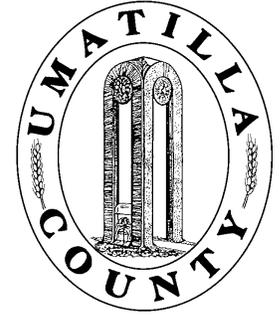


Umatilla County

Department of Land Use Planning



AGENDA

Umatilla County Planning Commission

Public Hearing

Thursday, February 23, 2017, 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
Don Marlatt
Suni Danforth
Cecil Thorne
Tami Green
Clive Kaiser

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
Tierney Dutcher, Administrative Assistant

1. Call to Order

2. Adopt Minutes (Thursday, January 26, 2017)

3. NEW HEARING:

TEXT AMENDMENT #T-16-067, UMATILLA ELECTRIC COOPERATIVE, INC. (UEC) APPLICANT, OWNER. The applicant requests an exception from Statewide Planning Goal 3 to allow for solar development on approximately 80 acres of property located within the Exclusive Farm Use (EFU) Zone. The Subject Property, owned by UEC, is described as Township 5N, Range 28E, Section 14; Tax Lot #1500. The criteria of approval are found in Oregon Revised Statute (ORS) 197.732 and Oregon Administrative Rules (OAR) Chapter 660, Division 4, OAR 660-033-0130(38)(f).

4. Other Business

SAC PowerPoint

Cities Urban Growth Areas

5. Adjournment

Upcoming Meetings:

Thursday, March 23, 2017, 6:30 PM

Thursday, April 27, 2017, 6:30 PM

Thursday, May 25, 2017, 6:30 PM

Thursday, June 22, 2017, 6:30 PM

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, January, 26, 2017
6:30 p.m., Umatilla County Justice Center, Media Room
Pendleton, Oregon

** ** ** **

COMMISSIONERS

PRESENT: Gary Rhinhart, Vice Chair, Suni Danforth, Don Marlatt, Don Wysocki, Tammie Williams, Tami Green, Clive Kaiser, Cecil Thorne

ABSENT: Randy Randall, Chair

STAFF: Tamra Mabbott, Carol Johnson, Bob Waldher, Tierney Dutcher

** ** **

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

CALL TO ORDER:

Commissioner Rhinhart called the meeting to order at 6:31 p.m. and read the opening statement.

MINUTES:

Commissioner Rhinhart asked the Planning Commission to review the minutes from December 15, 2016. Commissioner Marlatt moved to adopt the minutes as written. The motion was seconded by Commissioner Kaiser. Motion carried by consensus.

NEW HEARING

TEXT AMENDMENT, #T-16-068, PLAN AMENDMENT #P-117-16, and ZONE MAP AMENDMENT, #Z-309-16 application submitted by the OREGON DEPARTMENT OF TRANSPORTATION (ODOT). The applicant requests to add an expansion of an existing quarry (Meacham Quarry) to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The proposed expansion would add approximately 19 acres to the existing Goal 5 protected site. The property is located off the west side of the Old Oregon Trail Highway, described as Township 1 North, Range 35 East, Section 34, Tax Lots 800, 900, and 1000, and Township 1 South, Range 35 East, Section 03AB, Tax Lot 100. The existing quarry is zoned Grazing Forest (GF) with Aggregate Resource overlay (AR). The proposed expansion area is currently zoned GF and Forest Residential (FR). The criteria of approval are found in Oregon Administrative Rule (OAR) 660-023-040-050, 660-023-0180 (3), (5) and (7), and Umatilla County Development Code (UCDC) 152.487 – 488.

Commissioner Rhinhart called for the Staff Report.

Staff Report: Robert Waldher, Senior Planner, stated that ODOT is planning to submit a Variance from the setback requirements for the Aggregate site at Meacham Quarry. They requested a continuance at the January 26th hearing to allow time for them to complete the Variance application. ODOT did not have their application completed in time to comply with the 20 day public notice requirement for today's hearing. Mr. Waldher stated that we will need to re-notice the Text, Plan and Zone Map Amendments in addition to the Variance when the completed application is received. At that time, it will come before the Planning Commission.

WITHDRAWN HEARING

COMPREHENSIVE PLAN TEXT AMENDMENT AND GOAL 3 EXCEPTION, #T-16-069, COMPREHENSIVE PLAN MAP AMENDMENT, #P-118-16 and ZONING MAP AMENDMENT, #Z-310-16, applicant/property owner, Kent Madison, Member, 3R Valve, LLC. The applicant requests a rezone of approximately 11 acres of Exclusive Farm Use (EFU) zoned land to Rural Retail Service/Commercial (RRSC). The property is identified as Tax Lot #103 on Assessors Map #4N 28 33B and is located at 29701 Stanfield Meadows Road, Hermiston, Oregon.

Commissioner Rhinhart asked Carol Johnson, Senior Planner, if there is anything the Planning Commission needs to discuss regarding this withdrawn application. Mrs. Johnson stated that the applicant is likely to reapply and we will discuss the details with Planning Commission at that time.

OTHER BUSINESS:

Memo: Groundwater Management & Land Use Planning in Walla Walla River Sub-basin: Mr. Waldher stated that for the past several months, Oregon Water Resources Department (OWRD) has held a number of public meetings in the Milton-Freewater area of the Walla Walla River Sub-basin to inform landowners about water declines in the sub-basin basalt aquifers. They are forming a Rules Advisory Committee (RAC) that will consider designating the Sub-basin a Serious Water Management Problem Area (SWMPA). They may establish a critical groundwater area similar to the other 4 that we have in our county for the Umatilla Sub-basin.

At the first RAC meeting in December, they discussed groundwater declines related to exempt wells. In the State of Oregon, an exempt well is not to exceed 15,000 gallons per day and are not required to obtain a water right. RAC members were concerned that non-agricultural development is causing a bulk of the decline of the aquifer. Planning staff created an inventory of the residential zoned properties and Exclusive Farm Use (EFU) zoned property where development has historically occurred. Mr. Waldher referred to the tables on page 2 in *Memo: Groundwater Management and Land Use Planning in Walla Walla River Sub-basin*. Mr. Waldher explained that Table 1 shows that the estimated maximum total number of new dwellings that could be established on Rural Residential (RR) zoned land is 65. Table 2 shows an estimated 31 new dwellings could be established within the Unincorporated (UC) zoned area of Umapine, although the actual number is

likely lower given the development constraints. In addition, based on the historic development pattern of the last 10 years, it is logical to believe that new dwellings will continue to develop at a similar rate.

Planning staff looked at the history of development patterns of EFU zones. Reviewing the permitting history over the last 10 years the result was 22 new dwellings which come to an average of 2 dwellings per year. Mrs. Mabbott stated that the County compiled this information to assist the RAC with making decisions concerning exempt wells.

Mrs. Mabbott stated that OWRD is proposing to require that all water right holders install water meters on all non-exempt wells. OWRD staff estimated the materials and installation costs for an individual water meter to cost between \$2,000 and \$4,000. The burden of this cost is placed on the property owner and OWRD has indicated that there currently are no state grant programs or funding available to help with the expense.

Umatilla County Department of Land Use Planning 2016 Year End Report to Planning Commission

Mrs. Mabbott presented the 2016 Year End Report. She stated that Planning Staff issued 205 Zoning Permits in 2016. They also processed and completed 18 Land Divisions, 30 Conditional Use Permits and Land Use Decisions, 4 Variances and 12 Amendments.

The Planning Commission reviewed the *2016 Year End Report* and discussed the ongoing and completed projects from the past year.

Umatilla County Department of Land Use Planning Draft 2017 Work Plan

Mrs. Mabbott presented the *Draft 2017 Work Plan*. She stated that many of the projects are ongoing from the past year. She announced that Julie Alford, County Planning Departments GIS Technician will be retiring this year. The County has asked all departments to make budget cuts and we will not be replacing her position.

Mrs. Mabbott stated that she added a new project to the list, #8, Update the Comprehensive Plan. Taylor Smith is the Healthy Communities Coordinator of the County and partnered with Mrs. Mabbott on the Plan4Health initiative. Ms. Smith agreed to assist with an update to Chapter 11 as they identified all the recreational opportunities in the County as part of that comprehensive effort.

Mrs. Mabbott referred to item #3, under 'Ongoing Projects', Umatilla Chemical Depot & Columbia Development Authority (CDA). She stated that Commissioner Elfering serves on the Columbia Development Authority. Mrs. Mabbott and Brandon Seitz, Assistant Planner, have been working with CDA and City of Umatilla on an exception to Goal 11 to allow the City to provide wastewater service to industrial lands on the depot.

Mrs. Mabbott noted that item #15 on the Work Plan is also new, Lower Umatilla Basin Groundwater Management Area (LUBGWMA). Mrs. Mabbott asked Commissioner

Kaiser, Chair of the LUBGWMA, to give an overview. Commissioner Kaiser stated that the LUBGWMA was designated because the safe drinking water standard for nitrate of 10 parts per million (ppm), was exceeded. The Department of Environmental Quality (DEQ) has been overseeing this effort for the last 25 years but the first action plan did not result in any reductions, just slower increases of nitrate levels. They are currently developing a second action plan. So far, there have been recommendations and suggestions but no dissemination of information throughout the region and no mitigation. Commissioner Kaiser is encouraging them to complete a peer reviewed assessment of what is being put forth. They are developing a Comprehensive Plan which could be used to asked legislators for funds to assist with implementing a solution. Mrs. Mabbott said we will continue to work together to try to find a solution and additional discussion ensued.

ADJOURNMENT:

Commissioner Rhinhart adjourned the meeting at 8:21 p.m.

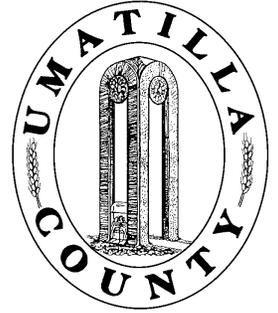
Respectfully submitted,

Tierney Dutcher
Administrative Assistant

(Minutes adopted by the Planning Commission on _____)

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
DATE: February 15, 2017

RE: February 23, 2017, Planning Commission Hearing
Umatilla Electric Cooperative (UEC)
Statewide Planning Goal 3 Exception
Text Amendment, #T-16-067

Background Information

Umatilla Electric Cooperative (UEC) has submitted an application for an exception to Statewide Planning Goal 3 to allow for solar development on approximately 80 acres of Exclusive Farm Use (EFU) zoned property. The Subject Property, owned by UEC, is described as Township 5N, Range 28E, Section 14; Tax Lot #1500.

Since a pre-application submitted in February 2016, the project and application has gone through several iterations. A sequence of events follows:

- Pacific Northwest Generating Cooperative (PNGC) submitted a Conditional Use Permit pre-application for a photovoltaic solar facility to the Umatilla County Planning Department (Planning) on February 2, 2016. Following review by Planning, on March 2, 2016, PNGC was notified by letter that additional criteria would need to be addressed prior to submitting an application.
- Subsequent to the completeness letter, County Planning notified PNGC that the proposed project (approximately 20 acres) exceeded the 12 acre threshold allowed by Oregon Administrative Rules (OAR) 660-033-0130(38)(f) which states... *For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.*
- On August 12, 2016 PNGC submitted an application for a Conditional Use Permit #C-1253-16 and a Goal 3 Exception / Text Amendment #T-16-067. Planning determined the application to be complete on August 17, 2016. On September 14, 2017 Planning submitted the required 35-day DLCD notice for a proposed text amendment to the Comprehensive Plan.

Memo

Planning Commission Public Hearing – February 23, 2017

Umatilla Electric Cooperative (UEC)

Statewide Planning Goal 3 Exception and Text Amendment, #T-16-067

- During the 35-day notice, Planning was notified of potential conflicts between the applicant’s proposed solar facility and a PacifiCorp transmission line project that was permitted in 2016. Following communication with PNGC, the County was advised to hold the application until right-of-way issues could be addressed between PNGC, UEC, and Pacificorp. On September 28, 2016 PNGC signed a 150-day waiver, extending the planning review period.
- On January 26, 2017, Elaine Albrich (attorney representing PNGC) notified Planning that PNGC was withdrawing its Conditional Use Permit but noted that UEC planned to file supplemental information to move forward as the applicant for the Goal 3 exception and associated text amendment. Planning closed the PNGC application for a Conditional Use Permit.
- The applicant submitted a supplemental narrative in support of the Goal 3 exception request on January 30, 2017. Planning revised the DLCD 35-day notice and provided notice to adjacent property owners and agencies on February 3, 2017. A copy of the applicant’s cover letter, confirming UEC as the applicant, was sent on behalf of Tommy Brooks (Cable Huston, LLP), is included as an attachment to this memo.

Applicable Criteria

Approval of the proposed Goal 3 Exception request would provide relief from the criteria found in Oregon Administrative Rules (OAR) 660-033-0130(38)(f) and would allow the owner to advance future siting of photovoltaic solar power generating facility(s) greater than 12 acres on the subject property.

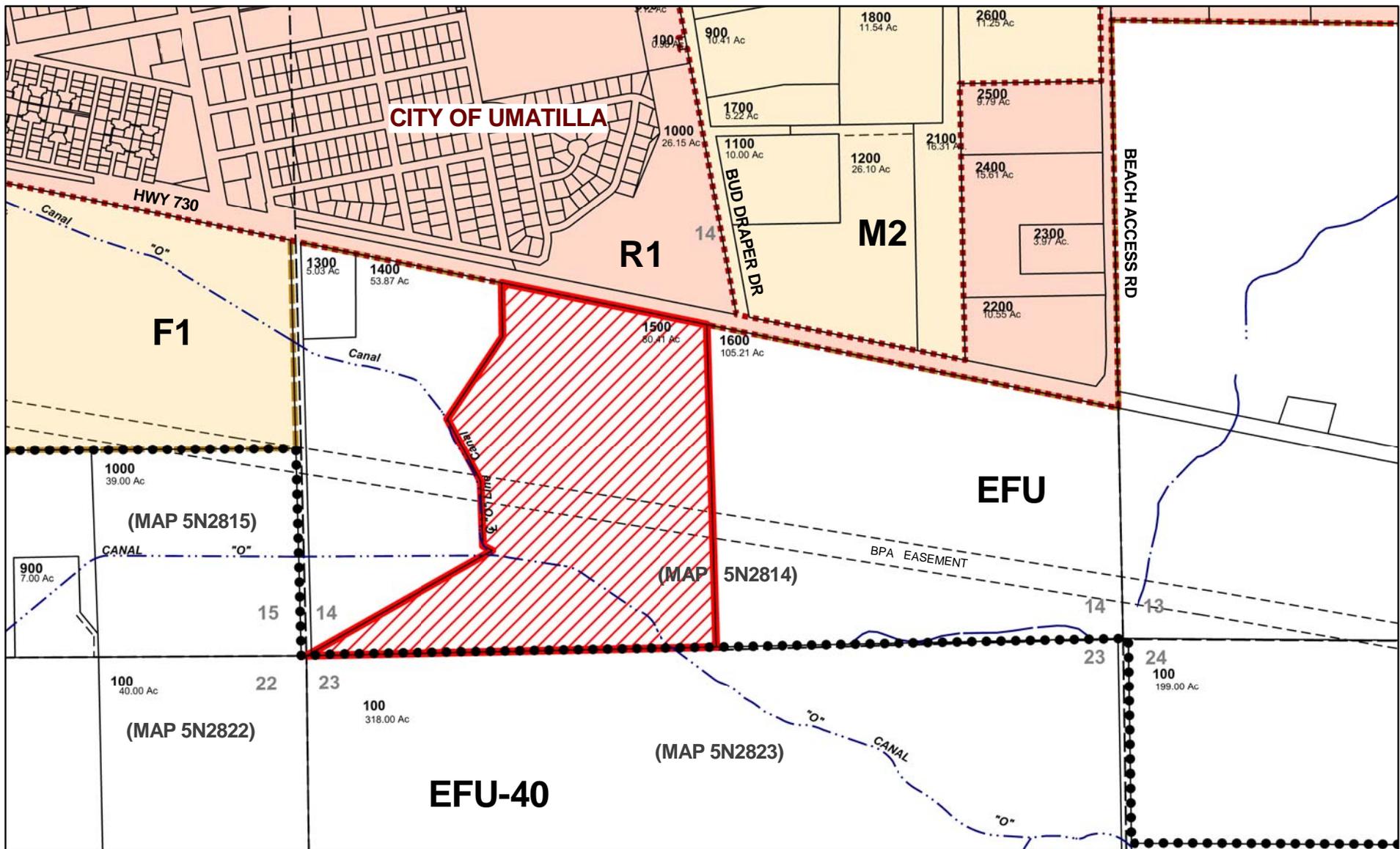
Document	Sections
Oregon Administrative Rules (OAR)	OAR 660-033-0130(38)
Oregon Revised Statute (ORS)	ORS 197.732
Umatilla County Development Code (UCDC)	UCDC Sections 152.750 through 152.755

Conclusion

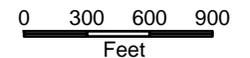
The Planning Commission is asked to refer to the Preliminary Findings and Conclusions and supporting information provided by the applicant to determine if the request meets or does not meet the applicable criteria. The conclusions of the Planning Commission will be used for a recommendation to the Board of County Commissioners (BCC). Recommendations provided to the BCC must be based on substantial, factual evidence in the record, not conclusory statements.

Attachments

- Map of Proposed Goal Exception Area
- Preliminary Findings and Conclusions with Supplemental Material Provided by Applicant
- Application Cover Letter Submitted by Tommy Brooks (Cable Huston, LLP)



PROPOSED GOAL EXCEPTION #T-16-067
 UMATILLA ELECTRIC CO-OP, APPLICANT/OWNER
 MAP 5N2814, TAX LOT 1500



Legend

- City Limits
- Property Boundaries
- Proposed Goal Exception Area
- Zone Boundaries
- Urban Growth Boundary

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 Julie Alford, Umatilla County Planning Department.

DATE: 2/2/17

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**UMATILLA COUNTY BOARD OF COUNTY COMMISSIONERS
DRAFT FINDINGS AND CONCLUSIONS
EXCEPTION TO STATEWIDE PLANNING GOAL 3
TEXT AMENDMENT (File #T-16-067),
ASSESSOR'S MAP 5N 28 14; TAX LOT 1500, ACCOUNT NO. 133073**

I. OVERVIEW

- Applicant:** Umatilla Electric Cooperative, Inc.
PO Box 1148
Hermiston, OR 97838
- Applicant Contact:** Tommy A. Brooks
Cable Huston LLP
1001 SW 5th Avenue, 20th Floor
Portland, OR 97204
Phone: 503-224-3092
Email: tbrooks@cablehuston.com
- Property Owner:** Umatilla Electric Cooperative, Inc.
PO Box 1148
Hermiston, OR 97838
- Proposed Action:** Obtain a Goal 3 exception to allow for solar development on approximately 80 acres in the Exclusive Farm Use (“EFU”) zone.
- Subject Property:** Tax Lot 1500 in Township 5, Range 28 E, Section 14, Umatilla County, Oregon consisting of 80 acres (“Exception Property”).
- Site Characteristics:** The subject property consists of land with rocky soils and no appurtenant water rights. An existing 500-kilovolt electrical transmission line runs east to west and an existing irrigation ditch runs east to southwest, both dividing the northern and southern portions of the Exception Property. The Exception Property is currently accessed via a gravel access road off Highway 730. Data from the U.S. Geological Survey National Hydrography Dataset and the U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) show the Exception Property is devoid of permanent water bodies and there are no mapped intermittent, ephemeral streams onsite.

II. GOAL 3 EXCEPTION

The applicant seeks approval to develop approximately 80 acres with a photovoltaic solar array. There is currently a solar array on approximately 5 acres, which was permitted as a Conditional Use in 2015. ORS 195.300 (10)(C) defines, in relevant part, high value farmland to include lands within the Columbia Valley American Viticulture Area (AVA). The subject property is located within the Columbia Valley AVA and is therefore classified as high value.

Standards for permitting a solar project are included in OAR 660-033-0130(38). Subsection (f) requires that *high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, Division 4.*

Therefore, in order to develop a photovoltaic solar power generation facility on more than 12 acres of the subject parcel, applicant requests the county approve an exception to Statewide Planning Goal 3.

Applicant's Response: The Exception Property consists predominately of arable soils, with approximately 80 percent of NRCS soil type 1B and 20 percent of NRCS soil type 93B. See Attachment A (Soils Map). The Exception Property is not irrigated and it does not have water rights for agricultural irrigation. See Attachment B (OWRD Map and Port of Umatilla Letter). However, because the Exception Property is located within the Columbia Valley AVA, see Attachment C (AVA Map), the land is considered by law to be high-value farmland under ORS 195.300(10)(f)(C).

UEC acquired the Exception Property for the purpose of developing solar projects. In February 2016, UEC energized a 1.264 MW solar photovoltaic array as phase 1 of the total site development, occupying approximately 5 acres of the Exception Property. As part of a subsequent phase of development, UEC leased part of the Exception Property to Pacific Northwest Generating Cooperative (PNGC), which UEC is a member of, to develop a 3MW solar array. Development of such a project requires exceeding the 12-acre cap imposed by Goal 3. PNGC therefore initiated the Goal 3 Exception request in this matter. Although PNGC's specific project is no longer being proposed, UEC intends to continue developing solar projects of that size. See Attachment H (this is a new attachment not previously submitted to the record).

As noted in the original Narrative, development of a 3MW solar power generation facility may permanently impact up to 30 acres of land on the Exception. Accordingly, a Goal 3 Exception is required under OAR 660-033-0130(38)(f). The Applicant proposes to remove up to 80 acres from Goal 3 protection to make the entire property available for solar development (subject to specific development rules and limitations). BPA has no objection to this request. See Attachment D (BPA Letter).

The Goal 3 Exception request will facilitate construction of UEC's planned facilities. By taking a Goal 3 exception for the entire Exception Property, UEC is attempting to reduce the need to process multiple Goal 3 Exception requests on the same parcel. This approach will also allow UEC to work with other stakeholders to design specific projects that meet both UEC's needs and the needs of others, for example by designing a specific project that accommodates another

transmission line that is planned in the area. Specific developments will be approved through conditional use permits. Therefore, the specific area of the Goal 3 Exception is described as the entirety of Tax Lot 1500 in Township 5 north, Range 28 east, Section 14, Umatilla County, Oregon.

Umatilla County Finding: As noted by the applicant, the subject property is classified as high-value farmland as defined under ORS 195.300(10(f)(C)). The following table provides an overview of the soil types and their Land Capability Class designation:

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
1B: 75% Adkins Fine Sandy Loam, 0 to 5 percent slopes	IVe	IIE
93B: 75% Starbuck Very Fine Sandy Loam, 2 to 20 percent slopes	VIe	-
94A: Starbuck-Rock Outcrop Complex, 0 to 5 percent	VIe	-
4A – Adkins Fine Sandy Loam, Wet, 0 to 3 percent slopes	IIw	IIw
<i>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).</i>		

Email communication between the County Planning Department and the Hermiston Irrigation District (HID) confirmed that the proposed Exception Property does not have (surface) irrigation water rights with HID. The applicant also has documented that there are no appurtenant groundwater rights for the property.

Approval of this proposed Goal 3 Exception request would provide relief from the criteria found in OAR 660-033-0130(38)(f) and would allow the owner to advance future siting of photovoltaic solar power generating facility(s) greater than 12 acres on the subject property.

III. UMATILLA COUNTY CODE – AMENDMENTS, APPLICABLE STATE STATUTE AND ADMINISTRATIVE RULES – GOAL 2 PROCESS FOR EXCEPTION TO GOAL 3

Umatilla County Development Code – Amendments:

*Umatilla County Development Code (UCDC), Amendments, Sections 152.750 through 152.755 provides information on initiating an amendment, processing an amendment, and imposing conditions on amendments. Additionally, UCDC Section 152.751 requires compliance with provisions of the County Comprehensive Plan and the Transportation Planning Rule, Oregon Administrative Rules (OAR) 660, Division 12, and the Umatilla County Transportation Plan (TSP), subject to *Traffic Impact Analysis in UCDC Section 152.019.**

ORS 197.732 (2)(c):

In order to adopt an exception to Goal 3 and amend the County’s comprehensive plan, the County must first find that the following criteria in ORS 197.732(2)(c)(A)-(D) are met:

- (A) *Reasons justify why the state policy embodied in the applicable goals should not apply;*
- (B) *Areas that do not require a new exception cannot reasonably accommodate the use;*
- (C) *The long-term environmental, economic, social and energy consequences resulting from the use 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 in areas requiring a goal exception other than the proposed site; and*
- (D) *The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*

As set forth below, the applicant has provided responses addressing ORS 197.732(2)(c)(A)-(D) and evidence upon which the County may base an amendment to its comprehensive plan. The following sections provide evidence supporting a finding in which the applicant believes that there are sufficient reasons justifying why the state policy embodied in Goal 3 should not apply to the Exception Property. **Umatilla County Findings** are included below each response.

A. Reasons to Justify the Exception

1) The Exception Property offers a good solar resource and is strategically located for interconnecting solar development to the regional grid.

Applicant’s Response: The Exception Property is proven to provide a good solar resource with relatively flat topography and long sun exposure. An additional 9 to 11 MWs of solar generation could be developed on the site in addition to UEC existing solar project. See Attachment E (Conceptual Site Layout). Renewable energy development on agricultural land is considered “rural industrial development” under OAR 660-004-0022(3)(a) and allowing siting of rural industrial development on resource lands outside an urban growth boundary is a reason to support a Goal 3 Exception when “[t]he use is significantly dependent upon a unique resource located on agricultural or forest land.” Here, there is evidence to conclude that the Exception Property offers a unique solar resource to support utility-scale solar development based on the existing and proposed solar development.

Other resources offered by the site are direct access from Highway 730 and the proximity to the existing transmission system. The Exception Property is located adjacent to UEC’s electric distribution system line that connects to UEC’s Power City substation and then to UEC’s existing transmission line that connects to UEC’s point of delivery at BPA’s McNary substation. Solar development on the Exception Property can therefore be connected to an existing system

without the need for new distribution or transmission lines, thus minimizing potential impacts to agricultural areas from solar development.

Umatilla County Finding: Umatilla County finds there is evidence supporting the fact that the proposed Exception Property provides a good solar resource. A 1 MW project was permitted through a Conditional Use Permit and constructed on the proposed Exception Property in 2015.

2) The Exception Property is undeveloped and viewed as unproductive farmland. A Goal 3 exception facilitates a higher, better use of the land and concentrates solar development off more productive farmland.

Applicant's Response: UEC purchased the Exception Property from the Port of Umatilla in 2015 and neither of the prior property owners utilized the land for agricultural purposes. The Exception Property is artificially categorized as high-value farmland because it is located in the Columbia Valley AVA, but the site-specific conditions demonstrate otherwise and are unlikely to support productive agricultural operations, let alone vineyard development. The primary policy of Goal 3 is to preserve land for agricultural production. Using unproductive agricultural land for solar development is a more productive use of the land and directs solar development away from more productive farmland.

Umatilla County Finding: Umatilla County finds that the entire Exception Property is not undeveloped as stated by the applicant. As noted above, a 1 MW (approximately 5 acres) project was permitted and constructed on the proposed Exception Property in 2015-2016. The applicant has provided evidence showing that the proposed Exception Property does not have irrigation water rights and the soils on the subject property would not be productive without irrigation. The subject property has not been cultivated for farming but has been used for livestock grazing.

3) Solar development on the Exception Property will further important local and state policies.

The County's comprehensive plan contains policies encouraging renewable energy development, including solar. Specifically,

Chapter 8, Finding 42

Alternative energy resources should be explored more fully in Umatilla County.

Chapter 8, Policy 42(a) and (c)

(a) Encourage development of alternative sources of energy.

(c) The County will refer people to agencies or private sources of energy conservation or development information when such information is not locally available.

Chapter 16, Finding 1

Escalating cost of depleting nonrenewable energy sources make renewable energy source alternatives (e.g. solar, wind) increasingly more economical, and help conserve existing energy supplies.

Chapter 16, Policy 1

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

Applicant’s Response: Statewide Planning Goal 13 (Energy Conservation) calls for the development of renewable energy resources. In addition to Goal 13 and the County policies, the state of Oregon published a Renewable Energy Action Plan (ODOE, 2005) (the “Plan”). The Plan calls for significant, additional development of renewable resources, including solar energy. In 2007, the Oregon legislature passed Senate Bill 838 establishing Oregon’s Renewable Portfolio Standard for electricity, requiring up to 25 percent of electricity sold to retail customers in Oregon be derived from renewable energy resources by 2025. In 2016, the Oregon legislature passed SB 1547 that further increased Oregon’s Renewable Portfolio Standard from 25 percent to 50 percent by 2040. The Oregon Legislative Assembly has enacted numerous tax credits and economic development incentives favoring renewable energy development, including House Bill 3492 that was effective October 5, 2015. Oregon’s numerous programs together reflect a comprehensive state policy of supporting renewable energy development. *See* ORS 757.612 (creating system benefit charge, a portion of the funds from which go to renewable energy); ORS 469A.205 (providing green power rates for retail electricity consumers).

On balance, there is a demonstrated need for new renewable resources, including solar, and the Exception Property will produce a significant advancement of important County and state policies, without undermining the policies behind Goal 3. UEC is developing specific plans to implement these policies and the Exception Property will play a large role in those efforts.

Umatilla County Finding: Umatilla County finds that the applicant has identified policies within Umatilla County Comprehensive Plan that encourage renewable energy development. In addition, the applicant’s plans to develop future renewable energy appear to align with Statewide Planning Goal 13 and renewable energy goals. Although the various state plans and programs reflect support for renewable energy, development of renewable resources has never been incorporated into Statewide Planning Goal 13. Nonetheless, given the County Plan Policy to encourage renewable energy and provided the proposed Exception Property can comply with development standards, the County can find that this exception application is compliant with the County Comprehensive Plan.

4) The Exception Property will advance the state and county policies of furthering efficient development and economic growth.

Applicant’s Response: Solar development will benefit the local economy through contributions to the local tax base and employment opportunities during construction. As solar is developed on the Exception Property, the land will be removed from farm deferral and the land will be taxed at a higher assessed value. The additional tax revenue will increase the County’s ability to provide roadways, police, fire protection, and other services to its citizens. During construction,

up to approximately 30 construction workers will be needed, increasing the employment opportunities in the area.

Umatilla County Finding: Umatilla County finds that records obtained from the Umatilla County Assessment and Taxation Department show that the proposed Exception Property has never been in farm deferral, even when owned by the Port of Umatilla. However, developing the property with additional solar facilities will provide a modest increase in tax revenue for the County. County finds that the project will provide jobs and economic growth. In terms of efficient development, county finds the project can be considered efficient given that the solar project is adjacent to existing transmission lines and therefore additional lines on adjacent farm ground will not be required. The proximity to transmission lines and other industrial development to the north establish qualification as efficient development.

B. Areas Not Requiring a New Goal Exception Cannot Accommodate Use

Applicant's Response: Under this prong of the Goal 3 Exception analysis, it is appropriate to consider multiple factors when determining whether other land could “accommodate” solar development. It is not simply whether the zoning would allow the development without a Goal 3 Exception. The feasibility and practicality of successfully developing such lands must be considered. A Goal 3 Exception would not be required for urban land located within the cities of Umatilla County. A Goal 3 Exception may also not be required for rural land zoned industrial depending on the scope of the original Goal 3 Exception. For urban land, it is difficult to find the acreage needed to site utility-scale solar development on land with a viable solar resource. These lands are often in close proximity to other uses which may be viewed as incompatible with utility-scale energy development. For industrially-zoned land within the County (as shown on the zoning maps in Attachment F), land may be limited and not offer the topography and proximity to existing energy infrastructure that makes solar development feasible. Urban and rural industrially-zoned land is also expensive and can make the economics of a solar project unworkable. For example, vacant industrial land to the north of the Exception Property could be purchased for \$30,000 per acre. In comparison, undeveloped rural agricultural land is available for approximately \$2,500 per acre. The Exception Property can accommodate solar development and offers optimal, accessible solar energy project sites, whereas other locations cannot.

Umatilla County Finding: Umatilla County finds that multiple industrial-zoned parcels are located to the south of the proposed Exception Property, primarily adjacent to Highway 395 North between the Urban Growth Boundaries of the Cities of Hermiston and Umatilla. For example, as noted in the *Highway 395 North Economic Development Study* (Hovee, 2015), approximately 37 percent of commercial and industrial zoned land within the study area is vacant.

A large parcel of industrial-zoned property located north of the subject property on land owned by the Port of Umatilla is under contract for sale to a solar developer for \$5,000 per acre. The land is void of utilities such as power and water and wastewater lines. Industrial zoned parcels with gas, water, wastewater and road service have been selling at the Port for \$20,000 per acre. This information was shared by the General Manager of the Port of Umatilla on February 14, 2017.

While the cost of land is certainly a factor in determining a location for a solar development, it is not germane to the specific goal exception criteria. And, while the applicant did not provide an inventory or analysis of sites that would not require an exception, county may find that the subject parcel is uniquely situated adjacent to existing transmission lines and an existing solar array, and there is not likely another parcel that has those two unique characteristics. Where cost of transmission and impacts of transmission are important considerations in energy development, county may find that other locations do not likely exist and therefore the subject parcel is most suitable for energy development.

C. ESEE Consequences Favor the Exception

Applicant's Response: *Environmental.* The Exception Property is located on unproductive agricultural land categorized as Habitat Category 6 per the ODFW Habitat Mitigation Policy set forth in OAR 635-415-0000 through -0025. The Exception Property will not cause significant adverse environmental consequences because Category 6 habitat has a low potential to become essential or important habitat for fish and wildlife, and no habitat mitigation is required per the ODFW Habitat Mitigation Policy. See the 2015 Habitat and Wildlife Assessment in Attachment G. Further, any construction on the Exception Property must adhere to the solar siting standards in OAR 660-033-0130(38), which require a project-specific erosion control plan. The erosion control plan will use general “best management practices” for erosion control during and after construction. The plan will also provide for permanent drainage and erosion control facilities as necessary to allow stormwater passage without damage to local roads or to adjacent areas and without increasing sedimentation of intermittent streams.

The Applicant does not anticipate any unmitigated adverse impacts on soils, wetlands, protected areas, water resources, threatened and endangered species, scenic resources, historic and cultural and archaeological resources, or public services as a result of this Goal 3 Exception request, particularly given that each individual solar project will be subject to conditional use review. Because of the relatively low presence of habitat, water, and other environmental resources present on the site, other sites that would also require a Goal 3 Exception would either have the same or greater environmental impacts from the development of a solar project. The potential impacts on the Exception Site are therefore no greater than they would be on other sites requiring a Goal 3 Exception, especially in light of the fact that all sites would have to implement the same siting standards noted above.

Socioeconomic. The socioeconomic consequences of removing the Exception Property from Goal 3 protection will not be adverse because the land is unproductive agricultural land and no income is generated from agricultural operations. The income generated by solar development will improve the local tax base.

Energy. Up to approximately 8-11 MW of solar generation could be developed on the Exception Property, with 1 MW already constructed. Thus, the energy consequences of removing the Exception Property from Goal 3 protection will be positive, as is the fact that it will produce renewable, emissions-free energy. The clean energy produced on the Exception Property will help the region meet increasing energy demands.

Umatilla County Finding: Umatilla County finds that the ESEE analysis performed by the applicant appears to indicate that adverse environmental, social, economic, or energy impacts are not expected as part of this proposed Goal 3 exception. In addition, future solar development on the subject property would require a Conditional Use Permit from Umatilla County, and would be subject to the criteria found in Umatilla County Development Code Sections 152.615, 152,617 as well as the solar siting standards found in OAR 660-033-0130(38).

D. Solar Development on the Exception Property Is Compatible with Other Adjacent Uses

Applicant's Response: Solar development on the Exception Property is compatible with adjacent land uses. The Exception Property and adjacent lands are predominately underutilized agricultural land with varying topography and vegetation. Areas to the west, east, and south of the Exception Property consist primarily of undeveloped land with sparse sagebrush and tree cover, with some instances of standing water to the east and south. Areas to the west and southwest are used for grazing cattle and what appears to be periodic flood irrigation. Solar development on the site will have no impact on the inventoried agricultural uses in the surrounding area given the nature and intensity of the agricultural uses. A solar facility already exists on this site and has been compatible with other adjacent uses.

There is some residential and commercial/industrial development to the north of the Exception Property across from Highway 730. With Highway 730 and the earthen berm along the northern boundary of the Exception Property, solar development on the site will have little impact on the residential and commercial/industrial uses.

Any solar development on the Exception Property will be set back to avoid the existing BPA transmission line easement and the irrigation ditch located on the southern portion of the site. UEC will also work with others who may seek to use the property (e.g. for a transmission line) to site specific projects in a manner that reasonably accommodates those uses. Setbacks are sufficient to ensure that solar development is compatible with these existing uses. Of note, each specific development UEC pursues will have to obtain a conditional use permit. That process will allow the County to address compatibility issues on a project-by-project basis and to incorporate then-existing conditions.

Umatilla County Finding: Umatilla County finds that the applicant has provided evidence that future solar development on the proposed Exception Property appears to be compatible with other adjacent uses. Further, Umatilla County finds that given the proximity to existing transmission lines, new transmission lines will not likely be required, further reducing negative impacts on adjacent lands.

IV. CONCLUSION AND REQUEST FOR EXCEPTION

Applicant's Response: In sum, there are compelling reasons that justify removing the Exception Property from Goal 3 protection, including the unavailability of other areas that do not require a new exception and that could otherwise reasonably accommodate the use, and that doing so will not create any significant adverse economic, social, environmental, or energy consequences. Solar development on the Exception Property will be compatible with adjacent land uses. For these reasons and those set forth in the record, Applicant respectfully requests approval of the Goal 3 exception request.

V. OPTIONS FOR PLANNING COMMISSION MOTIONS

A. **Motion to Recommend Denial Based on Evidence in the Record**

I, Commissioner _____, make a motion to recommend denial of the UEC, Goal 3 Exception, Text Amendment number T-16-067, to the Board of County Commissioners, based on the foregoing Findings of Fact and Conclusions of Law.

B. **Motion to Recommend Approval with Adoption of Findings or with Additional Findings**

I, Commissioner _____, make a motion to recommend approval of the UEC, Goal 3 Exception, Text Amendment number T-16-067, to the Board of County Commissioners with the adoption of the foregoing Findings (or adoption of additional) Findings of Fact and Conclusions of Law:

_____.

VI. BOARD OF COMMISSIONERS DECISION OPTIONS

A. Denial

Based upon the foregoing Findings of Fact and Conclusions of Law, where it has not been demonstrated the request is in compliance with the County Comprehensive Plan and the State Administrative Rules for an exception to Goal 3, the applicant's request is denied.

B. Approval

Based upon the foregoing Findings of Fact and Conclusions of Law, where it has been demonstrated the request is in compliance with the County Comprehensive Plan and the State Administrative Rules for an exception to Goal 3, the applicant's request is denied.

DATED this _____ day of _____, 20_____.

UMATILLA COUNTY BOARD OF COMMISSIONERS

W. Lawrence Givens, *Commissioner*

William J. Elfering, *Commissioner*

George L. Murdock, *Commissioner*

Attachments

Attachment A

NRCS Soil Survey Summary 6_29_2016



1B – 75% Adkins Fine Sandy Loam, 0 to 5 percent slopes

93B – 75% Starbuck Very Fine Sandy Loam, 2 to 20 percent slopes

94A – Starbuck-Rock Outcrop Complex, 0 to 5% slopes (55% Starbuck, 25% Rock Outcrop)

3A – Adkins Fine Sandy Loam, Wet, 0 to 3% slopes (80% Adkins, 4% Wanser)

Approximation:

80% of the project on 1B

20% of the project on 93B

Attachment B



Oregon Water Resources Department
Water Rights Mapping Tool

- Main
- Help
- Return
- Contact Us

725 Summer St NE, Sal

Search

Identify Non-Water Right Features

Tools

Layers

Water Rights by Type

- Water Rights by Type
 - Storage Water
 - Points of Diversion - ST
 - Places of Use - ST
 - Surface Water
 - Points of Diversion - SW
 - Places of Use - SW
 - Groundwater
 - Points of Diversion - GW
 - Places of Use - GW
- Water Rights by Use
- Water Rights by Type-Use
- Water Rights by Prim./Suppl
- Water Rights - Municipal Only



Print

POD POU



PORT OF UMATILLA

May 6, 2015

To: Whom it May Concern

From: Kim B. Puzey

RE: Municipal Water Rights

The Port of Umatilla recently entered into an Option Agreement with Umatilla Electric Cooperative for a plus/minus 80 acre parcel of property located south of US Highway 730. The legal description is (Section 14 T5N R28E; Lot Number 1500).

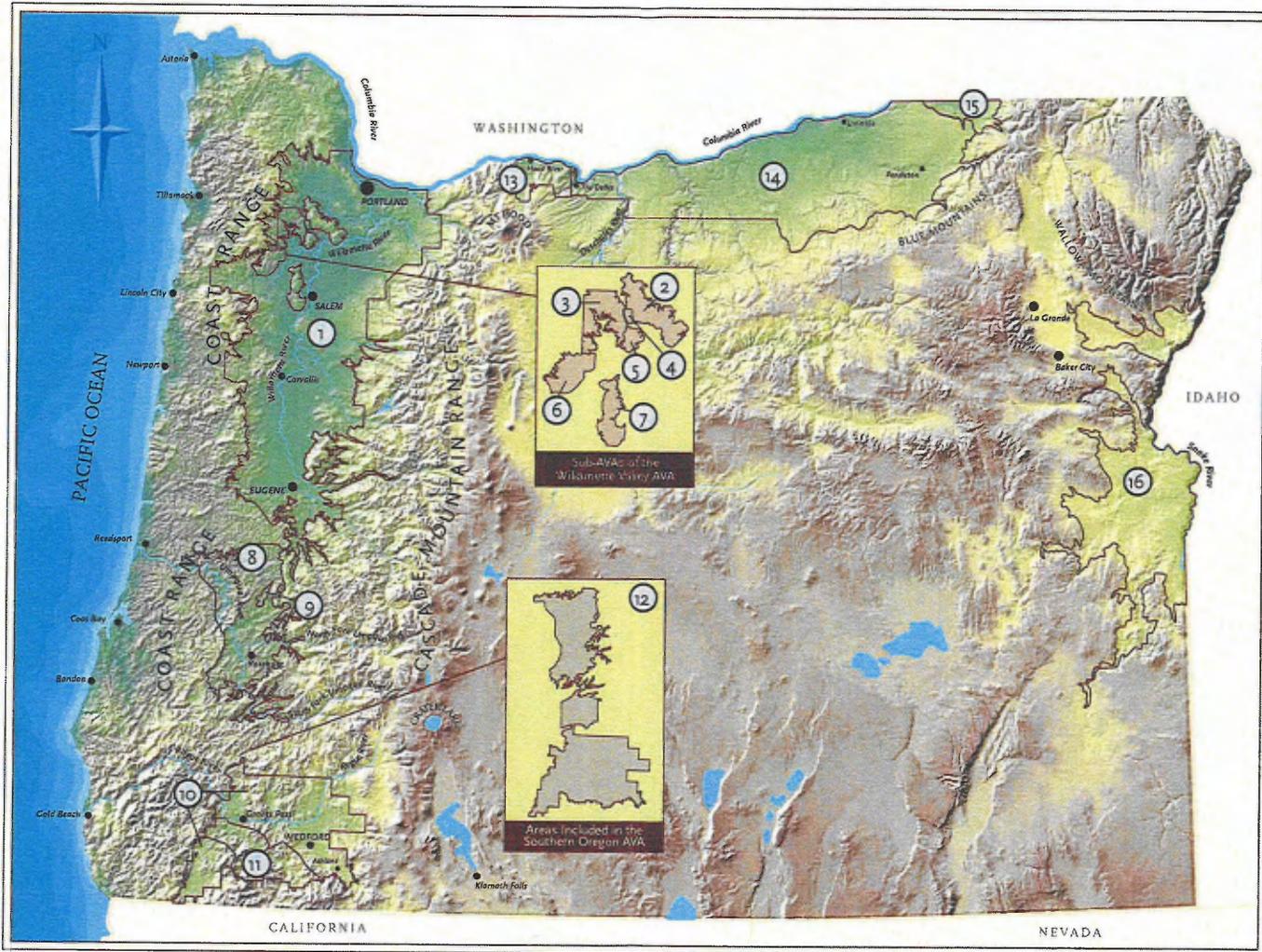
I have no knowledge of any Municipal Water Rights associated with this property.

Please contact me if you have questions.

Sincerely,

Kim B. Puzey
General Manager
1-541-922-3224

Attachment C



AMERICAN VITICULTURAL AREAS OF OREGON

1	Willamette Valley	5	Dundee Hills	9	Red Hill Douglas County	13	Columbia Gorge
2	Chehalem Mountains	6	McMinville	10	Rogue Valley	14	Columbia Valley
3	Yamhill-Carlton District	7	Eola-Amity Hills	11	Applegate Valley	15	Walla Walla Valley
4	Ribbon Ridge	8	Umpqua Valley	12	Southern Oregon	16	Snake River Valley

Attachment D



Department of Energy

Bonneville Power Administration
2211 North Commercial Avenue
Pasco, WA 99301

Transmission Services

July 12, 2016

In reply refer to: Goal 3 Exception, Parcel ID: 5N28140001500

Tract No.: UMAT-COR-W
Line Name: Lower Monumental-McNary No. 1
Location: LOMO-MCNY 62/6-7

Mr. Kevin Ince
Umatilla Electric Cooperative
750 W. Elm Ave.
Hermiston, OR 97838

Dear Kevin:

The Bonneville Power Administration (BPA) has reviewed the request for consideration of concurrence with an exception to Goal 3 for the 80 acre Port of Umatilla project in Section 14, T5N, R28E of Umatilla County, known as Parcel ID: 5N28140001500.

Although BPA has no objection to an exception to Goal 3 of Oregon's Statewide Planning Goal and Guideline OAR 660-015-0000(3), pertaining to preservation of agricultural lands, the subject area is perpetually encumbered by BPA easement, known as Tract ID: UMAT-COR-W.

The easement granted on this right-of-way specifies uses and privileges. As such, a BPA land use application will need to be submitted by or on behalf of the landowner to insure BPA's secured rights are protected. If it determined that the proposed use will not interfere with the safe operation or maintenance of the BPA right-of-way, the approved use will be subject to the conditions of a Land Use Agreement. It is recommended that BPA be contacted early in process in order to avoid/minimize easement area modifications at the landowner and/or developer's expense.

If you have any questions please contact me at (509) 544-4748 or selorenz@bpa.gov.

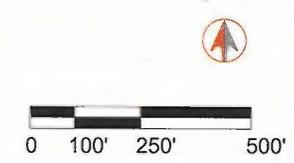
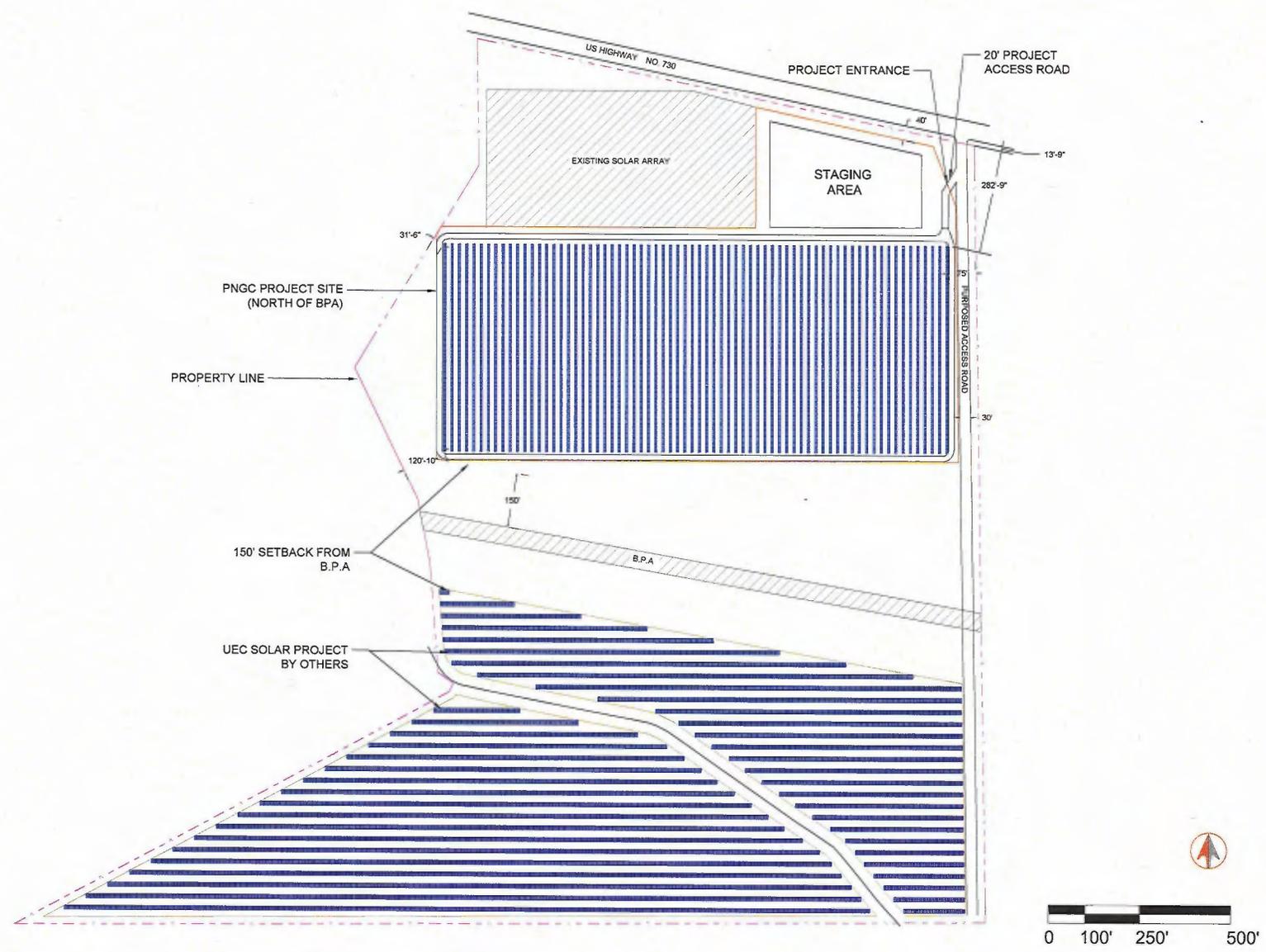
Sincerely,

A handwritten signature in black ink, appearing to read "S. Lorenz".

Stephanie E. Lorenz
Field Realty Specialist

Attachment E

PRELIMINARY - NOT FOR CONSTRUCTION



REVISIONS	
REV	DESCRIPTION

REV	BY	DATE

PROJECT MANAGER
DAVID FITZGERALD

PROJECT ENGINEER
PAUL CORTEZA

PROJECT NUMBER

PHASE

MILESTONE

DATE
6/29/16

SCALE
SEE SCALE BAR

TITLE
MASTER SITE PLAN

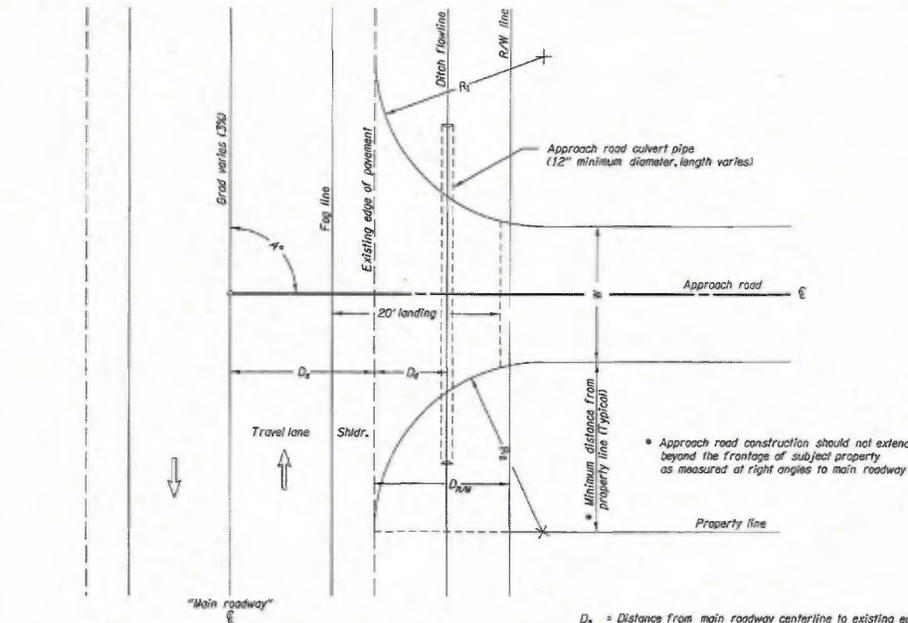
DRAWING
PV-1

ENERPARC

PNGC SOLAR PARK
PNGC 2.8MW AC
PARCEL #1500, SEC. 14, T5N 128E W4
UMATILLA, OR 97982

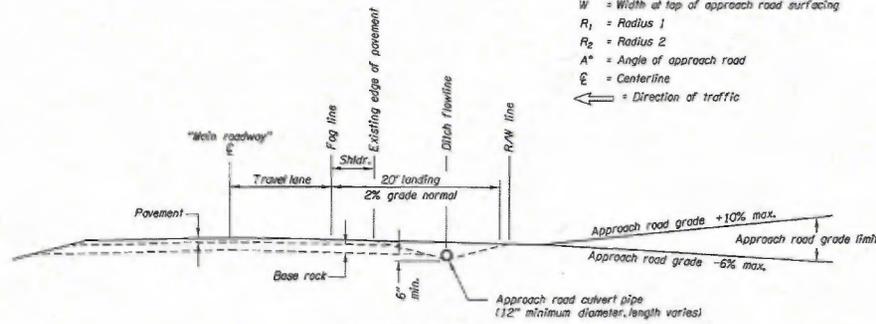
01-SEP-2014

SP715



PLAN

- D_e = Distance from main roadway centerline to existing edge of pavement at approach road
- D_c = Distance from existing edge of pavement to centerline of approach road culvert pipe
- D_{RW} = Distance from existing edge of pavement to right-of-way line (R/W line)
- W = Width at top of approach road surfacing
- R_1 = Radius 1
- R_2 = Radius 2
- A^* = Angle of approach road
- ϵ = Centerline
- \leftarrow = Direction of traffic



TYPICAL SECTION

ACCOMPANIED BY SP716	OREGON DEPARTMENT OF TRANSPORTATION
	TECHNICAL SERVICES BRANCH
	STANDARD TYPE "A" DRIVEWAY APPROACH
RENEWS: 12-31-2014	Plan Issued with Permit
	STANDARD PLAN
	SHEET NO. SP715

Effective Date: September 1, 2014 - August 31, 2016



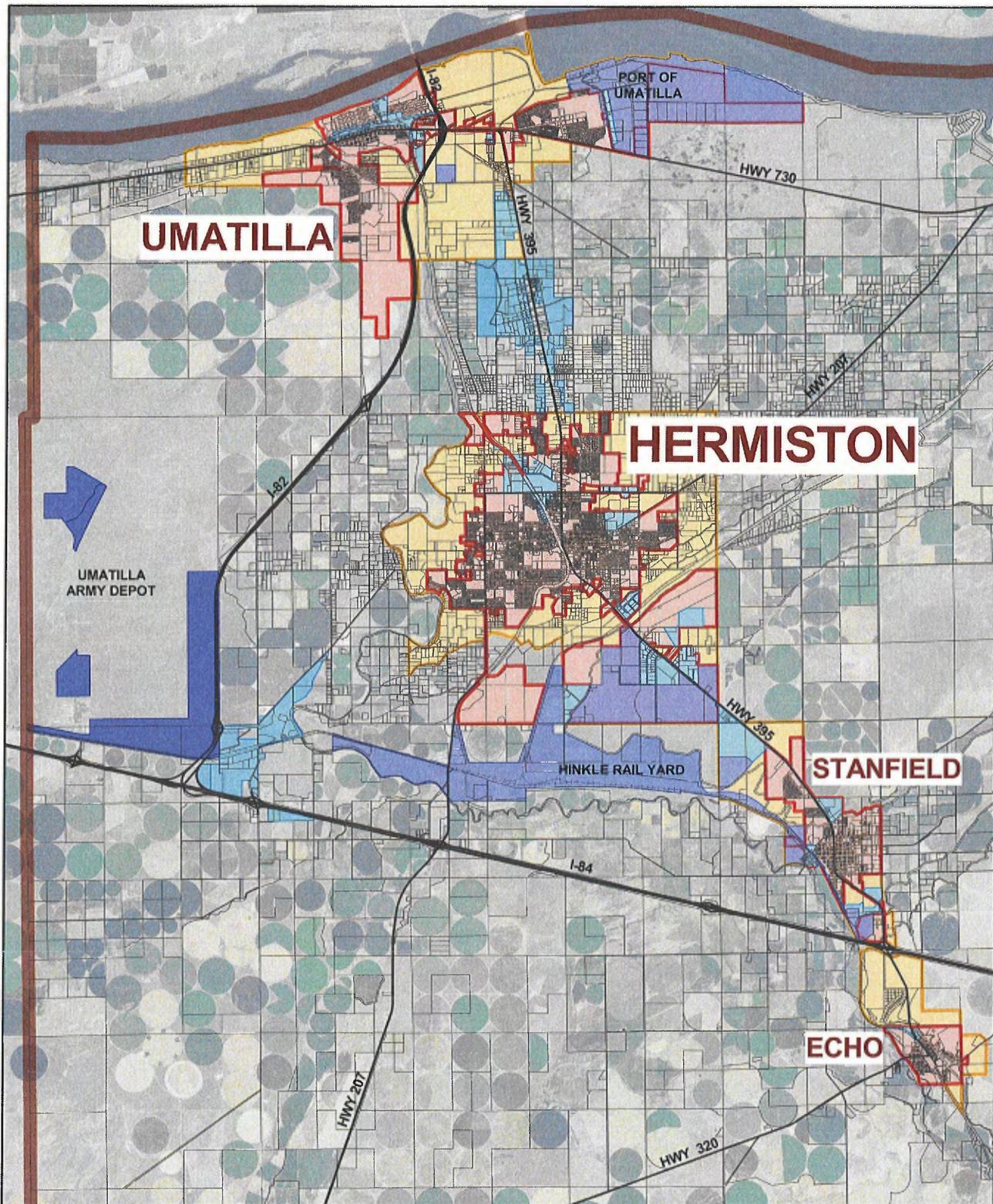
REVISIONS	
NO.	DESCRIPTION

PE STAMP

PROJECT MANAGER
DAVID FITZGERALD
PROJECT ENGINEER
PAUL CORTEZA
PROJECT NUMBER
PHASE
MILESTONE

DATE
6/28/16
SCALE
1/8" = 1'-0"
TITLE
DRIVEWAY APPROACH
DETAILS
DRAWING
PV-2

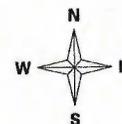
Attachment F



West Umatilla County Industrial Zoned Areas

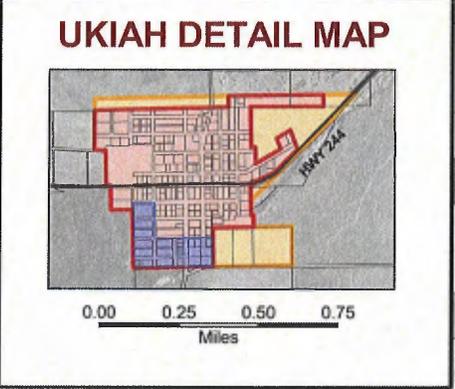
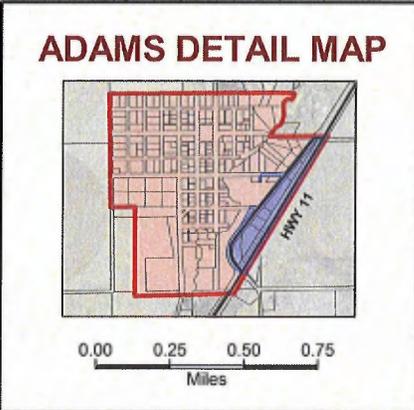
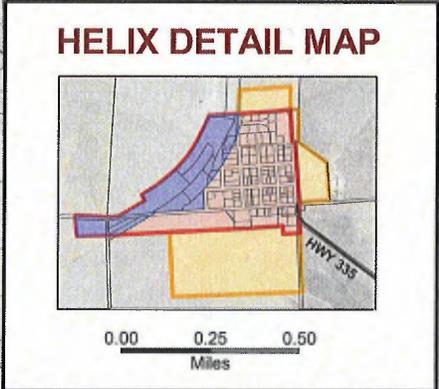
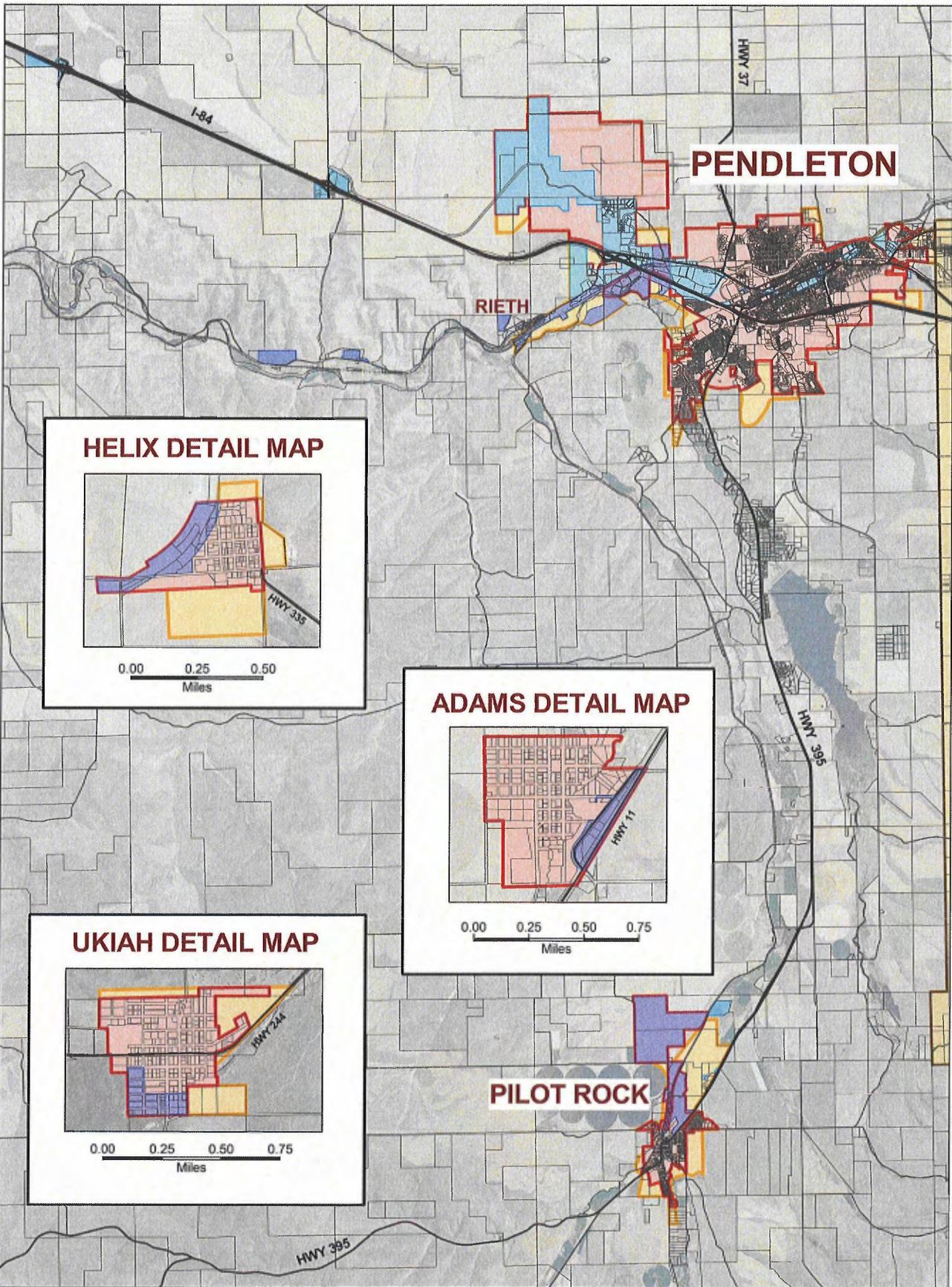
Legend

- | | | | |
|---|-----------------------|---|---------------------------------|
|  | City Limits |  | Light Industrial Zone |
|  | Urban Growth Boundary |  | Heavy & General Industrial Zone |
| | |  | Depot Industrial Zone |



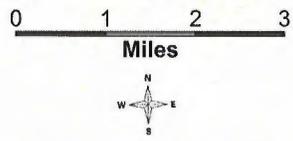
2014 Aerial Photography

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Aerial data should be used for reference purposes only.



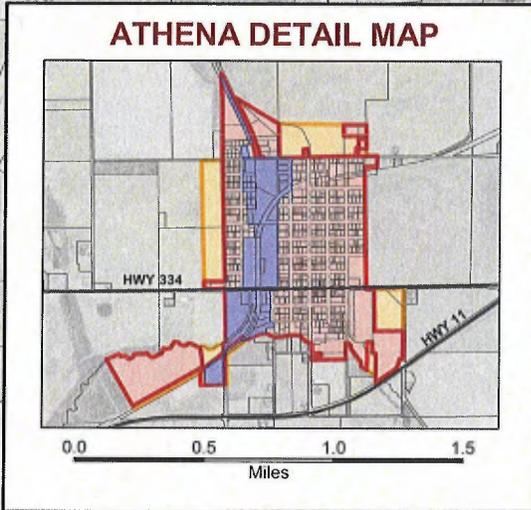
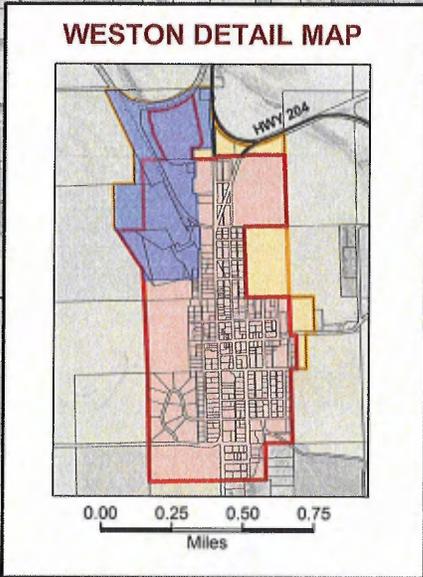
**Central & South Umatilla County
Industrial Zoned Areas**

Legend



MAP DISCLAIMER: No warranty is made by Umatilla County

WASHINGTON STATE

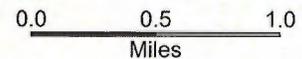


MILTON-FREEWATER

East Umatilla County Industrial Zoned Areas

Legend

- City Limits
- Light Industrial Zone



Depot Plan District - Zoning



**UMATILLA ARMY DEPOT
TRANSITION ZONE**
(7,500 Ac)

DEPOT
INDUSTRIAL

(184 Ac)

(81 Ac)

**UMATILLA DEPOT
WILDLIFE HABITAT
ZONE**
(5,708 Ac)

DEPOT
INDUSTRIAL

(120 Ac)

DEPOT INDUSTRIAL 1
(384 Ac)

**UMCD PI LU
OVERLAY**
(312 Ac) (359 Ac)
PORT INDUSTRIAL

Morrow County
Umatilla County

INTERSTATE 82

INTERSTATE 84

UPRR

Depot Plan District Zoning Districts

- | | | | |
|--|--|---|---------|
| | Port Industrial | Roadway
Network
Phasing Plan | |
| | Exclusive Farm Use | | |
| | Umatilla Army Depot Transition Zone | | Phase 1 |
| | Depot Industrial | | Phase 2 |
| | Umatilla Depot Wildlife Habitat Zone | | Phase 3 |
| | Restricted Area | | |
| | County Boundary | | |
| | Depot Industrial Subarea (See Zoning Code) | | |

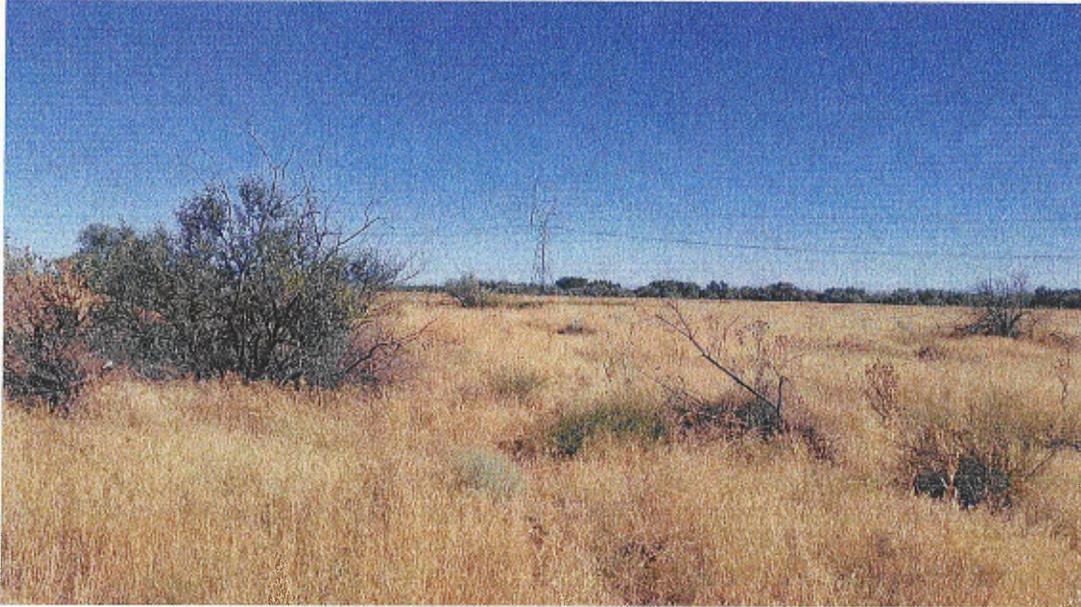
0 2,500 5,000 Feet



Source: Esri, DigitalGlobe, GeoEye, Earthstar (USA), USGS, Aero, GeoMapping, IGN, IGN, etc., and the GIS User Community

Attachment G

**2015
Habitat and Wildlife Assessment
of the
Umatilla Electric Cooperative Solar Project Area**



Prepared for

Umatilla Electric Cooperative
750 W. Elm Avenue
Hermiston, OR 97838

Prepared by:
Robert Gritski and Karen Kronner

Northwest Wildlife Consultants, Inc.
815 NW 4th St.
Pendleton, Oregon 97801



August 14, 2015

Introduction

Northwest Wildlife Consultants, Inc. (NWC) was contracted by Umatilla Electric Cooperative (UEC) in the summer of 2015 to conduct a habitat assessment as it relates to wildlife on an 80 acre parcel of land (the "Project area") that is intended for UEC's future solar project. For the purposes of this summary, the Project area refers to the land within the Project boundary as provided by e-mail to NWC on July 14, 2015 by Darryla Zabransky representing UEC (Figure 1). This habitat assessment is intended to characterize the proposed UEC Solar Project with regard to habitat and general wildlife use. It contains results of an assessment of the Project area conducted on July 28, 2015 by Northwest Wildlife Consultants, Inc. biologists. The two biologists have extensive experience in the habitat of the general Project area. The area that biologists concentrated on most was the area to the north of the canal (shows in Figure 1) where future facilities are to be constructed however the following assessment includes the entire 80 acre Project area.

Findings

Although no known wildlife species of concern (species with special status, state and/or federal) were detected during the survey (Table 1, Appendix A) conducted on July 28, 2015, it should be noted that this is to be considered an off-season survey and review of habitat and its wildlife use—the timing was after the typical breeding season period and not during migration or wintering periods. Through NWC's extensive experience in the Umatilla County area and surrounding counties over the last 28 years, general assessments can be made to inform UEC and its management team on potential interactions or conflicts with special status wildlife habitat and wildlife species likely to be on-site (see Appendix A for species and status), in particular for the critical time period, breeding season (nesting, denning, fledging).

Washington Ground Squirrel (WGS)

Soil profile (depth and stability) is believed to be important for WGS occupancy of up to two meters in depth (Marr, 2001). That soil type is limited in the Project area. Areas of shallow, sandy soil are often favored by Ord's kangaroo rat (*Dipodomys ordii*) and presence of this species (burrows and scat) was frequently noted in this area. Studies have shown that Washington ground squirrels are typically associated with shrub-steppe with perennial grasses (Carlson et al., 1980 and NWC field survey notes 1992–2014). There are small portions of the survey area that have shrub-steppe characteristics; big sagebrush (*Artemisia tridentata*), gray rabbitbrush (*Ericameria nauseosa*), and native perennial grasses such as Western needle-and-thread grass (*Hesperostipa comata*). These sites have the most suitability within the survey area but are very small in size, however the heavy sand component of the soil, makes the overall suitability low for Washington ground squirrel. Most of the Project area is not in shrub-steppe vegetation and is heavily infested with annual grasses (cheatgrass, cereal rye) and weedy plant species (tumblemustard, thistle, knapweed), which are not preferred by Washington ground squirrels.

White-tailed Jackrabbit

Although one group of aged jackrabbit pellets were detected it is highly unlikely that they were from this species. This area has historically been the habitat of black-tailed jackrabbits and the pellets were likely of this species. No live jackrabbits were detected during the survey.

Northern Sagebrush Lizard

Because of lack of large stands of sagebrush and the abundant cheatgrass on the Project area it is highly unlikely that northern sagebrush lizards are present. This survey was conducted during the proper time of year and day for detection of this species and no lizards or sign were found. Historically there likely has been northern sagebrush lizards present in this area but due to the lack of shrub steppe habitat and the introduction of cheatgrass and invasive weed species it is highly unlikely that they exist now.

Burrowing Owl

No sign of burrowing owl was found however they are present in this type of habitat elsewhere. No holes, pellets or feathers were detected. Due to the lack of shrub steppe habitat and the extent of non-native cheatgrass and invasive weed species there is low potential for nesting on the parcel. They could however hunt and roost on the Project area.

Raptor Species

Two species of special status raptors in Oregon are ferruginous and Swainson's hawk. Both of these species have been known to nest in the area. No raptor nests were located during the survey. The only trees and large shrubs with nesting potential are introduced Russian olive trees and deciduous tree along the canal. Several black-billed magpie nests were located in a couple of these trees which in later years could be used by Swainson's hawk. No raptor nests were detected. One American kestrel (a small falcon) was observed flying through the area.

By late July ferruginous hawks would have vacated the area and the majority of the Swainson's hawk should have fledged and vacated the area. It is possible that some Swainson's hawk could still be present, however none were detected.

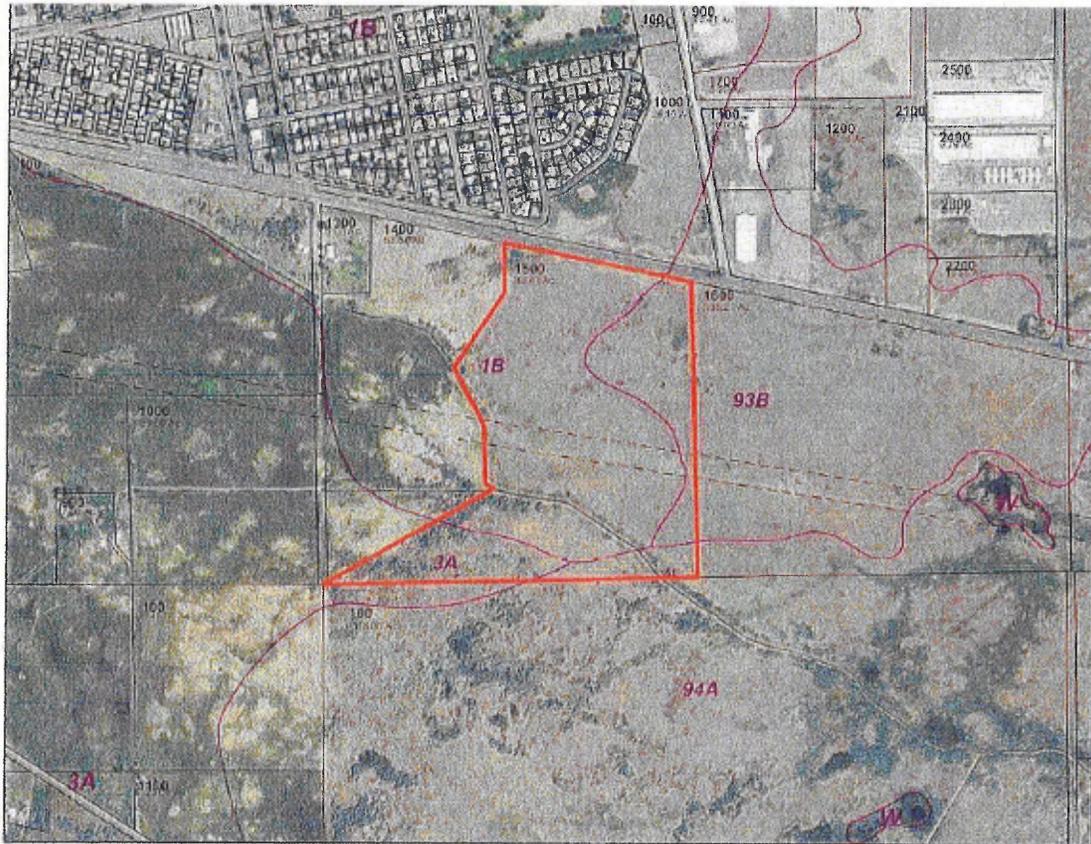
Recommendations

This survey is to be considered an off season survey and surveys during the breeding season are recommended. These seasons would run from March through June; confirmed nesting could be documented by early May. Before any cutting of trees it is recommended to search each tree for nests, preferably during the spring and summer nesting season. If nests are located consultation with Agencies is recommended. Any construction or disturbance should be conducted outside the breeding/nesting seasons for raptor species*. If construction needs to take place during the nesting/breeding season surveys should be conducted to determine if any wildlife species are present and what impacts (if any) might occur from construction activity.

* This summary report does not address potential seasonal restrictions due to nesting of native birds protected by the federal Migratory Bird Treaty Act or protected mammals, reptiles and amphibians

Figure 1

Approximate 80 acre Project Area south of McNary, Oregon



2014 AERIAL PHOTO, MAP 5N2814 TAX LOT 1500

Appendix A. Special status vertebrate wildlife species of potential occurrence in the UEC Solar Project Area

Common Name and Scientific Name	Federal Status	ODFW Status	Occurrence in Project Boundary P=Potential to Occur N=No Potential to Occur
Mammals			
White-tailed jackrabbit <i>Lepus townsendii</i>	–	SV	P—Although one group of aged jackrabbit pellets were detected it is highly unlikely that they were from this species. This area has traditionally been the habitat of black-tailed jack rabbits and the pellets were probably of this species. No live jackrabbits were detected during the survey. Low potential to occur.
Washington ground squirrel <i>Urocyon washingtoni</i>	C Priority List 2	E	P—No holes, pellets or sign of Washington Ground Squirrel (WGS) were detected during the survey. Soils and degraded habitat were not conducive for supporting WGS. Not active during survey time period. Very low potential to occur.
Birds			
Northern goshawk <i>Accipiter gentilis</i>	SoC	SV	P—Hunts in open woodlands and forest edges. Prefers to nest in dense mature forests. This species has low potential to occur within Project boundary during migration, no potential to nest.
Swainson's hawk <i>Buteo swainsoni</i>	–	SV	P—Nests in open grassland steppe areas and agricultural settings. Prefers isolated scattered trees known to nest in shrubs or on small rock outcrops. Has moderate potential to occur on any given year.
Ferruginous hawk <i>Buteo regalis</i>	SoC BoCC	SC	P—No nests documented on the Project area. Has low potential to occur on any given year.
Golden eagle <i>Aquila chrysaetos</i>	EPA BoCC	–	P—Not documented on Project. Has low potential as a fly over year round.
Bald eagle <i>Haliaeetus leucocephalus</i>	NW EPA BoCC	–	P—Known to occur in the immediate area, especially during winter. High potential to occur as a fly over.
Peregrine falcon <i>Falco peregrinus</i>	NW BoCC	SV	P—Low potential to occur during migration.
Mountain quail <i>Oreortyx pictus</i>	SoC	–	N—Utilizes shrubby ravines, draws, and ditches, forest edges and slopes. Descends to lower elevations in the winter. No suitable habitat within Project boundary.
Greater Sandhill crane <i>Grus canadensis tabida</i>	–	SV	P—Occurs during seasonal migrations, when it typically only flies over the Project area. Low potential to occur on the Project area.
Long-billed curlew <i>Numenius americanus</i>	BoCC	SV	P—Nests in grassland flats and plateaus. Considered "Highly Imperiled" (U.S. and Canadian shorebird conservation plans) due to declines throughout its geographic range. Could occur on project area from March through mid-July. Degraded habitat not likely to support nesting birds.
Western burrowing owl <i>Athene cunicularia hypugaea</i>	SoC	SC	P—In shrub-steppe and grassland areas, traditionally occurs nearby uses existing burrows of coyotes, badgers, and small mammals for nesting. Potential to occur although during the off-season survey no burrows were located.
Lewis' woodpecker <i>Melanerpes lewis</i>	SoC BoCC	SC	P—Utilizes riparian corridors, Douglas-fir, ponderosa pine, and oak habitats. Likely passes through Project area infrequently during dispersal.
White-headed Woodpecker <i>Picoides albolarvatus</i>	SoC	–	N—Utilizes open coniferous forests in mountains; prefers ponderosa pine. No suitable habitat on Project.
Olive-sided Flycatcher <i>Contopus cooperii</i>	SoC	SV	N—Utilizes montane coniferous forests, clearing edges, and wooded borders of bogs. No suitable habitat on Project
Willow flycatcher <i>Empidonax traillii adastus</i>	SoC BoCC	SV	P—Prefers willow and other riparian shrub thickets along streams and brushy uplands. This species has very low potential to occur within Project boundary.
Loggerhead shrike <i>Lanius ludovicianus</i>	BoCC	SV	P—Suitable nesting habitat—sagebrush is limited within the Project boundary. Low potential to occur.
Yellow-breasted chat <i>Icteria virens</i>	SoC	–	N—Utilizes dense undergrowth thickets, forest edges, low wet areas and stream and pond edges. Not likely to occur.

Common Name and Scientific Name	Federal Status	ODFW Status	Occurrence in Project Boundary
			P=Potential to Occur N=No Potential to Occur
Sagebrush sparrow <i>Artemisiospiza nevadensis</i>	BoCC	SC	P—May occur during migration. Sagebrush habitat on Project is limited, not extensive enough to support breeding. Observed rarely in nearby portions of the Columbia Plateau.
Grasshopper sparrow <i>Ammodramus savannarum</i>	—	SV	P—Low potential to occur on the Project area.
Tricolored blackbird <i>Agelaius tricolor</i>	SoC	—	P—Breeds in marshy areas and pond edges, but may forage and disperse into grassland and shrub-steppe habitats. This species has very low potential to occur within Project boundary.
Amphibians, Reptiles, and Turtles			
Northern sagebrush lizard <i>Sceloparus graciosus graciosus</i>	SoC	SV	P—Prefers shrub-steppe habitats and open forests of juniper, ponderosa and lodgepole pine that have open, brushy understories. This species has low potential to occur within Project boundary due to lack of suitable habitat (suitable soil types but too much weedy vegetation cover).
Western painted turtle <i>Chrysemys picta</i>	—	SC	P—No suitable habitat within Project boundary. May occasionally be found in canal.

Status Key

Federal:

T	Threatened	SoC	Species of Concern
E	Endangered	NW	Not Warranted; delisted
C	Candidate EPA		Bald and Golden Eagle Protection Act
BoCC	USFWS Birds of Conservation Concern (BCR 9, Great Basin)		
—	No special status		

Note: All native migratory birds are protected by the federal Migratory Bird Treaty Act (MBTA).

Oregon (ORBIC, 2010):

T	Threatened
E	Endangered
SC	“Critical” sensitive species are those for which listing as Threatened or Endangered would be appropriate if immediate conservation actions were not taken. Some peripheral species which are at risk throughout their range and some disjunct populations (those that are geographically isolated from other populations) are also considered “Critical.”
SV	“Vulnerable” sensitive species are not in imminent danger of being listed as Threatened or Endangered, but could become Sensitive-critical, Threatened, or Endangered with changes in populations, habitats or threats.

Sources for status = CBMRCD/NWPPC, 2004; ODFW, 2012; ORBIC, 2010; USFWS, 2008b; USFWS, 2012b and 2012c

Table 1. Comprehensive species list for all vertebrate wildlife detected during wildlife habitat survey on July 28, 2015.

Common Name <i>(in taxonomic order)</i>	Scientific Name
Birds	
California quail	<i>Callipepla californica</i>
ring-necked pheasant	<i>Phasianus colchicus</i>
rock pigeon	<i>Columba livia</i>
mourning dove	<i>Zenaida macroura</i>
northern flicker	<i>Colaptes auratus</i>
western kingbird	<i>Tyrannus verticalis</i>
black-billed magpie	<i>Pica pica</i>
horned lark	<i>Eremophila alpestris</i>
European starling	<i>Sturnus vulgaris</i>
western meadowlark	<i>Sturnella neglecta</i>
Bullock's oriole	<i>Icterus bullockii</i>
American kestrel	<i>Falco sparverius</i>
Mammals	
Unknown jackrabbit (pellets)	<i>Lepus (species)</i>
Northern pocket gopher	<i>Thomomys talpoides</i>
Ord's kangaroo rat (tracks)	<i>Dipodomys ordii</i>
deer mouse	<i>Peromyscus maniculatus</i>
Coyote (tracks)	<i>Canis latrans</i>
raccoon (tracks)	<i>Pracyon lotor</i>
mule deer (tracks)	<i>Odocoileus hemionus</i>

REFERENCES

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- U.S. Fish and Wildlife Service (USFWS). 2008. Birds of Conservation Concern 2008 (BCR 9, Table 7). United States Department of Interior, Fish and Wildlife Service, Division of Migratory Bird Management, Arlington, Virginia. 85pp. Online version available at: <http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/BCC2008/BCC2008.pdf>
- U.S. Fish and Wildlife Service (USFWS). 2012. Federally listed, proposed, candidate, delisted species, and species of concern under the jurisdiction of the Fish and Wildlife Service which may occur within Oregon. Available online at: <http://www.fws.gov/oregonfwo/Species/Lists/RequestList.asp>

Attachment H

2017 01 003
UMATILLA ELECTRIC COOPERATIVE, INC
BOARD RESOLUTION
FOR INVESTIGATION OF SOLAR PROJECT EXPANSION

WHEREAS, Umatilla Electric Cooperative (UEC) owns an approximately 80 acre parcel of land at the Port of Umatilla; and

WHEREAS, UEC owns and operates the Moyer-Tolles Solar Station on a portion of the property; and

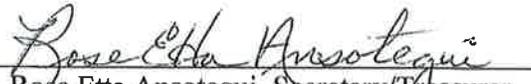
WHEREAS, UEC entered into an Option Agreement with the Pacific Northwest Generating Cooperative (PNGC) for the lease and potential sale of the remaining portion of the property for a solar project to be owned and operated by PNGC; and

WHEREAS, PNGC has informed UEC that it has abandoned its solar project and the Option Agreement has expired and is terminated.

NOW, THEREFORE, BE IT RESOLVED that the UEC Board of Directors hereby directs the General Manager and CEO to investigate the feasibility of expanding the Moyer-Tolles Solar Station onto the remaining property or to otherwise lease or sell the remaining property to a third party for the development of a solar project.

CERTIFICATION OF SECRETARY

I, Rose Etta Ansotegui, Secretary of Umatilla Electric Cooperative do hereby certify that the above is a true and correct excerpt from the Minutes of the meeting of the Board of Directors of Umatilla Electric Cooperative held on **January 25, 2017**, at which meeting a quorum was present.


Rose Etta Ansotegui, Secretary/Treasurer



H
CABLE HUSTON_{LLP}

RECEIVED

JAN 31 2017

**UMATILLA COUNTY
PLANNING DEPARTMENT**

TOMMY A. BROOKS

tbrooks@cablehuston.com
www.cablehuston.com

January 30, 2017

**VIA E-MAIL
AND FEDERAL EXPRESS**

Tamra Mabbott
Planning Director
Umatilla County
216 SE Fourth Street
Pendleton, OR 97801

RE: T-16-067 - Applicant Change and Supplemental Material

Dear Ms. Mabbott:

This office represents Umatilla Electric Cooperative, Inc. ("UEC"). Please include this letter and its attachments in the record for this matter.

As you are aware, UEC owns the property on which the Pacific Northwest Generating Cooperative ("PNGC") applied for a Goal 3 Exception Request and Conditional Use Permit application initiating this matter. The property is located on Tax Lot 1500 in Township 5, Range 28 East, Section 14 in Umatilla County ("County") ("Property").

On January 26, 2017, PNGC notified the County that PNGC is withdrawing its application for a Conditional Use Permit. PNGC further notified the County that PNGC reached an agreement with UEC for UEC to continue as the Applicant for the pending Goal 3 Exception Request ("Goal 3 Request"). This letter confirms that such an agreement was reached and that UEC desires to continue as the Applicant for the Goal 3 Request.

Included with this letter is a Supplemental Narrative in support of the Goal 3 Request. The Supplemental Narrative updates the record to reflect UEC's status as the Applicant. The Supplemental Narrative also removes most references to PNGC's Conditional Use Permit Application, which has now been withdrawn, and addresses the Goal 3 Request criteria in the absence of that permit application. UEC requests that the Supplemental Narrative be used as a replacement to the original Narrative. The attachments included with the original Narrative, however, remain valid and are referenced in the Supplemental Narrative where appropriate. The Supplemental Narrative includes one new exhibit (Attachment H) that should be added to the original exhibits.

CABLE HUSTON

January 30, 2017

Page 2

It is my understanding that this matter has been scheduled before the Planning Commission on February 23, 2017 at its regular meeting. If this is incorrect, or if you require any additional information from UEC prior to that time to keep that date in place, please do not hesitate to contact me directly.

I am providing this letter and its attachment by email, but am also having an original and two copies, along with disc delivered to the County on January 31, 2017. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Brooks', with a long horizontal flourish extending to the right.

Tommy A. Brooks

TAB:

Attachments

cc: Robert Echenrode, UEC

Elaine Albrich, Davis Wright Tremaine LLP (via email)