

EXHIBIT K

LAND USE

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Introduction

This exhibit provides information about the proposed Facility’s compliance with the statewide planning goals adopted by the Land Conservation and Development Commission (LCDC), providing evidence to support a finding by the EFSC as required by OAR 345-022-0030. For this Exhibit the study area described in OAR 345-001-0010(2) and the study area described in OAR 345-01-0010(57) refer to the same areas and are defined as the area within the Facility site boundary and 0.5 mile outside the Facility site boundary.

K.1 Use Determination Process

OAR 345-021-0010(1)(k) *Information about the proposed facility’s compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant shall state whether the applicant elects to address the Council’s land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS [469.]504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Notwithstanding OAR 345-021-0090(2), once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, “affected local government” means a local government that has land use jurisdiction over any part of the proposed site of the facility.*

RESPONSE

To issue a site certificate, EFSC must find that the Facility complies with the Oregon Statewide Planning Goals (goals) adopted by the LCDC (see OAR 345-022-0030(1)). The Applicant elects that EFSC make a determination of compliance under ORS 469.504(1)(b). Under this election, the Council shall find the Facility to be in compliance if the Council determines that:

“ORS 469.504(1)(b)(A) *The facility complies with applicable substantive criteria from the affected local government’s acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted, and with any Land Conservation and Development Commission administrative rules and goals and any land use statutes that apply directly to the facility under ORS 197.646;*

ORS 469.504(1)(b)(B) *For an energy facility or a related or supporting facility that must be evaluated against the applicable substantive criteria pursuant to subsection (5) of this section, that the proposed facility does not comply with one or more of the applicable substantive criteria but does otherwise comply with the applicable statewide planning goals, or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section; or*

ORS 469.504(1)(b)(C) *For a facility that the council elects to evaluate against the statewide planning goals pursuant to subsection (5) of this section, that the proposed facility complies with all applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section.”*

All lands of the Facility within the Facility site boundary are located within Gilliam County. Gilliam County land use is administered by the Gilliam County Comprehensive Land Use

Plan (GCCP or Comprehensive Plan) (2011) and the Gilliam County Zoning and Land Development Ordinance (GCZO)(2011), both of which were adopted on November 2, 2011(Gilliam County, 2011). This Exhibit demonstrates the Facility's compliance with the applicable substantive criteria from the GCCP (Gilliam County, 2011) and the GCZO (Gilliam County, 2011). Exhibit K also demonstrates the Facility's compliance with the LCDC statewide land use policies, goals, administrative rules, and statutes directly applicable to the Facility. Finally, Exhibit K provides evidence upon which the EFSC may find that the proposed Facility complies with OAR 345-022-0030.

The Facility will not exceed a generating capacity of 500 MW and 167 average megawatts of energy. The actual generating capacity will depend on the turbine models selected. The Facility consists of the following components: turbines, an electrical collection system, 3 collector substations, a 230-kV generator lead line, up to 7 met towers, 1 O&M building, Facility access roads, and construction laydown and staging areas. Each Facility component is further described in the following sections:

- Exhibit B provides a detailed review of the Facility and supporting facilities.
- Exhibit C, Figures C1, C2, and C3 provide maps of the Facility site boundary and Facility layouts.
- Figure K1 provides an aerial view of the Facility, including the land use study area (discussed in Section K.2).
- Figure K3 and Figures K3a through K3c show the land uses within the Facility site boundary and the area within 0.5 mile from the Facility site boundary.

The following sections address the requirements in OAR 345-021-0010(1)(k) and provide evidence to support findings by the EFSC as required by OAR 345-022-0030.

K.2 Land Use Study Area and Map

OAR 345-021-0010(1)(k)(A) *Include a map showing the comprehensive plan designations and land use zones in the analysis area.*

RESPONSE

The land use study area includes the Facility site boundary and the area within 0.5 mile from the Facility site boundary (see Project Order, Section VI). Figure K1 provides an aerial view of the Facility to help show existing land uses within the study area. Figure K2 shows the GCZO land use zones and GCCP designations within the study area.

K.3 Local Land Use Approval

OAR 345-021-0010(1)(k)(B) *If the applicant elects to obtain local land use approvals:*

- Identify the affected local government(s) from which land use approvals will be sought;*
- Describe the land use approvals required in order to satisfy the Council's land use standard;*
- Describe the status of applicant's application for each land use approval; and*

- (iv) *Provide an estimate of time for issuance of local land use approvals.*

RESPONSE

OAR 345-021-0010(1)(k)(B) is not applicable as the Applicant has elected to obtain an EFSC determination on land use.

K.4 EFSC Determination on Land Use

OAR 345-021-0010(1)(k)(C) *If the applicant elects to obtain a Council determination on land use:*

- (i) *Identify the affected local government(s);*

RESPONSE

The Facility will be sited completely within Gilliam County, which is the affected local government.

- (ii) *Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria;*

RESPONSE

The proposed Facility and all supporting facilities will be located within the GCZO EFU zone and GCCP Agricultural designation (see Figure K2). Sections K.5 and K.6 describe how the Facility complies with the applicable substantive criteria in the GCZO and GCCP. In turn, the EFSC may find that the Facility complies with applicable LCDC administrative rules, goals, and statutes per OAR 345-022-0030(2)(b)(A).

K.5 GCZO Applicable Substantive Criteria

Consistent with state land use statutes (i.e., ORS 215.283) and the GCZO, the Facility is considered a wind power generation facility under GCZO 4.020.D.20; however, for purposes of this Exhibit and consistent with findings and conclusions in other previously-approved EFSC projects in Gilliam County (e.g., the *Montague Wind Power Facility Final Order*, dated September 2010), the Facility is assessed as three separate land uses:

1. Commercial utility facilities for the purpose of generating power for public use by sale (consisting of the wind turbines, electrical collection system, collector substations, met towers, O&M building, and 230-kV generator lead line) that is allowable under ORS 215.283(2)(g);
2. Transportation improvements (consisting of the new and improved access roads) that are allowable under ORS 215.283(3); and

3. Utility facilities necessary for public service¹ (consisting of the 230-kV generator lead line connecting the Facility to BPA's proposed Diamond Butte substation or PGE's proposed Cedar Spring substation) allowable under ORS 215.283(1)(d).

These three separate land uses are in turn addressed by GCZO 4.020.D.11, 4.020.C.23, and 4.020.D.16, respectively (see Section K.5.1).

K.5.1 GCZO 4.020.C Planning Director Review and GCZO 4.020. D Conditional Uses Permitted in the EFU Zone

GCZO 4.020.C Planning Director Review. In the EFU zone, the following uses and their accessory uses may be permitted if determined by the Planning Director to satisfy the applicable criteria and provisions of law. Authorization of these uses does constitute a land use decision pursuant to ORS 197.015(10). Notice and an opportunity for a hearing must be provided in the manner described in Section 11.140. These uses may be referred to the Planning Commission for review if deemed appropriate by the Planning Director.

23. *Transportation improvements on rural lands allowed by OAR 660-012-0065.*

GCZO 4.020.D. Conditional Uses Permitted. In the EFU Zone, the following uses and their accessory uses may be permitted, either by a Type I or a Type II Conditional Use Permit to satisfy the applicable criteria and procedures set forth in Section 7.010. The appropriate review criteria are identified for each use.

11. *Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generating facilities. A power generation facility not located on high-value farmland shall not preclude more than 20 acres from use as a commercial agricultural enterprise. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.*
16. *Utility facilities necessary for public service subject to the provisions of ORS 215.275 and OAR 660-033-0130(16). No local legislative criteria shall be applied for consideration of establishing a utility facility necessary for public service.*
20. *Wind Power Generation Facilities.*

RESPONSE

Exhibit K demonstrates that the Facility complies with the relevant land use standards, whether evaluated as one land use under GCZO 4.020.D.20 or as three land uses under GCZO 4.020.C.23, 4.020.D.11, and 4.020D.16. Based on previous CUP findings, the County appears to treat GCZO 4.020.D.20 as an addition to GCZO 4.020.D.11 rather than as a more specific replacement for that provision. Therefore, this Exhibit follows suit, showing compliance with both sections, but formatted according to the more general section, GCZO 4.020.D.11. The GCZO contains provisions that are applicable to a wide variety of land

¹ Although the Applicant is not a utility service provider and further does not amount to a public utility, EFSC previously evaluated a 230-kV transmission line associated with a proposed wind energy generation facility under the land use standard for "utility facilities necessary for public service" even though the transmission line was also deemed a related or supporting facility to the commercial utility facility. Thus, while the Applicant does not object to the review of what is otherwise a related or supporting facility under the "utility facilities necessary for public service" standard, the Applicant wishes to make clear that such a characterization should in no way obligate the Applicant to provide a public service.

development proposals. The Applicant has reviewed the GCZO and found that the Facility is subject to the relevant review criteria below, which are addressed in the following sections:

- GCZO 4.020.H, Specific Review Criteria for commercial utility facilities, transportation improvements in rural lands in the EFU Zone
- GCZO 4.020.J, Property Development Standards for development in the EFU Zone
- GCZO 7.010, Authorization to Grant or Deny Conditional Uses
- GCZO 7.020, Standards Governing Conditional Uses

K.5.2 GCZO 4.020.H Specific Review Criteria in the EFU Zone

GCZO 4.020.D.11 and GCZO 4.020.D.20 implement ORS 215.283(2)(g), which provides that “commercial utility facilities for the purpose of generating power for public use by sale” are permitted on EFU land subject to ORS 215.296. The relevant part of ORS 215.296 is implemented verbatim by GCZO 4.020.H.

GCZO 4.020.H. Specific Review Criteria. In the EFU Zone, certain uses are subject to specific criteria, in addition to any other applicable criteria. The specific provisions of this subsection apply only when referenced within the list of uses included in Subsections 4.020.B, C and D.

1. *The use may be approved only where the County finds that the use will not:*
 - a. *Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or*
 - b. *Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

This subsection also applies to the proposed Facility road improvements (see GCZO 4.020.C.23). Therefore, rather than dividing it into separate land uses, the Applicant’s response below considers the entire Facility.²

RESPONSE

As demonstrated below, the Facility will neither force a significant change in, nor significantly increase the cost of, accepted farm practices on surrounding lands. For purposes of this Exhibit, “Surrounding lands” are defined as the study area, including the area within the Facility site boundary and the area within 0.5 mile of the Facility site boundary (Figure K1). No forest use occurs in this area, thus impacts to such a use are not assessed in this Exhibit.

Land Use in Study Area

In total, approximately 36,351 acres are within the study area and all land is zoned EFU. This zoning designation and aerial land use patterns (Figure K1) conclude that land use within the study area consists mainly of agricultural use. The predominant land uses in the study area include agricultural crop land and range land/grazing. Accepted farm practices

² Neither GCZO 4.020(H) or ORS 215.296 apply to utility facilities necessary for public service, but no effort was made to separate these Facility components from the following analysis because the associated size and impact are insignificant in comparison to the remainder of the Facility.

include soil preparation, sowing, fertilizing, pest and weed management, and harvesting (NRCS, 1984). The NRCS soil capability classifications in the study area are shown on Figures I1a through I1g in Exhibit I.

Ground Disturbance

Facility and Supporting Facilities. The Facility, including all supporting facilities, will remove approximately 233.7 acres permanently and 2,322.1 acres temporarily from agricultural production. There are approximately 36,351 acres of agricultural lands zoned as EFU within the Facility site boundary. Accepted farm practices will be allowed to continue within the Facility site boundary. However, the Facility may result in limited changes to agricultural practices on leased lands within the Facility site boundary. These changes may include sowing and harvesting patterns, access points or routes to farm fields, or processes for delivering and applying fertilizers and other products to crops. Construction ground disturbance can promote temporary weed establishment that may minimally interfere with crop yields until eradicated. As required by the site certificate, the Applicant will implement a Revegetation Plan similar to those previously approved by the EFSC. As approved by the ODFW and Gilliam County Weed District, the Revegetation Plan includes weed control measures that will be implemented following construction and during operation. There will be no changes to farming practices on non-leased surrounding lands, as no alterations to such lands are proposed.

Access Roads. To minimize the Facility's ground disturbance, the Applicant will use existing public and private roads to access Facility locations wherever possible. Improvement to existing public and private roads will occur within existing rights-of-way and therefore will not disturb agricultural land. New Facility access roads totaling 56.9 miles and 6.4 miles of crane paths will be constructed on leased lands within the Facility site boundary (see discussion in Section K.5.5 and Exhibits B, C, and U). Development of the Facility access roads and crane paths will result in permanent and temporary loss of agricultural land acreage, including the acreages described in the previous paragraph.

Construction-related traffic is described in detail in Exhibit U (Public Services and Socioeconomic Impacts). Construction of the 1.6-MW turbines requires approximately 125 truck trips per turbine, resulting in up to 27,375 heavy- and light-duty truck trips for 219 1.6-MW turbines. Construction of the 3.0 MW turbines requires approximately 140 truck trips per turbine, resulting in up to 23,240 truck trips during construction for a full project build out of 166, 3.0-MW turbines. Approximately 114 and 97 daily truck trips will occur for the 219, 1.6-MW and 166, 3.0-MW turbines scenarios. All trucks will be making one inbound trip and one outbound trip per day, resulting in a maximum of 228 trips per day and a minimum of 194 trips per day being added on average to the existing daily traffic on transporter routes.

Construction-related traffic may cause brief traffic delays, however it is not anticipated that these delays will adversely affect farmers' access to farm fields or ability to move farm equipment.

Operations access is primarily related to travel by operations staff and occasional deliveries. Daily access to the Facility by only approximately 12 to 15 operation staff is not anticipated to result in traffic impacts to farmers. In addition, farming activities on leased lands will benefit from improved access to farm fields and farm equipment movement on properties where Facility access roads have been constructed.

No Significant Changes in Accepted Farm Practices

As previously mentioned, during Facility construction limited changes in agricultural practices may include: changes in sowing and harvesting patterns, access to farm fields, and processes for delivering and applying fertilizers and other products to crops. Following construction, 233.7 acres of agricultural land will be affected permanently, a fraction of the remaining acres in agricultural production in the surrounding lands. Neither of the temporary or permanent loss in agricultural land acreage is “significant” given the temporary nature and the small percentage of acreage affected.

Where necessary and practicable, the Applicant will provide farmer access across construction areas to farm fields within the Facility to facilitate continued agricultural practices. The Applicant will also implement measures, such as dust and erosion control, during construction and operation of the Facility to avoid or mitigate impacts to soil erosion. Further, upon completion of the Facility’s construction, the temporarily disturbed areas, such as the laydown and staging areas, will be restored to preconstruction conditions and returned to agricultural use, using techniques and seed mixes described in the Revegetation Plan and developed in consultation with the ODFW and Gilliam County Weed District.

For the reasons presented above, the construction and operation of the Facility will not force a significant change in accepted farm practices on surrounding lands.

No Significant Increase in Cost of Accepted Farm Practices

Construction and operation of the Facility also will not significantly increase the cost of accepted farm practices on surrounding lands. Although the Facility may cause limited changes to sowing and harvesting patterns, access to farm fields, or processes for delivering and applying fertilizers and other products to crops on leased lands, these changes will not be significant or result in an increase in the cost of farm practices on the leased lands. New and improved Facility access roads also will not result in an increase in the cost of farm practices as farmers will have continued and improved access to farm fields. There will be no changes to farming practices on non-leased surrounding lands, as no alterations to such lands is proposed, and thus no impacts to costs of accepted farm practices on non-leased lands. Consequently, as the Facility will not force a significant change in accepted farm practices, it also will not significantly increase the cost of accepted farm practices on surrounding lands as a whole.

Landowner Leases

Finally, the Applicant has negotiated or is in the final stages of negotiating long-term, wind energy leases or easements with landowners where the Facility components are proposed. The wind energy leases allow the Applicant to permit, construct, and operate wind energy facilities for a defined period. In exchange, the landowners receive compensation from the Applicant. The lease payments will help offset any limited changes to accepted farm practices on such leased lands. In addition, the terms of the wind energy leases allow landowners to continue their farming operations (a combination of range land/grazing and agricultural crop production) in and around the wind turbine generators and other facilities where the farming activities do not affect the operations and maintenance of the wind generation equipment.

Summary

For the above reasons, the Facility will not result in a significant change in accepted farm practices on surrounding lands, or significantly increase the cost of accepted farm practices, and therefore, the Facility complies with GCZO 4.020.H and subsequently ORS 215.296.

K.5.3 GCZO 4.020.J Property Development Standards in the EFU Zone

GCZO 4.020.J. Property Development Standards. In the EFU Zone, the following standards apply to residential and nonresidential development.

1. ***Building Height.*** *No limitations.*
2. ***Setbacks.***
 - a. *The front and rear yard setbacks from the property line shall be 25 feet.*
 - b. *The sideyard setbacks from the property line shall be 25 feet.*

RESPONSE

The Facility's aboveground components and supporting facilities are proposed at least 25 ft from property lines. The Applicant intends to construct the Facility consistent with the setbacks set forth in proposed Condition 51 (see Section K.10).

Therefore, the Facility complies with the GCZO 4.020.J setback standards.

K.5.4 GCZO 7.010 Authorization to Grant or Deny Conditional Uses

GCZO 7.010. A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this ordinance and this article by action of the Planning Commission or Planning Director. In the case of a use existing prior to the effective date of this ordinance, and classified in this ordinance as a Conditional Use, a change in use or in lot area or an alteration of a Conditional Use, a change in use or in lot area or an alteration of structure shall conform with the requirements for a Conditional Use.

- A. ***General Approval Criteria and Conditions***
 1. *In addition to criteria, standards and conditions that may be set forth in a specific Zone, this Article, or other regulations applicable to a specific Conditional Use, shall not be approved or permitted unless the following criteria are met. A Conditional Use may be approved on the Condition or Conditions that the applicant obtain and maintain compliance with other permits and approvals required.*

RESPONSE

GCZO 7.020.A.1 refers to the substantive CUP criteria contained within the GCZO. Each criterion (a) through (i) is addressed separately below.

- a. *The proposed use shall be in compliance with the applicable Comprehensive Plan designation and policies.*

RESPONSE

Facility is in compliance with the applicable GCCP designation and policies as provided in Section K.6.

- b. As applicable, sewage and/or solid waste disposal methods shall be provided in compliance with applicable local, State and Federal regulations.*

RESPONSE

Exhibit V describes Facility construction and operation generated solid waste. Construction of the Facility will generate minimal construction waste and solid waste. Any nonrecyclable wastes will be collected and disposed of at the Arlington Landfill. Concrete truck chutes may be washed down at each tower foundation site to prevent the concrete from hardening within the chutes. The concrete wash water will be disposed of on backfill piles and buried underground with the backfill over the tower foundation. The wash disposal measures will be carried out in compliance with local, state, and federal regulations regarding water quality protection. During operation, the O&M building will contain a septic system constructed in compliance with applicable DEQ regulations.

- c. Proposal shall be found to be in compliance or conditioned upon compliance with applicable air and noise pollution standards.*

RESPONSE

Facility construction will produce minor air pollutant emissions as a result of the operation of construction equipment, worker vehicles, and trucks transporting equipment, parts, and materials. These emissions will be temporary and short-term and they are not regulated under local, federal, and state regulations. Facility construction activities will likely create dust; however, this will not be significant in a rural area where farming activities also create dust. Additionally, standard BMPs to control erosion and dust will be used, such as periodically watering disturbed areas. Generation of electricity by wind facilities does not emit greenhouse gases or other regulated air pollutants. Air emissions during operation are anticipated to be minimal and related primarily to vehicle travel at the site, and this activity is not regulated under local, state, and federal regulations. No substantial adverse impacts to air quality will occur as a result of Facility construction or operation.

As discussed in Exhibit X, the Facility will meet DEQ noise standards.

- d. Required access shall be legally established, available, and adequate to service the proposed use.*

RESPONSE

Approximately 59.6 miles of new Facility access roads will be constructed. Approximately 16.7 miles of existing, public roads will require widening and surface improvements. As discussed above, the Applicant will coordinate such improvements with the Gilliam County Road Department and the ODOT, depending on the location of the improvement. Further, upon completion of construction, the Applicant will ensure that all county roads are restored to pre-construction condition or better.

- e. *Public services deemed necessary shall be available or provisions for such provided, and no use shall be approved which is found to exceed the carrying capacities of affected public services unless there are provisions to bring such capacities up to the need.*

RESPONSE

Exhibit U evaluates the capacity of service providers in the Facility area. The Facility will not exceed the capacity of public services, such as hospital or emergency service facilities, educational facilities, or sanitary landfills.

- f. *Proposal shall be in compliance with applicable standards and limitations of the primary and combining zone as may be applicable.*

RESPONSE

Other than the criteria in GCZO 4.020.H and 4.020.J discussed above, there are no EFU-specific Gilliam County standards applicable to the Facility.

- g. *No use shall be approved which is found to have a significant adverse impact on resource-carrying capacities unless there are provisions for mitigating such impact.*

RESPONSE

As described in this ASC, the Facility will not have a significant adverse impact on resource carrying capacities. Specifically, Exhibit U assessed public services and socioeconomics and through appropriate siting of the Facility and implementation of BMPs, the Facility will not result in adverse impacts to public services in the study area.

- h. *No use shall be approved which is found to exceed the carrying capacities of affected public services and facilities.*

RESPONSE

Exhibit U evaluates the capacity of public services in the Facility area. The Facility will not exceed carrying capacities of affected public services and facilities.

- i. *All required State and Federal permits or approvals have been obtained or will be as a condition of approval.*

RESPONSE

All required federal, state, and local permits or approvals will be obtained as a site certificate condition of approval. Exhibit E provides information on the federal, state, and local permits necessary for the Facility.

2. *In addition to specific standards and/or conditions set forth by the applicable zone, this article or other applicable regulations, other conditions may be imposed that are determined necessary to avoid a detrimental impact, and to otherwise protect the best interests of the surrounding area and the County as a whole. Such conditions may include, but are not limited to, the following:*

RESPONSE

The GCZO grants the local governing body or its designee authority to impose conditions of approval on a CUP. The criteria listed in GCZO 7.010.A.2 describe the standards that the EFSC considers when setting conditions on the issuance of the Facility's site certificate. Each criterion is addressed separately below, and the Applicant's responses prove that the circumstances do not merit such added restrictions on the Facility.

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

RESPONSE

The Applicant anticipates the site certificate will include conditions of approval, based on EFSC standards, which will reduce the possible environmental effects related to noise, vibration, air pollution, glare, and odor discussed in the GCZO. Measures taken to address compliance with air quality permits are contained in Exhibit E. Measures taken to reduce environmental effects from noise are contained in Exhibit X and the Facility will comply with applicable noise standards. Measures to reduce adverse impacts from lighting are included in Exhibit R. The Applicant's measures to reduce environmental effects on fish and wildlife and threatened and endangered species are discussed in Exhibits P and Q. Measures to reduce dust emissions are contained in Exhibit I. Measures to reduce effects on public services and socioeconomics are included in Exhibit U. As a result, sufficient measures are included to avoid and reduce environmental effects.

- b. *Establishing a special setback or other open space or lot area or dimension.*

RESPONSE

The Applicant will construct the Facility to meet the setbacks contained in the GCZO. Per GCZO 7.020.T.5.d(1), the Facility will comply with a minimum setback of 3,520 ft from the Arlington city limits and other residential zoning designations in the GCCP. In addition, the Facility will be located on property zoned EFU (see GCZO 7.020.T.5.d(1)). Additionally, similar to the conditions proposed by previously-approved wind energy facilities in the vicinity of the Facility, the Applicant proposes the following component of Condition 51 (see Section K.10):

All Facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.

- c. *Limiting the height, size or location of a building or other structure.*

RESPONSE

The Facility will comply with the underlying EFU development standards and a special height limit is not necessary or warranted for the wind turbines, met towers, or overhead collector lines. It is anticipated that the substations will be one-story structures and the O&M building will be a one- or two-story structure. In terms of the location of buildings and structures, the proposed Facility has been designed to avoid environmental effects while increasing access to wind resources. Required setbacks will be met to protect public safety, health, and welfare. As a result, limitations on the height, size, or location of the proposed Facility is not warranted.

- d. *Designating the size, number, improvements, location and nature of vehicle access points and parking or loading areas.*

RESPONSE

The size, number, location, and nature of vehicle access points and parking or loading areas has been included in the site plan process and coordination of these features will be conducted with the Gilliam County Road Department or ODOT, as necessary.

- e. *Limiting or otherwise designating the number, size, location, height, and lighting of signs and outdoor lighting.*

RESPONSE

One O&M building will be constructed for the Facility. Signs could be used for the O&M building for building identification, but they will not be lighted. As required for Facility safety or by law, other signs may be included. Exterior lighting will be used in compliance with local regulations. Similar to the conditions proposed by previously-approved wind energy facilities in the vicinity of the Facility, the Applicant proposes the following components of Conditions 68 and 74, respectively (see Section K.10):

Condition 68

To reduce the visual impact of the Facility, the certificate holder shall:

- (d) *Use only those signs required for Facility safety, required by law, or otherwise required by the site certificate, except that the certificate holder may erect a sign near the O&M building to identify the Facility, paint turbine numbers on each tower, and allow unobtrusive manufacturers' logos on turbine nacelles.*

Condition 70

The certificate holder shall not use exterior nighttime lighting except:

- (b) *Security lighting at the O&M building and substations, provided that such lighting is motion-sensor-activated and shielded or downward-directed to reduce glare.*

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

RESPONSE

The site is located in a rural agricultural setting where adjacent or nearby properties are distanced from Facility components, thus screening and landscaping are not warranted or recommended for working agricultural areas. Security features, such as fences and gated Facility access roads, will be provided for public safety and to prevent unauthorized access from adjacent private property. Full perimeter fencing with gated access to key structures will be provided. Key Facility features will be secured with locking doors or hatches.

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

RESPONSE

The Applicant has established measures to protect and preserve the key components of the GCZO referenced above, including trees, vegetation, water resources, wildlife habitat, and other significant natural resources. The Applicant's measures to reduce environmental effects on fish and wildlife habitat are discussed in Exhibits P and Q. As a result, sufficient measures are included to avoid and reduce effects to natural resources.

- h. *Limiting the term of the Conditional Use Permit to a specific time.*

RESPONSE

Limiting the term of the CUP to a specific time is not warranted. The Applicant expects that the Facility will remain in operation for 25 to 30 years, or during the useful life of the Facility. Dates regarding the start of construction and project completion will be outlined in the ASC.

- i. *Requiring necessary on-site or off-site improvements and maintenance.*

RESPONSE

The majority of disturbed areas will be restored to their preconstruction conditions and reseeded using seed mixes and techniques developed in consultation with the ODFW and Gilliam County Weed Control Board, or returned to active agriculture. Temporary infrastructure used during construction, such as crane paths, will also be restored to preconstruction levels. Maintenance of Facility components (e.g., water, fire protection, septic, fences, and weed control) will be extended over the life of the Facility.

- j. *Requiring the holder of a Conditional Use Permit to obtain review, renewal, or reapplication approval of the permit in the event that there is an increase in impact from the use on public facilities beyond that which was projected at the time of initial approval.*

RESPONSE

Construction of the Facility could cause roadway damage as a result of heavy or large loads. County roadways likely will require improvement before construction activities. Gilliam

County roadways that may require surface improvements include Cedar Springs Lane, Bottimiller Road, Cameron Road/Old Tree Lane, and Baseline Road. County roadways will be assessed both prior to and after construction to determine any changes in condition. Upon completion of construction, county roads will be restored to their original condition or better.

Daily traffic volumes on OR 19 along the primary transporter route in Gilliam County will increase due to construction traffic; however, the existing daily volumes are low and the roadway has excess capacity. Temporary delays may occur on Cedar Springs Lane, Cameron Road/Old Tree Lane, Bottimiller Lane, and Baseline Road because of the quality of the roadway and the reduced ability to pass construction vehicles with wide oversized loads. To minimize this impact, long and heavy loads could be staged with a pilot car to reduce delays and backups, and travel times coordinated with landowners conducting farming activities. Therefore, an additional 228 construction-related trips, spread over the typical workday, are not expected to affect driving conditions or cause backups and significant delays.

Operational traffic trips to and from the Facility are not expected to adversely affect traffic volumes on public roads. Operational trips to the Facility will consist of personal vehicles for employees as well as light trucks and vans for Facility operations crews, and occasional deliveries. These traffic trips will be far fewer than the construction-related trips noted above, due to which no adverse impacts are anticipated. Therefore, operational impacts of traffic to and from the Facility will be inconsequential.

Based on the above discussion, no special condition warranting review, renewal, or reapplication approval of the permit is warranted. For additional details on public facilities, refer to Exhibit U.

K.5.5 Standards Governing Conditional Uses, GCZO 7.020

The sections below address additional standards in the GCZO, including:

- GCZO 7.020.A Conditional Uses, Generally
- GCZO 7.020.S Transportation Improvements

The Applicant's response to these criteria is given below.

GCZO 7.020.A. Conditional Uses, Generally.

1. *Setback. Requirements are addressed in each individual zone.*

RESPONSE

Refer to the Applicant's response provided in GCZO 4.020.J (Section K.5.3), which demonstrates how the Facility complies with the setback requirements in the EFU zone.

GCZO 7.020.S. Transportation Improvements.

1. *Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:*
 - a. *Not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review shall*

comply with the Transportation System Plan and the following standards:

- (1) *The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.*

RESPONSE

The Applicant proposes basic improvements to existing county public roads for use during construction of the Facility. These improvements will all be made within existing road rights-of-way. As discussed above, the Applicant will coordinate such improvements with the Gilliam County Road Department and ODOT, depending on the location of the improvement. Further, upon completion of construction, the Applicant will ensure that all roads are restored to pre-construction condition or better. Improvements to public roads in the EFU Zoning District are classified as a permitted use subject to Planning Director Review and adherence to the required development standards will ensure that they will be consistent with the existing rural agricultural land use.

An additional 228 construction-related vehicular trips, spread over the typical workday, are not expected to affect driving conditions or cause backups and significant delays on public roads. Operational traffic trips to and from the Facility will be minor and they are not expected to adversely affect traffic volumes on public roads. Operational trips to the Facility will consist of personal vehicles for employees as well as light trucks and vans for Facility operations crews, and occasional deliveries.

Long-term traffic noise issues are not expected for operations of the Facility due to the small increases in traffic volumes. Construction traffic and associated noise impacts will be short-term and temporary. The Facility will be designed and built to comply with the IBC and the International Fire Code (IFC) to address safety. The Applicant will also coordinate with emergency and fire response providers during preparation of an Emergency Action Plan, a Fire Prevention Plan, and an Operational Safety Plan to establish the appropriate preventative safety measures on-site.

- (2) *The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife, air and water quality, cultural resources, and scenic qualities.*

RESPONSE

Refer to Exhibits J (Wetlands), L (Protected Areas), P (Fish and Wildlife), Q (T&E Species), R (Scenic Resources), and S (Historical, Cultural, and Archaeological Resources) for details on how the Facility will minimize environmental impacts.

Construction of the Facility will not impact wetlands. One wetland was identified within the Facility site boundary, but outside the area where construction is expected to occur. Additional investigations and a formal wetland delineation will be performed if the final layout the final layout includes construction activities near this wetland. Delineated ephemeral stream boundaries were overlain with proposed facilities and areas of impact were identified (Exhibit J, Figure J1a through J1g). Facility components will be microsituated around these streams, where feasible, to avoid any temporary or permanent impacts to these areas. All seven of the ephemeral streams in the field survey area are not considered

to be jurisdictional under the State Removal-Fill Law because ephemeral streams are not included in the definition of waters of the state as defined under OAR 141-085-0510(91).

Exhibit L provides an assessment of how the Facility complies with protected areas. Exhibit R provides an assessment on areas which have scenic value. Given the distance from federal and local land resources with managed visual resources and the limited areas from which turbines and transmission structures will be visible, the Facility will not result in significant adverse impact to any protected area or scenic resource. Because no significant adverse impacts have been identified, no mitigation is proposed.

Measures proposed to reduce impacts to wildlife and habitat through design and other measures are contained in Exhibits P and Q.

Exhibit S provides an evaluation of the cultural resources field survey for the Facility. No cultural resources, eligible or not, will be impacted by the proposed Facility as currently designed. The Applicant has committed to avoiding all historic, cultural, and archaeological resources that are deemed eligible for listing on the NRHP by micrositing the Facility components.

No adverse or substantial impacts to air quality will occur from Facility construction or operation. Typical BMPs will be implemented to control temporary fugitive dust and soil erosion effects from construction activities. In addition, generation of electricity by wind facilities does not emit greenhouse gases or other regulated air pollutants.

- (3) *The project preserves or improves the safety and function of the Facility through access management, traffic calming, or other design features.*

RESPONSE

The Applicant proposes basic improvements to existing county public roads for use during construction of the Facility. These improvements will all be made within existing road rights-of-way. As discussed above, the Applicant will coordinate such improvements with the Gilliam County Road Department and ODOT, depending on the location of the improvement. Further, upon completion of construction, the Applicant will ensure that all roads are restored to pre-construction condition or better. Due to the low traffic volumes in the general area, access management, traffic calming, or other design features are not necessary for the site.

- (4) *The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.*

RESPONSE

The Facility will be located in a rural agricultural area zoned for EFU and bicycle and pedestrian circulation facilities are not readily available or required for the proposed use.

GCZO 7.020.T. Wind Power Generation Facilities.

1. *Purpose. The Gilliam County Facility Siting Requirements are intended to establish a local conditional use permit process that is clear, timely, and*

predictable as well as encompasses important local issues such as the health, safety and welfare of citizens in Gilliam County.

RESPONSE

The Applicant has elected to seek a land use compliance ruling from EFSC under ORS 469.504(1)(b). This process will evaluate the Facility and issues related to health and safety and welfare of the local community. The EFSC process will further evaluate health and safety and welfare issues in the local community. The Facility will meet the requirements of GCZO 7.020.T.1.

2. *Definitions.*
 - a. *“Commercial Wind Power Generation.” An activity carried out for monetary gain using one or more wind turbine generators that has a combined generating capacity greater than 1 MW.*
 - c. *“Wind Power Generation Facility.” An energy facility that consists of one or more wind turbines or other such devices and their related or supporting facilities that produce electric power from wind and are:*
 - (1) *Connected to a common switching station; or*
 - (2) *Constructed, maintained, or operated as a group of devices.*

RESPONSE

The Facility meets the definition of a “Wind Power Generation Facility” identified above under GCZO 7.020.T.2.c. The Facility will function for the purposes of commercial wind power generation, which falls under the GCZO 7.020.T.2.a definition above.

3. *Procedure. The procedure for taking action on the siting of a facility is a request for a conditional use. A public hearing pursuant to Article 7 shall be held to determine if the applicant meets the siting requirements for a Wind Power Generation Facility. The requirement for a hearing will not apply to proposed facilities for which EFSC is making the land use decision.*

RESPONSE

The Applicant has elected to seek a land use compliance ruling from EFSC under ORS 469.504(1)(b). As noted in the County code, a hearing will not be necessary.

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

RESPONSE

As previously stated, the Applicant has elected to seek a land use compliance ruling from EFSC. A site certificate from EFSC for the Facility is being sought by the Applicant. The Applicant is also aware of the County's conditional use permit and standards. The ASC provides detailed information on how the Facility complies with the criterion above.

5. *Wind Power Generation Facility Siting Requirements. The requirements set out in this section shall apply for the application and review of the siting of a Wind Power Generation Facility and the issuance of a Gilliam County Facility Conditional Use Permit.*

- a. *The following information shall be provided as part of the application:*

RESPONSE

EFSC previously found as indicated in the Montague Wind Power Facility Final Order (September 2010), that GCZO 7.020.T.5.a is a definitional and procedural ordinance that does not contain substantive land use standards applicable to the proposed use. Despite this fact, the Applicant has chosen to provide the following responses for completeness under each subsection below.

- (1) *A general description of the proposed Wind Power Generation Facility, a tentative construction schedule, the legal description of the property on which the facility will be located, and identification of the general area for all components of the proposed Wind Power Generation Facility, including a map showing the location of components.*

RESPONSE

A general Facility overview and preliminary construction schedule is provided in Exhibit B of the ASC. The Facility location information is contained within Exhibit C of the ASC. This criteria is satisfied.

- (2) *Identification of potential conflicts, if any, with:*
 - (a) *Accepted farming practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm uses;*
 - (b) *Other resource operations and practices on adjacent lands except for wind power generation facilities on such adjacent lands; and*
 - (c) *The nature and extent of the proposed facility on the cost of accepted farm or forest practices on surrounding EFU land.*

RESPONSE

The Facility is consistent with accepted farm practices as established in the previous response to GCZO 4.020.H. The Facility has been sited and designed to avoid and minimize significant impacts to farming practices on adjacent EFU lands. There are no forest practices

conducted on surrounding lands. The Facility is in compliance with GCZO 7.020.T.5.2.a through GCZO 7.020.T.5.2.c.

- (3) *A Transportation Plan, with proposed recommendations, if any, reflecting the guidelines provided in the Gilliam County's Transportation System Plan (TSP) and the transportation impacts of the proposed Wind Power Generation Facility upon the local and regional road system during and after construction, after consultation with the Gilliam County Public Works Director. The plan will designate the size, number, location and nature of vehicle access points.*

RESPONSE

A site certificate from EFSC for the Facility is being sought by the Applicant and the Facility will meet the EFSC's terms regarding transportation. A Transportation Plan will be prepared for the Facility and the Applicant proposes basic improvements to existing county public roads for use during construction of the Facility. These improvements will all be made within existing road rights-of-way. As discussed above, the Applicant will coordinate such improvements with the Gilliam County Road Department and ODOT, depending on the location of the improvement. Further, upon completion of construction, the Applicant will ensure that all roads are restored to pre-construction condition or better. Refer to Exhibit U of the ASC for additional details. The Facility complies with the substantive requirement of this criterion.

- (4) *An avian impact monitoring plan. The avian monitoring plan shall be designed and administered by the applicant's wildlife professionals. For projects being sited by EFSC, compliance with EFSC's avian monitoring requirements will be deemed to meet this requirement. The plan shall include the formation of a technical oversight committee to review the plan, and consist of the following persons:*
- (a) *The landowners/farm tenants.*
 - (b) *Facility owner/operator representative. (Chair)*
 - (c) *Oregon Department of Fish and Wildlife representative, if the agency chooses to participate.*
 - (d) *Two Gilliam County residents with no direct economic interest in the project and recommended by the applicants for appointment by the Gilliam County Board of Commissioners.*
 - (e) *U.S. Fish and Wildlife representative, if the agency chooses to participate.*
 - (f) *Gilliam County Planning Commission member.*

Note: At the request of applicant, this committee requirement may be waived or discontinued by the County.

RESPONSE

Exhibit P and Exhibit Q provide a detailed evaluation of avian resources. The Applicant will prepare and implement a Wildlife Monitoring and Mitigation Plan (WMMP), which includes measures for avian species. Since the Facility is being sited by EFSC, EFSC's avian monitoring requirements will satisfy the Gilliam County requirement to develop an avian impact monitoring plan. The Facility complies with this criteria.

- (5) *A Covenant Not to Sue with regard to generally accepted farming practice shall be recorded with the County. Generally accepted farming practices shall be consistent with the definition of Farming Practices under ORS 30.930. The applicant shall covenant not to sue owners, operators, contractors, employees, or invitees of property zoned for farm use for generally accepted farming practices.*

RESPONSE

The Facility site boundary is located within lands zoned as EFU. The Applicant understands the substantive requirement for a covenant not to sue owners, operators, contractors, employees, or invitees of property zoned for farm use for generally accepted farm practices within the Facility site boundary. Condition 50 of the ASC addresses the covenant requirements related to farm use for generally accepted farming practices. Therefore, the Facility is consistent with GCZO 7.020.T.5.

- (6) *A fire prevention and emergency response plan for all phases of the life of the facility. The plan shall address the major concern associated with the terrain, dry conditions, and limited access.*

RESPONSE

The Applicant will coordinate with emergency and fire response providers during preparation of an Emergency Action Plan, a Fire Prevention Plan, and an Operational Safety Plan to establish the appropriate preventative safety measures on-site, including:

- If needed, provide fire districts with keys to a master lock system that will enable emergency personnel to unlock gates that will otherwise limit access to the Facility.
- Use spark arrestors on all power equipment (that is, cutting torches and tools) during extremely dry conditions to prevent fire.
- Construct junction boxes with a graveled footprint for fire protection and maintenance.
- Carry fire extinguishers in all maintenance and construction vehicles.
- Minimize vehicle contact with dry vegetation through the use of non-gasoline powered and/or high-clearance vehicles.
- Collect sanitary wastes in portable toilets during construction. Disposal of sanitary wastes will be managed through a contract with a portable toilet waste vendor.
- Install on-site septic system at the O&M building as required by applicable regulations.

- Consult with the County Environmental Health Department and obtain any required permits prior to construction.
- Dispose of hazardous materials in accordance with all applicable state and federal laws and regulations.
- Dispose of construction debris to the County landfill.

Refer to Exhibit U for a detailed discussion of fire prevention and emergency response plans. Based on the above information, the Facility complies with GCZO 7.020.T.6.

- (7) *An erosion control plan, developed in consultation with the Gilliam County Public Works Department. The plan should include the seeding of all road cuts or related bare road areas as a result of all construction, demolition and rehabilitation with an appropriate mix of native vegetation or vegetation suited to the area. This requirement will be satisfied if the applicant has an NPDES (National [Pollutant] Discharge Elimination System) permit.*

RESPONSE

The Facility's NPDES 1200-C construction permit addresses erosion control measures to minimize impacts to soils, vegetation, and waters. An NPDES permit application will be provided by the Applicant. Mitigation measures will be used at the Facility to limit erosion from wind or water. These measures are discussed in Exhibit I. The Facility complies with GCZO 7.020.T.7.

- (8) *A weed control plan addressing prevention and control of all Gilliam County identified noxious weeds directly resulting from the Wind Power Generation Facility during preparation, construction, operation and demolition/rehabilitation.*

RESPONSE

A weed control plan will be prepared and implemented to address prevention and control of Gilliam County's identified noxious weeds related to preparation, construction, operation, and demolition/rehabilitation activities for the Facility. The Facility complies with GCZO 7.020.T.8.

- (9) *A socioeconomic impact assessment of the Wind Power Generation Facility, evaluating such factors as, but not limited to, the project's effects upon the social, economic, public service, cultural, visual, and recreational aspects of affected communities. These effects can be viewed as either positive or negative. In order to maximize potential benefits and to mitigate outcomes that are viewed problematic, decision makers need information about the socioeconomic impacts that are likely to occur.*

RESPONSE

The ASC provides detailed information on how the Facility complies with the criterion above. Specific analysis and responses can be found in the following exhibits:

Exhibit U assesses social, economic, and public services; Exhibit S assesses cultural resources; and Exhibit T assesses recreational resources.

An analysis of potentially beneficial and adverse effects from the Facility has been performed in the ASC. The Facility complies with GCZO 7.020.T.9.

(10) The requirements of OAR 660-033-0130(37) will be satisfied.

RESPONSE

OAR 660-033-0130(37) *For purposes of this rule a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to OAR 660-033-0130(5) and shall have no effect on the original approval. A proposal for a wind power generation facility shall be subject to the following provisions:*

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

RESPONSE

OAR 660-33-0130(37)(a) provides criteria for locating a wind power generation facility on high-value farmland soils. The rule references ORS 195.300(10) for the definition of “high-value farmland soils” which in turn references ORS 215.710. ORS 215.710 defines “high-value farmland” as land “in a tract composed predominantly of soils that are either irrigated or not irrigated classified prime, unique, Class I or Class II by the NRCS.”

Figure K4a through Figure K4c show the Facility site boundary and soil classes whereas Figure K6 shows the soil classes on a broader, county-wide scale. As seen from these figures, there is little Class I and Class II soil located in the Facility site boundary. Specifically, Soil type 32A is a Class I soil (i.e., high-value farmland soil) when irrigated, and soil type 32B is a Class II soil (i.e., high-value farmland soil) when irrigated. However, all of these soil types are Class III soils (i.e., non-high-value farmland soils) when not irrigated. In addition, Soil Type 55B is a Class II soil (i.e., defined as high-value farmland) if irrigated and a Class IV soil (i.e., defined as non-high-value farmland) if not irrigated.

The majority of farmland within the Facility site boundary has little to no irrigation, with dry land wheat farming and grazing being the predominant activities. Calculations of impact to high-value farmland are based on irrigated Class I and Class II soil types as defined in

Exhibit P, habitat type Irrigated Agriculture (DI). Class I and Class II soils constitute high-value farmland soils under ORS 215.710 and thus the Facility is subject to OAR 660-033-0130(37)(a). Further, this analysis for agricultural lands also evaluated acreage impacts to non-high-value farmland soils (e.g., Class III-VII soils). Values for farmland impacts were then calculated based on the acreage of impacts for the maximum layout and acreage of impacts for the worst-case scenario layout. The outcome shows total temporary and permanent impacts to high-value and non-high-value farmland soils.

The following is a breakdown of the maximum layout and the worst-case scenario layout for the Facility and the effects on agricultural land, including both high-value and non-high-value farmland.

Maximum Layout

The maximum turbine layout is shown in Figure C2. Under this layout, the Facility will remove approximately 1,497.8 acres temporarily and 160.1 acres permanently from agricultural production.

Based on the 1,497.8 acres that will be temporarily removed from agricultural production, approximately 973.3 acres are considered high-value farmland based on soil class data (if irrigated), approximately 399.2 acres are considered non-high-value farmland, and approximately 125.3 acres have no data available as established by the NRCS. However, only 10.3 acres of the high-value farmland soil in the Facility site boundary is considered irrigated, thus the temporary high-value farmland impacts are limited to 10.3 acres. The remaining 1,487.5 acres of temporary impacts are not-irrigated soil classes and are categorized as non-high-value farmland (Soil Classes III-VI).

Of the 160.1 acres that will be permanently removed from agricultural production for the maximum layout, approximately 106.1 acres are considered high-value farmland based on soil class data (if irrigated), 40.7 acres are considered non-high-value farmland, and approximately 13.2 acres have no data available as established by the NRCS. However, only 0.9 acre of the high-value farmland soil in the Facility site boundary is considered irrigated, thus the permanent high-value farmland impacts are limited to 0.9 acre. The remaining 159.2 acres of permanent impacts are not-irrigated soil classes and are categorized as non-high-value farmland (Soil Classes III-VI).

Worst-Case Scenario Layout

As described in Exhibits C and P, the worst-case scenario uses the maximum turbine layout and disturbance areas shifted into the highest-quality habitat, which results in a greater number of permanent impacts. Based on the worst-case scenario layout, the Facility will remove approximately 2,322.1 acres temporarily and 233.7 acres permanently from agricultural production (there are approximately 36,351 acres of agricultural lands within the Facility site boundary).

Based on the approximately 2,322.1 acres that will be temporarily removed from agricultural production, only 10.3 acres of the high-value farmland soil in the Facility site boundary are considered irrigated. As a result, the temporary high-value farmland impacts are limited to 10.3 acres. The majority of the remaining acreage of temporary impacts (approximately 2,311.8 acres), are not-irrigated soil classes and are categorized as non-high-value farmland (Soil Classes III-VI), with a minor percentage of these soils having no data available as established by the NRCS.

Of the 233.7 acres that will be permanently removed from agricultural production for the worst-case scenario, only 0.9 acre of the high-value farmland soil in the Facility site boundary is considered irrigated. As a result, the permanent high-value farmland impacts are limited to 0.9 acre. The majority of the remaining acreage of temporary impacts (approximately 232.8 acres) is not-irrigated soil classes and are categorized as non-high-value farmland (Soil Classes III-VI), with a minor percentage of these soils having no data available as established by the NRCS.

- (A) *Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:*
- (i) *Technical and engineering feasibility;*
 - (ii) *Availability of existing rights of way; and*
 - (iii) *The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under OAR 660-033-0130(37)(a)(B).*

RESPONSE

Under OAR 660-033-0130(37)(a)(A), an applicant must first determine whether “reasonable alternatives” exist on non-high-value farmland soils, and then analyze whether the Facility could “function properly” in an alternative location.

Through the NOI and siting study process, the Applicant assessed whether a reasonable alternative location exists for the Facility based on previous EFSC findings. The first consideration in determining whether an alternative location on non-high-value farmland is “reasonable” is whether there is a substantially similar wind resource comparable to the wind resource at the proposed site. If there is not, the alternative cannot be determined to be reasonable. The existence of other wind generational facilities, including projects directly adjacent to the Facility site, demonstrates the availability of an “energetic” wind resource, met data, and electronic transmission infrastructure. See Figure K7 for approximate boundaries of nearby wind energy facilities.

Figure K4, Figures K4a through K4c, and Figure K6 show the soil classes which are categorized based on whether the soil is actually irrigated. This approach shows the real high-value farmland soils and impacts in the Facility site boundary, rather than an assumed total based on what may or may not be irrigated. Based on the maximum layout, of the 106.1 acres of high-value farmland soils (Soil Classes I-II) within the Facility site boundary, only 0.9 acre is irrigated and will be permanently impacted as shown in this ASC. In addition, the analysis of agricultural land impacts takes into consideration Class III-VII non-high-value farmland soils, which will account for approximately 159.2 acres of permanent impact. The analysis of impacts to agricultural lands and high-value farmland was also calculated based on the worst-case scenario layout.

In conclusion, the acreage of impacts to high-value farmland soils are very low overall compared to the total acreage of agricultural land in the Facility site boundary (e.g., 36,351 acres). Given these factors and the diverse mixture of soil types throughout the County

(Figure K4 and Figures K4a through K4c show that there is a mixture of high-value and non-high-value farmland soils in the Facility site boundary and the greater County), there is no reasonable alternative to locating the Facility or supporting facilities. The design and siting process has worked to avoid impacts on high-value farmland soil to the greatest extent practicable.

In addition, the proposed Facility has been designed to avoid environmental effects to the greatest extent practicable while also increasing access to wind resources, and the findings contained in the ASC support siting the Facility as proposed.

- (B) *The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils.*

RESPONSE

The Facility effects on the natural and built environment have been identified in the ASC and adverse impacts will be mitigated accordingly.

As previously stated, Figure K4 and Figures K4a through K4c show the soil classes which are categorized based on whether the soil is actually irrigated. This approach shows the real high-value farmland soils in the Facility site boundary, rather than an assumed total based on what may or may not be irrigated. Based on the maximum layout, of the 106.1 acres of high-value farmland soils within the Facility site boundary, only 0.9 acre is irrigated and will be permanently impacted as shown in ASC. Furthermore, the analysis is also based on non-high-value farmland soils including Class III-VII soils, which will account for approximately 159.2 acres of permanent impact. The analysis of impacts to agricultural lands and high-value farmland was also calculated based on the worst-case scenario layout. In conclusion, the acreage of impacts to high-value farmland soils are substantially low overall compared to the total acreage of agricultural land in the Facility site boundary.

- (C) *Costs associated with any of the factors listed in OAR 660-033-0130(37)(a)(A) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary.*

RESPONSE

The Applicant's analysis under subsection (A) does not substantially rely on costs. Therefore, OAR 660-033-0130(37)(a)(C) is met.

- (D) *The owner of a wind power generation facility approved under OAR 660-033-0130(37)(a) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.*

RESPONSE

At the time of decommissioning, a decommissioning plan will be prepared to address the specific details of decommissioning. Exhibit W provides a detailed review of site restoration actions and tasks for dismantling and decommissioning the Facility, including compliance with OAR 345-022-0050, Retirement and Financial Assurance. Based on the above information, the Facility complies with OAR 660-033-0130(37)(a)(D).

(E) *The criteria of OAR 660-033-0130(37)(b) are satisfied.*

RESPONSE

Based on the responses below, the Facility complies with OAR 660-033-0130(37)(b).

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

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

RESPONSE

Where necessary and practicable, the Applicant will provide farmer access across construction areas to farm fields within the Facility to facilitate continued agricultural practices. The Applicant will use existing access roads where feasible and the Facility has been designed to prevent unnecessary construction and impacts to accepted farm practices. In addition, the Applicant will also implement measures, such as dust and erosion control, during construction and operation of the Facility to avoid or mitigate impacts to soil. Further, upon completion of the Facility's construction, the temporarily disturbed areas, such as the laydown and staging areas, will be restored to preconstruction conditions for agricultural use, using techniques and seed mixes described in the Revegetation Plan and developed in consultation with the ODFW and Gilliam County Weed District, or returned to active agricultural activities.

For the above reasons, the construction and operation of the Facility will not force a significant change in accepted farm practices on the subject property or surrounding lands.

Construction and operation of the Facility also will not significantly increase the cost of accepted farm practices on the subject property or surrounding lands. Although the Facility may cause limited changes to sowing and harvest patterns, access to farm fields, or processes for delivering and applying fertilizers and other products to crops, these changes will not be significant or result in an increase in the cost of farm practices. New Facility access roads and improvements to existing private access roads also will not result in an increase in the cost of farm practices as farmers will have continued and improved access to farm fields. Consequently, as the Facility will not force a significant change in accepted farm

practices, it also will not significantly increase the cost of accepted farm practices on surrounding lands.

The Facility will not result in unnecessary negative impacts on agricultural operations conducted on the subject property, thus OAR 660-033-0130(37)(b)(A) is satisfied.

- (B) *The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval; and*
- (C) *Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and*

RESPONSE

The Applicant will implement measures, such as dust and erosion control, during construction and operation of the Facility to avoid or mitigate impacts to soil. Further, upon completion of the Facility's construction, the temporarily disturbed areas, such as the laydown and staging areas, will be restored to preconstruction conditions for agricultural use, using techniques and seed mixes described in the Revegetation Plan and developed in consultation with the ODFW and Gilliam County Weed District. Where possible, topsoil will be stockpiled to be used for reclamation. Construction and operation activities for the Facility are also not expected to result in excessive soil compaction that could reduce productivity of soil for crop production. All construction operations will comply with the erosion control plan and NPDES 1200-C construction permit, which will be provided by the Applicant. Potential measures to address effects to soil from construction and operation of the Facility are detailed in Exhibit I.

Therefore, the EFSC may find that the design, construction, and operation of the Facility, taking into account the proposed mitigation measures, are not likely to result in a significant adverse impact to soils. The Facility will achieve compliance with OAR 660-033-0130(37)(b)(B) and (C).

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

RESPONSE

A weed control plan will be prepared and implemented to address prevention and control of Gilliam County's identified noxious weeds related to preparation, construction, operation, and demolition/rehabilitation activities for the Facility. The Facility complies with OAR 660-033-0130 (37)(b)(D).

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

RESPONSE

The Applicant has demonstrated above that the Facility meets the requirements in OAR 660-033-0130(37)(b)(D) and therefore OAR 660-033-0130(37)(c) is also met.

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

RESPONSE

The Applicant has provided justification in this Exhibit to meet OAR 660-033-0130(37)(b) and subsequently approval criteria contained in OAR 660-033-0130(37)(d).

- (11) *Information pertaining to the impacts of the Wind Power Generation Facility on:*
- (a) *Wetlands;*
 - (b) *Wildlife (all potential species of reasonable concern);*
 - (c) *Wildlife habitat;*
 - (d) *Criminal activity (vandalism, theft, trespass, etc.) and proposed actions, if any, to avoid, minimize or mitigate negative impacts.*

RESPONSE

The ASC provides detailed information on how the Facility complies with the criterion above. Specific analyses and responses can be found in the following exhibits:

- Exhibit J addresses wetlands; Exhibit P and Exhibit Q address wildlife, habitat, and T&E species; and Exhibit U addresses Public Services, including police protection.

Based on the above information, the Facility complies with GCZO 7.020.T.11.

- (12) *A dismantling and decommissioning plan of all components of the Wind Power Generation Facility, as provided in this section.*

RESPONSE

The Applicant will decommission the Facility components and equipment in accordance with its landowner lease requirements. Decommissioning is a step-by-step deconstruction process that will involve removing and disposing of the infrastructure and appurtenant facilities associated with the Facility. At the time of decommissioning, a decommissioning plan will be prepared to address the specific details of decommissioning. Exhibit W provides a detailed review of site restoration actions and tasks for dismantling and decommissioning the Facility, including compliance with OAR 345-022-0050, Retirement and Financial Assurance. Based on the above information, the Facility complies with GCZO 7.020.T.12.

- b. *Gilliam County may impose clear and objective conditions in accordance with the County Comprehensive Plan, County Development Code and State law, which Gilliam County considers necessary to protect the best interests of the surrounding area, or Gilliam County as a whole.*

RESPONSE

Conditions necessary to protect the best interests of the surrounding area, or Gilliam County, will be contained in the site certificate, which will ensure compliance with GCZO 7.020.T.12.b.

- c. *Prior to commencement of any construction, all other necessary permits shall be obtained, e.g., Gilliam County Zoning Permit, road access and other permits from the Gilliam County Public Works Department, and from the Oregon Department of Transportation.*

RESPONSE

Similar to the conditions proposed by previously-approved wind energy facilities in the vicinity of the Facility, the Applicant proposes the following conditions:

Condition 33

The certificate holder shall obtain all necessary federal, state, and local permits or approvals required for construction, operation, and retirement of the Facility or ensure that its contractors obtain the necessary federal, state, and local permits or approvals.

Condition 34

Before beginning construction, the certificate holder shall provide confirmation to the Department that the construction contractor or other third party has obtained all necessary permits or approvals and shall provide to the Department proof of agreements between the certificate holder and the third party regarding access to the resources or services secured by the permits or approvals.

These conditions are expected in the siting certificate for the Facility and with these conditions of approval, compliance with GCZO 7.020.T.12.c is achieved.

d. *The following setback requirements and restrictions apply to the siting of a facility:*

(1) *The Wind Power Generation Facility shall be on property zoned EFU, and no portion of the facility shall be within 3,520 feet of properties zoned residential use or designated on the Comprehensive Plan as residential. (For clarification purposes of this section, EFU Zones are not considered zoned for residential use.)*

Towers shall be set back at a minimum, 110% of maximum total turbine height from blade tip height, measured from the centerline of the turbine tower from:

(a.1) Any State, County or Federal right-of-way or the nearest edge of a State, County, or Federal roadway, whichever is closer;

(a.2) Any right of ingress or egress on the owner's property;

(a.3) Any overhead utility lines;

(a.4) All property lines; and

(a.5) Any existing guy wire, anchor, or small wind energy tower on the property.

(a.6) Any residence including those outside the project boundary. If a landowner agrees in writing to a lesser distance, this requirement may be waived.

(a.7) A minimum of 150% of the maximum total turbine height from blade tip height, measured from the centerline of the turbine tower, from federal transmission line. If affected parties agree in writing to a lesser distance, this requirement may be waived.

RESPONSE

The Facility is sited on lands zoned EFU. Figure K5 in this Exhibit shows the Facility is not within 3,520 ft of the City of Arlington or other areas zoned or designated as Residential in the GCCP. Turbine towers will be located with minimum safety setbacks from residences, public roads, and site boundaries. Similar to the conditions proposed by previously-approved wind energy facilities in the vicinity of the Facility, the Applicant proposes the following condition:

Condition 51

The certificate holder shall construct all Facility components in compliance with the following setback requirements:

(a) All Facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.

(b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest edge of any public road right-of-way. The certificate holder shall assume a minimum right-of-way width of 60 feet.

- (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320 feet, measured from the centerline of the turbine tower to the center of the nearest residence existing at the time of tower construction.
- (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest boundary of the certificate holder's lease area.
- (e) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each turbine tower to the nearest edge of any railroad right-of-way or electrical substation.
- (f) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each met tower to the nearest edge of any public road right-of-way or railroad right-of-way, the nearest boundary of the certificate holder's lease area, or the nearest electrical substation.
- (g) The certificate holder shall maintain a minimum distance of 50 feet measured from the Facility O&M building to the nearest edge of any public road right-of-way or railroad right of-way or the nearest boundary of the certificate holder's lease area.
- (h) The certificate holder shall maintain a minimum distance of 50 feet measured from any substation to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's electrical substation easement or, if there is no easement, the nearest boundary of the certificate holder's lease area.
- e. *Reasonable efforts shall be made to blend the wind facility's towers with the natural surroundings in order to minimize impacts upon open space and the natural landscape.*

RESPONSE

The Applicant has demonstrated through the discussion presented in Exhibit R that the design, construction, and operation of the Facility will not result in significant adverse impacts to scenic resources. Reasonable efforts to blend the wind Facility's towers into the natural surroundings have been taken and the Facility complies with the above code provision.

- f. *Reasonable efforts shall be taken to protect and to preserve existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.*

RESPONSE

The ASC provides detailed information on how the Facility complies with the criterion above. The Applicant has demonstrated throughout the ASC that the design, construction, and operation of the Facility will not result in significant adverse impacts. Specific analyses and responses can be found in Exhibits P and Q, which address wildlife habitat and vegetation Exhibits J and O, which address water resources. The Facility complies with the provision above.

- g. *The turbine towers shall be designed and constructed to discourage bird nesting and wildlife attraction.*

RESPONSE

The towers supporting the wind turbines will be tapered monopoles, which are made of tubular steel and do not offer nesting opportunities for birds. The tapered monopole design limits avian perching opportunities in proximity to turbine blades.

- h. The turbine towers shall be of a size and design to help reduce noise or other detrimental effects.*

RESPONSE

The turbine towers have been sited and designed to help reduce noise or other detrimental effects. Exhibit X discusses the noise analyses findings for the Facility. Specifically, the Applicant has provided sufficient evidence to support the EFSC's finding that the Facility complies with applicable DEQ noise control standards in OAR 340-035-0035.

- i. Private access roads shall be gated to protect the facility and property owners from illegal or unwarranted trespass, and illegal dumping and hunting.*

RESPONSE

Security features, such as fences and gated access roads, will be provided to prevent unauthorized access, illegal dumping, and hunting on the Facility and adjacent private property. The key Facility features will be secured with locking doors or hatches.

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

RESPONSE

The electrical cable collector system will be buried a minimum of 3 ft underground where feasible and otherwise will not adversely impact agricultural operations. The Facility complies with this provision.

- k. Required permanent maintenance/operations buildings shall be located off-site in one of Gilliam County's appropriately zoned areas, except that such a building may be constructed on-site if:
 - (1) The building is designed and constructed generally consistent with the character of similar buildings used by commercial farmers or ranchers; and**

RESPONSE

The O&M building will include: a one- or two-story building with offices, spare parts storage, restrooms, a vehicle maintenance area, and a shop area; outdoor parking and a turnaround area for large vehicles; outdoor lighting; and full perimeter fencing with gated access. The permanent footprint of the O&M building (including parking area) will be approximately 10 acres, and the building will be 30,000 sq ft or less in area. It will be approximately 45 ft (14 m) in height. The building will be painted to blend with the

surrounding landscape, and the undeveloped area around the building will be landscaped with native grasses and shrubs, or returned to active agriculture. The building treatments will be consistent with the character of similar farm and ranch use buildings in the area. The Facility complies with this provision.

- (2) *The building will be removed or converted to farm use upon decommissioning of the Wind Power Generation Facility consistent with the provisions of this section.*

(a) To the extent feasible, the County will accept information presented by an application for an EFSC proceeding in the form and on the schedule required by EFSC.

RESPONSE

In general, decommissioning of the Facility will include grading to restore original soil contours, followed by mulching, and reseeded with an appropriate native seed mix or agricultural crop, depending on the surrounding conditions and landowner preference. Upon landowner request, facilities and Facility components will be removed.

The ASC is the form required by the EFSC. The Applicant is aware that the County will accept information presented in the ASC form and according to the schedule required by the EFSC.

The Facility complies with this provision.

6. *Decommissioning/Dismantling Process. The applicant's dismantling of incomplete construction and/or decommissioning plan for the Wind Power Generation Facility shall include the following information:*
- a. *A plan for dismantling and/or decommissioning that provides for completion of dismantling or decommissioning of the facility without significant delay and protects public health, safety and the environment in compliance with the restoration requirements of this section.*
 - b. *A description of actions the facility owner proposes take to restore the site to a useful, no hazardous condition, including options for post-dismantle or decommission land use, information on how impacts on fish, wildlife and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post-decommissioning site conditions in compliance with the requirements of this section.*
 - c. *A current detailed cost estimate, a comparison of that estimate with present funds set aside for dismantling or decommissioning, and a plan for assuring the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate will be reviewed and be updated by the facility owner/operator on a 5-year basis.*
 - d. *Restoration of the site shall consist of the following:*

(1) Dismantle turbines, towers, pad-mounted transformers, meteorological towers and related aboveground equipment. All concrete turbine pads shall be removed to a depth of at least three feet below the surface grade.

(2) The underground collection and communication cables need not be removed if at a depth of three feet or greater. These cables at a depth of three feet or greater can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other consistent resource uses of the land.

(3) Gravel shall be removed from areas surrounding turbine pads.

(4) Access roads shall be removed by removing gravel and restoring the surface grade and soil.

(5) After removal of the structures and roads, the area shall be graded as close as reasonably possible to its original contours and the soils shall be restored to a condition compatible with farm uses or consistent with other resource uses. Re-vegetation shall include planting by applicant of native plant seed mixes, planting by applicant of plant species suited to the area, or planting by landowner of agricultural crops, as appropriate, and shall be consistent with the weed control plan approved by Gilliam County.

(6) Roads, cleared pads, fences, gates, and improvements may be left in place if a letter from the landowner is submitted to Gilliam County indicating said landowner will be responsible for, and will maintain said roads and/or facilities for farm or other purposes as permitted under applicable zoning.

e. The applicant (facility owner/operator) shall submit to Gilliam County a bond or letter of credit acceptable to the County, in the amount of the decommissioning fund naming Gilliam County and the landowner as beneficiary or payee.

(1) The calculation of present-year dollars shall be made using the U.S. Gross Domestic Product Implicit Price Deflator as published by the U.S. Department of Commerce, Bureau of Economic Analysis, or any successor agency (the "Index"). The amount of the bond or letter of credit account shall be increased at such time when the cumulative percentage increase in the Index exceeds 10 percent from the last change, and then the amount shall be increased by the cumulative percentage increase. If at any time the Index is no longer published, Gilliam County and the applicant shall select a comparable calculation of present-year dollars. The amount of the bond or letter of credit account shall be prorated within the year to the date of decommissioning.

(2) The decommissioning fund shall not be subject to revocation or reduction before decommissioning of the Wind Power Generation Facility.

(3) The facility owner/operator shall describe the status of the decommissioning fund in the annual report submitted to Gilliam County.

- f. If any disputes arise between Gilliam County and the landowner on the expenditure of any proceeds from the bond or the letter of credit, either party may request nonbonding arbitration. Each party shall appoint an arbitrator, with the two arbitrators choosing a third. The arbitration shall proceed according to the Oregon statutes governing arbitration. The cost of the arbitration (excluding attorney fees) shall be shared equally by the parties.*
- g. For projects sited by EFSC, compliance with EFSC's financial assurance and decommissioning standards shall be deemed to be in compliance with the dismantling and decommissioning requirements of this Section.*

RESPONSE

Exhibit W of the ASC provides a detailed plan addressing site restoration actions and tasks for dismantling and decommissioning the Facility, including compliance with OAR 345-022-0050, Retirement and Financial Assurance.

With respect to fish and wildlife, after decommissioning, the Facility site will be restored to the extent restoration is desired by the landowners and to reflect adjacent cropland or habitat communities existing at the time of restoration and to minimize permanent impacts to fish and wildlife habitat. All decommissioning activities will be completed consistent with the Revegetation Plan that is required as part of the Final Order.

Annual EFSC reporting requirements will be met as a standard condition of approval imposed by the EFSC.

The Facility complies with the above provisions.

- 7. Wind Power Generation Facility Siting Subsequent Requirements.*
 - a. A bond or letter of credit shall be established for the dismantling of uncompleted construction and/or decommissioning of the Facility.³*

RESPONSE

As previously stated, Exhibit W of the ASC provides a detailed review of site restoration actions and tasks for dismantling and decommissioning the Facility, including compliance with OAR 345-022-0050, Retirement and Financial Assurance. The above provision has been satisfied.

- b. The actual latitude and longitude or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines, and transmission lines shall be provided to Gilliam County once commercial electrical production begins.*

³ For projects being sited by the EFSC, the bond or letter of credit required by the EFSC will be deemed to meet this requirement.

RESPONSE

This provision will be satisfied. Similar to the conditions proposed by previously-approved wind energy facilities in the vicinity of the Facility, the Applicant proposes the following condition:

Condition 54

Within 90 days after beginning operation, the certificate holder shall provide to the Department and to the Gilliam County Planning Department the actual latitude and longitude location or Stateplane North American Datum (NAD) 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as-built changes in the Facility compared to the original plan.

- c. *A summary of as-built changes in the facility from the original plan, if any, shall be provided by the owner/operator.*

(1) The Wind Power Generation Facility requirements shall be facility-specific, but can be amended as long as the facility does not exceed the boundaries of the Gilliam County Conditional Use Permit where the original facility was constructed.

(2) An amendment to the conditional use permit shall be required if proposed facility changes would:

i. Increase the land area taken out of agricultural production by an additional 20 acres or more;

ii. Increase the land area taken out of agricultural production sufficiently to trigger taking a Goal 3 exception;

iii. Require an expansion of the established facility boundaries;

iv. Increase the number of towers;

v. Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity.

No amendment would be required if an expansion of power-generating capacity is due to technology upgrades installed within the existing boundaries of the established Wind Power Generation Facility. Notification by the facility owner/operator to the Gilliam County Planning Department of non-significant changes is encouraged, but not required. An amendment to a Site Certificate issued by EFSC will be governed by the rules for amendments established by EFSC.

RESPONSE

This provision will be satisfied. Similar to the conditions proposed by previously-approved wind energy facilities in the vicinity of the Facility, the Applicant proposes the following condition:

Condition 54

Within 90 days after beginning operation, the certificate holder shall provide to the Department and to the Gilliam County Planning Department the actual latitude and longitude location or Stateplane North American Datum (NAD) 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as-built changes in the Facility compared to the original plan.

In addition, as noted in the above criterion, an amendment to a site certificate issued by EFSC will be governed by the rules for amendments established by EFSC. Should the Applicant amend the site certificate, applicable GCZO land use regulations will be addressed.

d. Within 120 days after the end of each calendar year, the facility owner/operator shall provide Gilliam County an annual report including the following information:

(1) Energy production by month and year.

(2) Nonproprietary information about wind conditions (e.g., monthly averages, high wind events, bursts). Gilliam County Zoning & Land Development Ordinance Article 7, Page 18

(3) A summary of changes to the facility that do not require facility requirement amendments.

(4) A summary of the avian monitoring program – bird injuries, casualties, positive impacts on area wildlife and any recommendations for changes in the monitoring program.

(5) Employment impacts to the community and Gilliam County during and after construction.

(6) Success or failures of weed control practices.

(7) Status of the decommissioning fund.

(8) Summary comments – any problems with the projects, any adjustments needed, or any suggestions.

(9) For facilities under EFSC jurisdiction and for which an annual report is required, the annual report to EFSC satisfies this requirement.)

The annual report requirement may be discontinued or required at a less frequent schedule by the County. The reporting requirement and/or reporting schedule shall be reviewed, and possibly altered, at the request of the facility owner/operator.

RESPONSE

Annual EFSC reporting requirements will be met as a standard condition of approval imposed by EFSC. EFSC's annual reporting requirements satisfy the above provision.

K.6 Applicable Substantive Criteria from the GCCP

The GCCP goals and policies generally provide a long-range vision for how land use should occur within the County rather than regulating individual development proposals. In the following discussion, the Applicant has identified those goals and policies that could be relevant to the ASC and has shown how the Facility complies with such goals and policies.

K.7 GCCP Goal 3: Agricultural Lands

Policy 1. It shall be the policy of Gilliam County to maximize the preservation and protection of commercial agriculture in the County, and to provide maximum incentives for such through the application of zoning in compliance with ORS 215 to all lands identified as "Agricultural Lands." However, this policy shall not be construed to, nor is it intended to, exclude non-farm uses that are authorized by state statutes on Lands zoned as Exclusive Farm Use (EFU) and are otherwise consistent with the Plan.

RESPONSE

The Facility's impacts to agricultural lands are predominantly limited to non-high-value farmland, and the number of acres impacted is very small in comparison to the total acreage of agricultural lands in the Facility site boundary and surrounding area. The following is a breakdown of the Facility layout presented in this Application and the worst-case scenario for the Facility and the effects on agricultural land, including both high-value and non-high-value farmland.

Maximum Layout

The maximum turbine layout is shown in Exhibit C, Figure C2). Under this layout, the Facility will remove approximately 1,497.8 acres temporarily and 160.1 acres permanently from agricultural production.

Based on the 1,497.8 acres that will be temporarily removed from agricultural production, approximately 973.3 acres are considered high-value farmland based on soil class data (if irrigated), approximately 399.2 acres are considered non-high-value farmland, and approximately 125.3 acres have no data available as established by the NRCS. However, only 10.3 acres of the high-value farmland soil in the Facility site boundary is considered irrigated, thus the temporary high-value farmland impacts are limited to 10.3 acres. The remaining 1,487.5 acres of temporary impacts are not-irrigated soil classes and are categorized as non-high-value farmland (Soil Classes III-VI).

Of the 160.1 acres that will be permanently removed from agricultural production for the maximum layout, approximately 106.1 acres are considered high-value farmland based on soil class data (if irrigated), 40.7 acres are considered non-high-value farmland, and approximately 13.2 acres have no data available as established by the NRCS. However, only 0.9 acre of the high-value farmland soil in the Facility site boundary is considered irrigated, thus the permanent high-value farmland impacts are limited to 0.9 acre. The remaining

159.2 acres of permanent impacts are not-irrigated soil classes and are categorized as non-high-value farmland (Soil Classes III-VI).

Overall, the Facility will not result in a significant change to accepted farm practices on surrounding lands, or significantly increase the cost of such practices, and therefore, the Facility complies with GCZO 4.020.H and subsequently ORS 215.296. Thus, the Facility will not interfere with the County policy of maximization of protection and preservation of commercial agriculture. Access roads will be located to minimize disturbance and maximize transportation efficiency. Existing County roads and private farm roads will be used to the extent feasible.

The Facility will have minimal impact on farm uses, and the Applicant will take steps to minimize any disruption to farming practices. As a result, the Facility is compatible with farm uses of the property.

Worst-Case Scenario Layout

As described in Exhibits C and P, the worst-case scenario uses the maximum turbine layout and disturbance areas shifted into the highest-quality habitat, which results in a greater number of permanent impacts. Based on the worst-case scenario layout, the Facility will remove approximately 2,322.1 acres temporarily and 233.7 acres permanently from agricultural production (there are approximately 36,351 acres of agricultural lands within the Facility site boundary).

Based on the approximately 2,322.1 acres that will be temporarily removed from agricultural production, only 10.3 acres of the high-value farmland soil in the Facility site boundary are considered irrigated. As a result, the temporary high-value farmland impacts are limited to 10.3 acres. The majority of the remaining acreage of temporary impacts (approximately 2,311.8 acres), are not-irrigated soil classes and are categorized as non-high-value farmland (Soil Classes III-VI), with a minor percentage of these soils having no data available as established by the NRCS.

Of the 233.7 acres that will be permanently removed from agricultural production for the worst-case scenario, only 0.9 acre of the high-value farmland soil in the Facility site boundary is considered irrigated. As a result, the permanent high-value farmland impacts are limited to 0.9 acre. The majority of the remaining acreage of temporary impacts (approximately 232.8 acres) are not-irrigated soil classes and are categorized as non-high-value farmland (Soil Classes III-VI), with a minor percentage of these soils having no data available as established by the NRCS.

Policy 6. Non-farm uses that legitimately require a location in close proximity to areas of commodity production shall not interfere with the use of surrounding lands for agricultural pursuits. Such uses shall be considered to be commercial activities in conjunction with or of direct service and support to agriculture.

RESPONSE

The Facility will neither force a significant change in, nor significantly increase the cost of, accepted farm practices on surrounding lands. The Facility has been sited and designed to avoid and minimize significant impacts to farm practices on adjacent EFU lands.

K.7.1 GCCP Goal 6: Air, Water and Land Resources Quality

Policy 2. The County shall continue to require compliance with State and Federal regulations, as applicable, for land use activities involving sewage disposal treatment and disposal, solid waste disposal, and air, water and noise pollution.

RESPONSE

Similar to the conditions proposed by previously-approved wind energy facilities in the vicinity of the Facility, the Applicant proposes the following condition:

Condition 33

As applicable, the certificate holder shall obtain all necessary federal, state, and local permits or approvals required for construction, operation, and retirement of the Facility or ensure that its contractors obtain the necessary federal, state, and local permits or approvals.

This condition is expected in the site certificate for the Facility and with this condition of approval, compliance with the above provision will be achieved. The Facility has also been designed to meet the applicable regulations with respect to sewage disposal, solid waste disposal, and air, water, and noise pollution.

Policy 14. Gilliam County will continue to encourage conservation of the land resource and to protect that resource from erosion by wind or water. In activities for which no County issued permit is necessary, land owners are encouraged to seek and consider such technical advice as may be available through agencies, such as the Natural Resource Conservation Service and the Oregon State University Cooperative Extension Service. In issuing permits for development, the County will require evidence that adequate erosion control techniques have been designed and will be employed in the construction and operation of the project.

RESPONSE

The Facility's NPDES 1200-C construction permit will address erosion control measures to minimize impacts to soils, vegetation, and waters. An NPDES permit application will be provided by the Applicant. Mitigation measures will be used at the Facility to limit erosion from wind or water. These measures are discussed in Exhibit I and the Facility complies with this provision.

K.7.2 GCCP Goal 7: Areas Subject to Natural Hazards

Policy 5. New buildings should comply with building code setbacks from both the rim and toe of slopes.

RESPONSE

The Facility structures and components are not proposed near slopes. The Facility was sited to avoid potential impacts to steep terrain and slopes.

K.7.3 GCCP Goal 12: Transportation

Policy 4. Although the county, within limitations of available time and manpower, has provided some limited maintenance assistance on private roads on a cost-reimbursable basis, the county is not in a position to guarantee maintenance of private roads, or of any road not designed and constructed to predetermined county standards.

RESPONSE

As previously stated, a network of Facility access roads will be established for access to construct, operate, and maintain the Facility. These will consist of existing public roads to access the Facility, existing private roads that may or may not require improvements, and new private permanent roads. Some existing, private roads may be improved by resurfacing, as necessary. Roads will be designed under the direction of a licensed engineer and compacted to meet equipment load requirements. The Applicant will oversee improvements to existing private roads and maintenance functions.

Policy 5. It has been and will continue to be the policy of Gilliam County not to build or totally fund major improvements of existing roads to serve isolated non-agricultural areas or developments. The requirements for new roads or major improvements for such areas and/or developments shall, therefore, be the responsibility of those areas or developments needed and requesting such facilities and/or improvements. The County will continue to concentrate its maintenance and construction efforts on County Roads of major significance to the overall economy of the County and to those roads which have been constructed to and "accepted" as County Roads for full maintenance responsibility.

RESPONSE

A Transportation Plan will be prepared for the Facility and the Applicant proposes basic improvements to existing County public roads for use during construction of the Facility. These improvements will all be made within existing road rights-of-way. County roadways will be assessed both prior to and after construction to determine any changes in condition. Upon completion of construction, County roads will be restored to their original condition or better. Coordination with Gilliam County Public Works will be conducted regarding potential surface improvements. Some existing, private roads will be improved by resurfacing, as necessary. In areas where existing roads do not provide access to wind turbine locations, and along the length of turbine strings, new Facility access roads will be constructed. Roads will be designed under the direction of a licensed engineer and compacted to meet equipment load requirements. The Applicant will oversee improvements to existing private roads and maintenance functions.

Policy 10. Operation, maintenance, repair and preservation of existing transportation facilities shall be allowed without land use review, except where specifically regulated.

Policy 11. Dedication of right-of-way, authorization of construction and the construction of facilities and improvements that follow roadway classification and approved road standards shall be allowed without land use review for improvements designated in the Transportation System Plan.

Policy 16. Gilliam County shall protect the function of existing and planned roadways as identified in the Transportation System Plan.

Policy 17. Gilliam County shall include a consideration of a proposal's impact on existing or planned transportation facilities in all land use decisions.

Policy 18. Gilliam County shall protect the function of existing or planned roadways or roadway corridors through the application of appropriate land use regulations.

RESPONSE

A site certificate from EFSC for the Facility is being sought by the Applicant and the Facility will meet EFSC's terms regarding transportation. A Transportation Plan will be prepared for the Facility and the Applicant proposes basic improvements to existing County public roads for use during construction of the Facility. These upgrades will all be made within existing road rights-of-way. As discussed above, the Applicant will coordinate such improvements with the Gilliam County Road Department and ODOT, depending on the location of the improvement. Further, upon completion of construction, the Applicant will ensure that all roads are restored to pre-construction condition or better. Refer to Exhibit U of the ASC for additional details.

Daily traffic volumes on OR 19 along the primary transporter route will have large percentage increases due to construction traffic; however, the existing daily volumes are low and the roadway has excess capacity. Delays may occur on Cedar Springs Lane, Cameron Road/Old Tree Lane, Bottimiller Lane, and Baseline Road because of the quality of the roadway and the reduced ability to pass construction vehicles with wide, oversized loads. To minimize this impact, long and heavy loads could be staged with a pilot car to reduce the delays and backups. Therefore, an additional 228 construction-related trips, spread over the typical workday, are not expected to affect driving conditions or cause backups and significant delays. Operational traffic trips to and from the Facility are not expected to adversely affect traffic operations.

K.7.4 GCCP Goal 13: Energy Conservation

Policy 3. Applications for new energy generation facilities, whether public or private, should consider impacts on neighboring properties.

RESPONSE

Several exhibits in the ASC evaluate impacts on neighboring properties, including Exhibit O (Water Resources), Exhibit U (Public Services), Exhibit V (Waste Minimization), and Exhibit X (Noise).

K.7.5 Directly Applicable LCDC Administrative Rules, Goals, and Statutes

OAR 345-021-0010(1)(k)(C)(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals, and statutes;

RESPONSE

Since the last periodic review of the GCCP and GCZO, the LCDC amended certain administrative rules governing conditional uses on EFU land, and consequently, these amended rules directly apply to the Facility under ORS 197.646 pursuant to ORS 469.504(1)(b)(A). ORS 215.283(2)(g) authorizes "commercial utility facilities for the purpose of generating power for public use by sale" on land in an EFU zone, and OAR Chapter 660, Division 33, contains the LCDC rules for implementing the requirements for agricultural land as defined by Goal 3. Specifically, OAR 660-033-0120 (Table 1) lists the "commercial utility facility" use as a type "R" use ("use may be approved, after required review"). Before January 2, 2009, the standards found in OAR 660-033-0130(5) and (22)

applied to a wind power facility as a “commercial utility facility” proposed to be located on non-high-value farmland and OAR 660-033-0130(5) and (17) applied to such a facility proposed to be located on high-value farmland.

However, LCDC adopted amendments to OAR 660-033-0120 and 660-033-0130 that changed the applicable standards for siting a wind facility on EFU land. The amendment to OAR 660-033-0120 (Table 1) added reference to a “wind power generation facility” as a distinct type “R” use (rather than having a wind power generation facility included within the definition of “commercial utility facility”). Further, the amendments provided that instead of OAR 660-033-0130(17) and (22) governing wind facilities, OAR 660-033-0130(5) and (37) provided the standards for siting a wind power generation facility on EFU land. The effect of these amendments was to eliminate the 12-acre and 20-acre exception thresholds for wind power generation facilities that are contained in OAR 660-033-0130(17) and (22) and to impose, instead, specific development standards on wind power generation facilities. The proposed Facility and all supporting facilities fit entirely within the definition of “wind power generation facility” in OAR 660-033-0130(37).

K.8 Noncompliance with Applicable Substantive Criteria

OAR 345-021-0010(1)(k)(C)(iv) *If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals;*

RESPONSE

The Facility complies with all applicable substantive criteria. Under the revised GCZO an exception to Statewide Goal 3 is not required. The amended OAR 660-033-0120 and 660-033-0130 no longer require an applicant to seek a Goal 3 exception for wind energy facilities (as previously required by OAR 660-033-0130(17) or (22) prior to the rule amendment), and the County has endorsed this rule in their proposed code amendments.

K.9 Federal Land Management Plans

OAR 345-021-0010(1)(k)(D) *If the proposed Facility will be located on federal land:*

- i. Identify the applicable land management plans adopted by the federal agency with jurisdiction over the federal land;*
- ii. Explain any differences between state or local land use requirements and federal land management requirements;*
- iii. Describe how the proposed Facility complies with the applicable federal land management plan;*
- iv. Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval;*
- v. Provide an estimate of time for issuance of federal land use approvals; and*
- vi. If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the*

conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver.

RESPONSE

OAR 345-021-0010(1)(k)(D) does not apply to the Facility as it is not located on federal lands.

K.10 Proposed Site Certificate Conditions

Similar to the conditions proposed by previously-approved wind energy facilities in the vicinity of the Facility, the Applicant proposes the following conditions:

Condition 33

The certificate holder shall obtain all necessary federal, state, and local permits or approvals required for construction, operation, and retirement of the Facility or ensure that its contractors obtain the necessary federal, state, and local permits or approvals.

Condition 34

Before beginning construction, the certificate holder shall provide confirmation to the Department that the construction contractor or other third party has obtained all necessary permits or approvals and shall provide to the Department proof of agreements between the certificate holder and the third party regarding access to the resources or services secured by the permits or approvals.

Condition 48

The certificate holder shall in consultation with affected landowners and lessees during construction and operation of the Facility and shall implement measures to reduce or avoid any adverse impacts to farm practices.

Condition 49

The certificate holder shall install gates on private access roads in accordance with Gilliam County Zoning Ordinance Section 7.020(T)(4)(d)(6) unless the County has granted a variance to this requirement.

Condition 50

Before beginning construction of the Facility, the certificate holder shall record in the real property records of Gilliam County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland consistent with GCZO Section 7.020(T)(4)(a)(5).

Condition 51

The certificate holder shall construct all Facility components in compliance with the following setback requirements:

- (a) All Facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.*
- (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to*

the nearest edge of any public road right-of-way. The certificate holder shall assume a minimum right-of-way width of 60 feet.

- (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320 feet, measured from the centerline of the turbine tower to the center of the nearest residence existing at the time of tower construction.*
- (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest boundary of the certificate holder's lease area.*
- (e) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each turbine tower to the nearest edge of any railroad right-of-way or electrical substation.*
- (f) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each met tower to the nearest edge of any public road right-of-way or railroad right-of-way, the nearest boundary of the certificate holder's lease area, or the nearest electrical substation.*
- (g) The certificate holder shall maintain a minimum distance of 50 feet measured from the Facility O&M building to the nearest edge of any public road right-of-way or railroad right of-way or the nearest boundary of the certificate holder's lease area.*
- (h) The certificate holder shall maintain a minimum distance of 50 feet measured from any substation to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's electrical substation easement or, if there is no easement, the nearest boundary of the certificate holder's lease area.*

Condition 52

During construction and operation of the Facility, the certificate holder shall implement a weed control plan approved by the Gilliam County Weed Control Officer or other appropriate County officials to control the introduction and spread of noxious weeds.

Condition 53

During operation of the Facility, the certificate holder shall restore areas that are temporarily disturbed during Facility maintenance or repair activities using the same methods and monitoring procedures described in the Revegetation Plan.

Condition 54

Within 90 days after beginning operation, the certificate holder shall provide to the Department and to the Gilliam County Planning Department the actual latitude and longitude location or Stateplane North American Datum (NAD) 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as-built changes in the Facility compared to the original plan.

Condition 55

The certificate holder shall deliver a copy of the annual report required under Condition 21 to the Gilliam County Planning Commission on an annual basis unless specifically discontinued by the County.

Condition 68

To reduce the visual impact of the Facility, the certificate holder shall:

- (a) Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity, neutral white color.*
- (b) Paint the substation structures in a low-reflectivity neutral color to blend with the surrounding landscape.*
- (c) Not allow any advertising to be used on any part of the Facility.*
- (d) Use only those signs required for Facility safety, required by law, or otherwise required by the site certificate, except that the certificate holder may erect a sign near the O&M building to identify the Facility, paint turbine numbers on each tower, and allow unobtrusive manufacturers' logos on turbine nacelles.*
- (e) Maintain any signs allowed under this condition in good repair.*

Condition 70

The certificate holder shall not use exterior nighttime lighting except:

- (a) The minimum turbine tower lighting required or recommended by the FAA.*
- (b) Security lighting at the O&M building and substations, provided that such lighting is motion-sensor-activated and shielded or downward-directed to reduce glare.*
- (c) Minimum lighting necessary for repairs or emergencies.*
- (d) Minimum lighting necessary for construction directed to illuminate the work area and shielded or downward-directed to reduce glare.*

K.11 Conclusion

The responses and information provided in this Exhibit demonstrate to the EFSC that sufficient information exists to make a determination that the Facility also complies with the land use standard set forth in OAR 345-022-0030. The Facility complies with statewide planning goals under OAR 345-022-0030(2)(b)(A) and OAR 345-022-0030(4)(c). There is no conflicting requirement between the applicable substantive criteria and applicable statutes and administrative rules, and therefore the EFSC does not need to resolve the conflicts under OAR 345-022-0030(5).

K.12 References

- Gilliam County. 2011. Gilliam County Comprehensive Plan and Land Development Ordinance, As Amended. Adopted by the Gilliam County Court on November 2, 2011. Gilliam County, Oregon.
- Natural Resources Conservation Service (NRCS). 1984. U.S. Department of Agriculture, Natural Resources Conservation Service. Soil Survey of Gilliam County, Oregon.
- Oregon Energy Facility Siting Council (EFSC). 2010. Montague Wind Power Facility Final Order. Application for a Site Certificate. September 10, 2010.

Figures

- Figure K1: Aerial Photograph**
- Figure K2: Zoning Map**
- Figure K3: Land Use Index Map**
- Figure K3a: Land Use Map—Detailed View 1 of 3 (GE 82.5 1.6-MW Maximum Layout)**
- Figure K3b: Land Use Map—Detailed View 2 of 3 (GE 82.5 1.6-MW Maximum Layout)**
- Figure K3c: Land Use Map—Detailed View 3 of 3 (GE 82.5 1.6-MW Maximum Layout)**
- Figure K4: Land Capability Classification Index Map**
- Figure K4a: Land Capability Classification—Detailed View 1 of 3 (GE 82.5 1.6-MW Maximum Layout)**
- Figure K4b: Land Capability Classification—Detailed View 2 of 3 (GE 82.5 1.6-MW Maximum Layout)**
- Figure K4c: Land Capability Classification—Detailed View 3 of 3 (GE 82.5 1.6-MW Maximum Layout)**
- Figure K5: Residential Setback**
- Figure K6: Land Capability Classification Broad View**
- Figure K7: Land Capability Classification and Approximate Boundary of Nearby Wind Energy Facilities**