming operations. Commissioner Rhinhart asked if they would benefit by having them update Staggs Road to a nicer road. Mr. Thompson said the county upgraded the road several years back. They are pleased with the way it is now and no upgrades are needed for their use. Chair Randall asked if the applicant has visited with them and discussed the project prior to applying for the permit. Mr. Thompson said yes, and they appreciate them burying the power line because the poles were one of their biggest concerns. He said they also made the suggestion of using Ferguson Road but received no response on that issue.

**Opposition Testimony:** Dave Price, 80488 Zerba Rd., Athena. Mr. Price stated that he is here representing himself tonight and is primarily here to discuss the revised ordinance. He recognized that the Planning Commission put a lot of time and energy into making the necessary updates to the Wind Energy Code. The revised ordinance is of high value to the people of Umatilla County and they expect that it be implemented fully, without exception. He acknowledges that the applicant complies with the 2 mile set back, but there are several residences that are located quite close. Past experience has shown that the proposed area of wind turbines is rarely the location where they end up being constructed. The flexibility of movement is narrow so he feels there should be some condition of approval that assures the final location of the turbines meets the 2 mile setback. The other concern is with the 6 year old data used in the wildlife section of the report. He feels they have not adequately addressed how the project will impact the raptors and bats in the region. He commended the applicant for listening to the concerns of the landowners by putting the transmission line underground.

**Opposition Testimony:** Richard Jolly, 54462 Upper Dry Creek Rd., Weston, OR. Mr. Jolly stated that he is speaking as President of Blue Mountain Alliance. They are very happy to see the project has been downsized and the power lines have been moved underground. BMA supports the testimony of Cindy Severe, Dave Price and Jesse Thompson. The documents from the developer showed that 32% of the project is on high value farm ground. Social and economic impacts have not been identified. There is a loss of some of the property values to people adjacent to the project. The state is not enforcing sound standards and is also not taking into account cumulative effects of all the projects done in our state. He would like to have standing for further testimony if it goes any further than this.

**Applicant Rebuttal:** Richard Nerzig, 4365 Executive Dr., Suite 1470, San Diego, CA. Mr. Nerzig stated in terms of human health impacts of wind turbines, there are numerous studies available and recent studies show little concern. Both York Road and Staggs Road are adequate for their use in their current condition and will not be widened or improved, other than temporarily at certain limited turning locations. At those locations the home owners will be consulted with and compensated for the temporary loss of those corners. They will then be restored back to original conditions. The use of Staggs Road will result

in a very limited amount of interference due to truck deliveries for a very limited period of time. They estimate 1 to 1.5 months. They will coordinate with farmers during that time period to minimize interference with their farming activities and truck deliveries. If they can get started in April, they should be out of the way before harvest season starts, which would benefit everyone. Mr. Nerzig stated that he responded personally to all communication he has received, including late this afternoon. He has offered to meet with each land owner and that offer still stands. He is happy to commit to verification by a licensed surveyor regarding the 2 mile setback requirement, as the project is being constructed. The wildlife data is 5 years old. There has been no change in land use in the last 5 years and the data meets industry standards. They will be conducting post construction monitoring to verifying the data. Recent studies reinforce the fact that windfarms have no measurable property value impact on surrounding properties. Mr. Nerzig stated that Rod Anderson may be the contractor on the project and would like to make a comment to the Planning Commission.

**Applicant Rebuttal:** Rod Anderson, 4531 A Ave., Pendleton, OR. Mr. Anderson stated that he was out to review the project site earlier that day with Mr. Beland. They looked at the plans for the operation and he assures that they would cooperate with the farmers. In past jobs they always give the farmers the right of way. He has farmed 25 years, and understands they need to get things done in a timely manner. They expect approximately 2 weeks of large equipment delivery, 3 weeks of concrete trucks, and 2-3 weeks of gravel trucks and hauling. They plan to use local providers and will not be crushing on site to keep the impact small. They need to add gravel to Staggs Road, but he does not foresee needing to widen it. They will require some small turnouts for passing at appropriate places but plan to clean that up and put it back the way it was when they're done. Commissioner Rhinhart asked if he looked at Ferguson Road and if it would be an issue to change the transmission line to Ferguson instead of Staggs Road. Mr. Anderson said it could be built on either site, but he was not sure what went into the decision of choosing Staggs Road. Chair Randall asked if there would be a road closure at any time. Mr. Anderson said they would need to close for about a half day to bring cables across the narrow road. They would notify anyone affected in advance. He tries to keep landowners happy and listen to their input to create an atmosphere of team effort. They would trench to get the power line in first at Staggs Road so when they clean up the road they won't have to tear it up again. Commissioner Wysocki asked why they chose Ferguson Road instead of Staggs Road. Mr. Beland stated that it is not impossible to use Ferguson Road. When they looked at the project they looked for the area of least impact and where it would be easiest to build. Ferguson Road would require more distance to improve, pass over Tri Hollow Creek and it has  $\frac{3}{4}$  miles of road which would require rebuilding before they could proceed. This could imply problems for transportation of heavy equipment. They feel Staggs Road is the best choice.

Commissioner Danforth asked about the average wind speed recorded in the 5 years of data collected from the met towers. Mr. Beland said the average was approximately 14 mph. Discussion followed about the met towers. Commissioner Danforth asked about fire suppression measures. Mr. Beland responded that they do not have a fire suppression system. The majority of wind turbines in the US do not have fire suppression systems.

The only ones that he is aware of that have fire suppression are the ones located in forests. The likelihood of a turbine catching fire is extremely low.

Commissioner Wysocki asked about noise ordinance monitoring. He asked what they plan to do to be sure they do not go above the standard. Mr. Corey said they have addressed this previously. There is no enforcement standard set by the Department of Environmental Quality. He hopes this doesn't reflect adversely on his project group. Mrs. Mabbott said the way the condition is written, it states that the applicant/project owner shall operate the project in compliance with the state noise standard. The standard is set at a receptor site. If there was concern that they were violating the noise standard, it would have to be based on data collected at a receptor site. We could clarify the condition and ask the applicant to do some measuring at the receptor site, if complaints are received. There is no guarantee they would be allowed on the receptor site property. Making a written condition can sometimes open things up for frivolous complaints. Mr. Corey said they will comply with the state standard. Mrs. Mabbott said they could revoke the permit if they received a lot of complaints and had reasonable evidence that they were in violation of the noise standard. Commissioner Danforth asked if they could have a noise study done after a few years and then a few more years down the road. Mr. Corey said those studies can be very expensive. Commissioner Williams said they made the criteria for wind projects very tough to meet and commends the applicant for meeting those standards. She acknowledged that they meet the criteria for a Conditional Use Permit. Carol Johnson noted that on page 47 under condition 9, the project owner is required to provide a final design.

Chair Randall closed the hearing and moved to deliberation.

Commissioner Marlatt stated that he feels the applicant has met the criteria. He is not a fan of windfarms but they have gone the distance and considered surrounding land owners input.

Chair Randall asked to adopt the addendums 1-36 into the record, motion passed by consensus.

Commissioner Danforth stated that she is concerned about the oil used in the turbines and loss of high value farm ground. There is other land in the area more suitable for wind power. She expressed concern about issues with fire and feels the short term financial gain is short sighted. Chair Randall feels that the applicant has met the criteria and he is satisfied with the staff findings. Commissioner Williams says she has bigger concerns with farming practices than the oil from the turbines. She sees this as a positive development. The small amount of risk involved is not enough to stop this development.

Commissioner Williams moved to approve Land Use Decision #LUD-194-15 and Conditional Use Permit #C-1252-15 with precedent and subsequent conditions set forth by planning staff. Commissioner Marlatt seconded the motion. Motion passed 7:1.

**OTHER BUSINESS:**

Mrs. Mabbott provided a 2015 year-end report, as well as a projection of 2016 projects. She reviewed details about permits issued and encouraged input from the Commissioners. Chair Randall asked why the numbers for Code Enforcement are down in 2015. Officer Gina Miller said they have been taking a more reserved approach in prosecuting cases that are worth prosecuting. They have limited time, budget and resources and want to make the most out of every effort.

Commissioner Rhinhart asked Mr. Waldher, Senior Planner, for an update on the transmission line in Morrow County. Mr. Waldher said the counties were given an opportunity to provide their final recommendation to the Bureau of Land Management. Umatilla County provided comment from the Board of Commissioners. Mr. Waldher did a site visit of the Umatilla South alternative, which was proposed by the Board of Commissioners in October. They determined it had the least amount of impacts to dry land and irrigated agriculture. Mrs. Mabbott noted that it is an impressive collaborative effort. Discussion about the project followed.

**ADJOURNMENT:**

Chair Randall adjourned the meeting at 10:10 p.m.

Respectfully submitted,

Tierney Dutcher  
Administrative Assistant

Minutes adopted by the Planning Commission on February 25, 2016