



## FRIENDS OF THE COLUMBIA GORGE

*SUBMITTED VIA E-MAIL AND FIRST-CLASS MAIL*

December 17, 2011

Wasco County Board of County Commissioners  
c/o Wasco County Department of Planning and Economic Development  
2705 East Second Street  
The Dalles, Oregon 97058

**Re: Wasco County's proposed Energy Ordinance Updates (PLALEG-09-06-0003).**

Dear Commissioners:

Friends of the Columbia Gorge (Friends) has reviewed and would like to comment on the proposed updates to Chapter 19 of Wasco County's Land Use and Development Ordinance (Energy Ordinance). Friends is a non-profit organization with approximately 5,000 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends supports responsibly planned renewable energy development and land use rules that ensure that energy facilities are sited appropriately to ensure protection of the environment and the community. Friends provides the following specific recommendations to improve the proposed energy ordinance and provide adequate protection for the community and the environment.

Citations refer to the specific Draft LUDO section and the page number in Staff Report Attachment A ("Att. A").

Recommendations for new language are **underlined**.

Recommended deletions are identified by **~~strikethrough~~**.

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**A. Purposes.**  
**Draft LUDO § 19.010, Att. A at 19-7.**

The Planning Commission’s recommended revisions to Chapter 19 (Draft Energy Ordinance) include several goals for siting non-commercial and commercial energy facilities. The first proposed goal is: “Encourage renewable energy development.” Draft LUDO § 19.010, Att. A at 19-7. Friends recommends revising this goal to state that Wasco County supports appropriately sited renewable energy development that avoids and minimizes adverse impacts to the community and the environment.

Friends recommends the following revision:

Draft LUDO § 19.010, Att. A at 19-7:

Encourage renewable energy development that is appropriately sited to avoid and minimize adverse impacts to the community and environment.”

**B. Commercial Power Generating Facilities Review Processes & Approval Standards.**  
**Draft LUDO § 19.030, Att. A at 19-24–19-38.**

**1. BOCC to serve as Special Advisory Group to EFSEC.**  
**Draft LUDO § 19.030(A)(1)(c), Att. A at 19-24–19-25.**

The Draft Energy Ordinance includes language describing how the BOCC would serve as the Special Advisory Group for projects that are within the Oregon Energy Facility Siting Council’s (“EFSC”) jurisdiction. Draft LUDO § 19.030(A)(1)(c), Att. A at 19-24–19-25. Under EFSC regulations, the Special Advisory Group identifies applicable local land use regulations and recommends substantive criteria and conditions to comply with those criteria. The proposed language would require the BOCC to provide an opportunity for public comment on any recommendations of the Special Advisory Group.

Since EFSC gives the BOCC’s recommendation deference, it is important that the public have an opportunity to comment on matters of significant local concern. Friends strongly supports affording the public an opportunity to submit comments to the Special Advisory Group. The BOCC, acting as the Special Advisory Group, is in a unique position to convey the concerns of the local community to EFSC during the permitting process and ensure that all local land use regulations are enforced.

**2. County Decision Options: Tentative Approval and Final Approval.**  
**Draft LUDO § 19.030(A)(2), Att. A at 19-25.**

The Draft Energy Ordinance creates a two-tier process for issuing decisions on applications for commercial energy facilities. The “tentative approval . . . defers completion of one or more required discretionary elements such as the wildlife plan and all of its required baseline studies. Any deferred discretionary elements will be the only elements reviewed and decided upon during the final approval process.” Draft LUDO § 19.030(A)(2)(b). The “Final Approval” is issued

when all of the deferred application materials have been approved and “the appeal period has concluded.” Draft LUDO § 19.030(A)(2)(a). The proposed ordinance does not explain what County review process would apply for each type of approval.

To avoid confusion Friends recommends providing a single decision making process rather than an unclear and untested two-step process. To achieve this outcome, the County should abandon the “Tentative Approval” and require one application process for the entire project.

Alternatively, if the County prefers the two-tier process, it should specify which administrative review process would be used for each type of approval. Friends recommends requiring conditional use review for both “tentative approval” and “final approval”

Friends proposes the following revision:

Draft LUDO § 19.030(A)(2), Att. A at 19-25:

County Decision Options - As part of the application materials the applicant shall indicate if they are requesting final or tentative approval. Both tentative and final approval are subject to conditional use review and appeal procedures.

The Draft ordinance lists the final approval first and the tentative approval second. If the County retains the two-tier process it should reverse this order. Listing the decisions in chronological order would provide more clarity to the ordinance.

**3. Modifications to Permits.  
Draft LUDO § 19.030(A)(2), Att. A at 19-26.**

The Draft Energy Ordinance would allow for modifications of commercial energy facilities without any opportunity for public review or comment so long as the number of turbines does not increase and the modification does not require an expansion of the approved facility boundaries. Draft LUDO § 19.030(A)(2), Att. A at 19-26. The ordinance would not require notice to the Planning Department: “Notification by the permit holder to the Planning Department of changes not requiring an amendment are encouraged, but not required.” Draft LUDO § 19.030(A)(2), Att. A at 19-26.

Friends strongly opposes these provisions. Wind energy facilities often extend across miles of land and cover hundreds of acres. Relocating or changing the height of turbines within a project boundary, even if the total number of turbines does not change, has the potential to create significant new impacts that may not have been addressed through the conditional review process.

To ensure project modifications stay within the scope of impacts considered during conditional use review, Friends recommends that the County require that all modifications to project designs be submitted to the Planning Department for review and approval through an amendment process.

Friends recommends the following revisions:

Draft LUDO § 19.030(A)(2), Att. A at 19-26:

~~Modifications - Energy facility requirements shall be facility specific, but can be modified as long as the facility does not exceed the boundaries of the Waseo County conditional use permit where the original facility was constructed.~~

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

- a. Require an expansion of the established facility boundaries;
- b. Increase the number of towers; or
- c. 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.
- d. Relocate any wind turbine tower by more than 50 feet; or
- e. Change the height of any wind turbine tower by more than 10 feet.

~~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 energy facility. Notification by the permit holder to the Planning Department of changes not requiring an amendment are encouraged, but not required.~~

**4. Non-Resource Zone Standards for Related and Supporting Facilities.  
Draft LUDO § 19.030(B), Att. A at 19-26–19-27:**

Draft LUDO § 19.030(B)(3) would allow related and supporting facilities in non-resource zones where large-scale commercial power generating facilities are otherwise prohibited. Draft LUDO § 19.030(B), Att. A at 19-26–19-27. Related and supporting facilities, such as transmission lines, substations, and haul routes, can cause impacts to local communities just as significant as the primary energy generating facility. Given the risk of unacceptable impacts to non-resource lands, Friends is concerned that allowing related and supporting facilities in non-resource zones would lead to unnecessary controversy and ill-conceived energy facility proposals. As such Friends generally opposes Draft LUDO § 19.030(B)(3). However, if the County retains this section Friends recommends including revisions that provide stronger protection to non-resource lands.

The proposed subsection creates five criteria for determining whether it would be “necessary” for related facilities to be located in non-resource zoned lands. This includes a requirement that impacts be consistent with the size, scale, and impact of other existing uses in the non-resource zone. Draft LUDO § 19.030(B), Att. A at 19-26. This factor seems misplaced, as it appears to protect non-resource zoned land from unacceptable development impacts rather than providing a factor for evaluating “necessity.” To improve the standard, Friends recommends moving the first factor, (B)(3)(a), to the introductory paragraph for the subsection (B)(3). Friends also recommends that the word “shall” be replaced with the word “may” in the introductory paragraph to be consistent with Conditional Use Review standards.

Friends recommends the following revisions:

Draft LUDO § 19.030(B), Att. A at 19-26:

Related or Supporting Facilities (Reasonable Alternatives Analysis) - Related or supporting facilities to a commercial power generating facility ~~shall~~ may be allowed in non-resource zones subject to Conditional Use Review upon a showing that such related or supporting facilities are necessary for siting the commercial power generating facility. Any related or supporting facilities will must be consistent in size, scale, and impact as other existing or allowed uses in the non-resource zone. Related or Supporting Facilities shall be reviewed as part of the Commercial Power Generating Facility and not subject to a separate Conditional Use Review. To demonstrate the related or supporting facilities are necessary within the meaning of this section, an applicant must show that reasonable alternatives have been considered and that the related or supporting facilities must be sited in a non-resource zone after considering the following factors:

a. ~~The related or supporting facilities will be consistent in size scale and impact as other existing or allowed uses in the non-resource zone;~~

**5. Visual Resources.**

**Draft LUDO § 19.030(C)(4), Att. A at 19-27–19-29:**

The Planning Commission was presented with three options for providing protection to regionally and nationally significant scenic landscapes. The Planning Commission reached a unanimous decision recommending that the BOCC adopt language implementing EFSC regulations that prohibit energy development that would cause adverse scenic impacts to designated scenic areas, including the Columbia River Gorge National Scenic Area and Wild and Scenic River Areas.

Friends supports the Planning Commission’s recommendation. However, the language that has been submitted to the BOCC has been modified from what the Planning Commission recommended. An excerpt of the Planning Commission’s exact recommendation is attached for reference. The modified proposal reorganizes this section and includes new language that was not approved by the Planning Commission. In addition, the proposed language creates ambiguities and potential conflicts with other laws.

a. *The BOCC must ensure that the ordinance does not conflict with National Scenic Area Act.*

The draft Visual Impacts section begins with a list of area where commercial energy facility development is prohibited, but creates an exception for certain uses. The draft ordinance states: “Except as provided in subsections (b) and (c) below, an energy facility shall not be located in the following areas.” Draft LUDO § 19.030(c)(4), Att. A at 19-27. The list includes the National

Scenic Area, Wild and Scenic Rivers, State Parks, natural heritage areas, and several other designated areas.

The exception in subsections (b)(3) of the draft ordinance would allow related or supporting facilities in the National Scenic Area. Draft LUDO § 19.030(c)(4)(b)(3), Att. A at 19-28. A “related and supporting facility” is by definition part of a wind energy facility. Draft LUDO § 1.080, Att. A at 19-12. However, the National Scenic Area Act prohibits industrial uses, which include commercial energy development, within the National Scenic Area. Related and supporting facilities, being primarily involved with an “industrial use,” are prohibited under the Wasco County National Scenic Area Ordinance. NSA-LUDO § 1.200 (Definition of “industrial use”).<sup>1</sup> As proposed, Chapter 19 could be interpreted as allowing related and supporting facilities—industrial uses—within the National Scenic Area. This would directly violate the National Scenic Area Act.

Similarly, the exceptions also state that electrical transmission lines and natural gas pipelines would be allowed in the National Scenic Area. Draft LUDO § 19.030(c)(4)(b)(1), (2), & (b)(3), Att. A at 19-28. These uses may be allowed, but allowing the use would be subject to the County’s Scenic Area Ordinance.

To avoid conflicts with the Scenic Area Act and unnecessary controversy, Friends recommends the following revisions.

Draft LUDO § 19.030(c)(4)(b), Att. A at 19-27:

Except where the following uses are regulated by federal, state, or local laws, including but not limited to Columbia River Gorge National Scenic Area Act and implementing land use ordinances, ~~the~~ the following may be approve in a protected area identified in subsection (a) above if other alternative routes or sites have been studied and been determined to have greater impacts.

*b. The BOCC should clarify the “no adverse effect” standard as recommended by the Planning Commission.*

A critical component of the Planning Commission’s recommendation is that the BOCC implement EFSC’s no-adverse effect standard for protecting important scenic landscapes. The Draft Energy Ordinance presented to the BOCC modifies the Planning Commission’s recommended language. Draft LUDO § 19.030(c)(4)(d), Att. A at 19-28–19-29.<sup>2</sup> The modified provision removes a portion of the Planning Commission recommendation that explicitly stated that proposals “located outside” the identified areas shall not adversely affect those areas.

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<sup>1</sup> The Wasco County Scenic Area ordinance defines “industrial use” to include “any use of land primarily involved in . . . production of electric power for commercial purposes.” NSA-LUDO § 1.200 Definitions (emphasis added).

<sup>2</sup> An excerpt of the language recommend for approval by the Planning Commission is attached. The excerpt was copied from the version of Draft Chapter 19 that was reviewed by the Planning Commission and made available on the County’s website.

Friends recommends the following revisions, which would provide clarity and implement all of the language from the Planning Commission’s recommendation:

Draft LUDO § 19.030(c)(4)(d), Att. A at 19-28–19-29:

To approve an energy facility located outside the areas listed below, Wasco County must find that ~~the~~ design, construction and operation of the energy facility, taking into account mitigation, will ~~are not likely to~~ result in significant adverse impact to scenic resources and values of the areas identified in subsection (a) above. Methods to mitigate adverse visual impacts could include but are not limited to:

- (1) Building the energy facility near the edge of contiguous timber areas or using the natural topography to obscure the energy facility;
- (2) Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation; and
- (3) Retaining or planting vegetation to obscure views of the energy facility.

**6. Natural Resource/Wildlife Protection.**

**Draft LUDO § 19.030(C)(5), Att. A at 19-29–19-30.**

The draft ordinance includes provisions to protect natural resources, including water resources, plants, and wildlife. Draft LUDO § 19.030(C)(5), Att. A at 19-29–19-30. Friends recommends revising this section to clarify requirements and include explicit references to agencies that the Wasco County Planning Department will consult with during the permitting process.

The U.S. Fish and Wildlife Service (USFWS) has extensive knowledge about wildlife species that would be affected by wind energy development in Wasco County. As such, USFWS is an invaluable resource for evaluating potential impacts to wildlife resources. Moreover, USFWS has jurisdictional authority to protect migratory birds, golden eagles, bald eagles, and certain species listed under the Endangered Species Act. Given the central role USFWS plays in protecting these species, it is critical that the agency be involved with the permitting process and that resources identified by the agency are protected.

The Oregon Natural Heritage Program has expert knowledge on the location of rare, threatened, and endangered plant species. As such, consultation with the Natural Heritage Program should be required.

The draft ordinance would limit natural resource protections to natural resources that are “identified . . . [in a] resource management plan adopted and in effect on the date the application is submitted.” Draft LUDO § 19.030(C)(5), Att. A at 19-29. Not all significant natural resources are identified in agency resource management plans. Some significant natural resources, such as

golden eagle nest sites, are documented on agency lists and maps of rare, threatened, and endangered species and important habitats. Some significant natural resources may not be discovered until the pre-construction surveys are complete. The specific resource may not be identified in a formal resource management plan. To ensure all significant natural resources are protected, the ordinance should be revised to provide protection to any natural resource identified by an expert agency.

The natural resource protection provisions would also be substantially improved by providing more detailed requirements for preconstruction studies and post-construction monitoring. As proposed the draft ordinance includes studies, analysis, and post-construction monitoring as measures that can be employed to reduce significant impacts to wildlife. Draft LUDO § 19.030(C)(5), Att. A at 19-29–19-30. However, the draft ordinance does not create explicit mandate requiring avoidance of significant impact and clear mitigation measures when avoidance is not possible. The preconstruction studies and post construction monitoring are limited to “[p]roviding information pertaining to the energy facilities potential impacts,” “conducting biologically appropriate baseline surveys,” and “developing a plan for post-construction monitoring.” Draft LUDO § 19.030(C)(5)(a), (b), and (m).

Pre-construction surveys and reports and post-construction monitoring provide information on how to reduce impacts, but the studies themselves do not prevent or reduce impacts. These requirements should be revised to include measures that would avoid or fully mitigate impacts identified in the required reports. For post-construction impacts, the County should give itself authority to require that modifications to projects if unanticipated impacts occur during operation.

Friends recommends the following revisions to implement the above-referenced recommendations:

Draft LUDO § 19.030(C)(5)(a), (b), & (m), Att. A at 19-29–19-30:

Taking into account mitigation, siting, design, construction, and operation, the energy facility has been designed and will be constructed and operated without the facility will not cause significant adverse impact to important or significant natural resources identified in the Wasco County Comprehensive Plan, Wasco County Land Use and Development Ordinance or by any jurisdictional wildlife or natural resource agency resource management plan adopted and in effect on the date the application is submitted. The permit holder agrees to implement all permit conditions, including siting, monitoring and mitigation actions that Wasco County determines appropriate after consultation with the Oregon Department of Fish and Wildlife, Oregon Natural Heritage Program, United State Fish and Wildlife Service, or other jurisdictional wildlife or natural resource agency. Measures to reduce significant impacts may include, but are not limited to the following:

- a. Providing information pertaining to the energy facility’s potential impacts and measures to avoid impacts on:

- (1) Wildlife (all potential species of reasonable concern);
  - (2) Wildlife Habitat;
  - (3) Endangered Plants; and
  - (4) Wetlands & Other Water Resources.
- b. Conducting biologically appropriate baseline surveys in the areas affected by the proposed energy facility to determine natural resources present, ~~and~~ patterns of habitat use, predict likely impacts, and identify measures to avoid and mitigate identified impacts.

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- m. Developing a plan for post-construction monitoring of the facility site using appropriate survey protocols to measure the impact of the project on identified natural resources in the area. If impacts occur in excess of those identified in pre-construction estimates, the County shall have authority to require modifications to the project permit, including but not limited to requiring that problematic turbines be shut down during key migratory periods and requiring additional mitigation.

**7. Radar-triggered aviation safety lighting.  
Draft LUDO § 19.030(D)(1)(a)(3), Att. A at 19-34.**

The draft ordinance would require the use of radar triggered aviation safety lighting if radar triggered technology is on a list approved by the Federal Aviation Administration (“FAA”). Draft LUDO § 19.030(D)(1)(a)(3), Att. A at 19-34. The ordinance does not define the “list” or process that the FAA uses to approve radar triggered lighting. To ensure that the wind facility developers fully explore this option, Friends recommend requiring that applicants seek approval of radar-triggered lighting. Notably, this requirement has been enforced on at least one wind facility in Wyoming. Attached is an excerpt of the Wyoming Department of Energy permit with the relevant permit condition.

Friends recommends the following language:

Draft LUDO § 19.030(D)(1)(a)(3), Att. A at 19-34:

Lighting - Lighting of towers is only allowed if required by the Oregon Department of Aviation of Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or Federal Aviation Administration the applicant shall seek approval of radar triggered lighting. ~~and radar triggered lighting is on the list of approved lighting, it shall required.~~

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**8. Setbacks from dwelling and non-resource zones.  
Draft LUDO § 19.030(D)(1)(c), Att. A at 19-35–19-36.**

The draft ordinance provides setbacks for wind energy facilities from non-project property lines, dwellings in resource and, and the boundaries of non-resource zones. Draft LUDO § 19.030(D)(1)(c), Att. A at 19-35–19-36.

For Resource Zone dwellings the Planning Commission recommended a setback of 3,520 feet or the distance necessary to comply with DEQ noise standards, whichever is greater. Draft LUDO § 19.030(D)(1)(c)(3). The Planning Commission also recommended a waiver provision to allow a developer to obtain permission to construct turbines within the DEQ noise buffer.

For projects near Non-Resource Zone lands the Planning Commission recommend setbacks of 1 mile from all non-resource zoned property; 3/4 of a mile (3,960 feet) from city limits, urban growth boundaries, and urban reserve boundaries; or the distance required to comply with DEQ noise standards. Draft LUDO § 19.030(D)(1)(c)(4). The Planning Commission did not recommend a waiver for the setback from non-resource zones.

Friends recommends increasing the setback for resource zone dwellings and all non-resource zoned lands to 1.5 miles. The County should allow residents in resource zones to waive the 1.5-mile setback from dwellings. A uniform 1.5-mile setback would substantially protect the community from adverse impacts of wind energy development, including the impacts from noise and impacts to visual resources. Allowing for waivers in resource zones would provide an avenue for energy facility developers to negotiate with landowners to place turbines closer to dwellings.

A 1.5-mile setback would be consistent with EFSC’s implementation of the state noise standards found in OAR 340-035-0035. The state noise standards effectively create buffers up to and beyond 1.5 miles. As evidence of this, Friends has attached “noise contour” maps from the Shepherds Flat Wind Project, the Leaning Juniper II Wind Project, and the Summit Ridge Wind Project. The 36-decibel contour line on each map depicts the effective noise buffer created by OAR 340-035-0035.

These maps show that wind facilities can violate DEQ’s default 36 decibel ambient noise standard at distances well over a mile—in some cases up to 2 miles from wind turbines. For example, the noise contour map for the Leaning Juniper II, which modeled 3.0-megawatt wind turbines, showed that the 36 decibel noise contour would be predominately 1.5 to 2 miles from wind turbines. Thus, the actual setback would be 1.5 to 2 miles from dwellings in proximity to the facility.

For background, the state “ambient degradation” standard prevents a wind facility from creating noise in excess of 10 decibels above ambient levels. A wind facility developer can obtain a waiver from a resident to intrude into the ambient noise buffer. In no circumstance is a wind facility allowed to violate the more rigorous “maximum allowable test,” which caps allowable

noise levels at 50 decibels.<sup>3</sup> To demonstrate compliance with the ambient degradation standard wind facility developers may assume 26-decibel ambient noise levels in rural areas. In practice this creates a default 36-decibel cap on noise that can be heard at rural residences. By allowing developers to assume a 26-decibel ambient noise level, residents in areas with ambient noise levels below 26-decibels are given the burden of proving the actual ambient noise level.

Actual ambient noise levels in parts of rural Wasco County could be as low as 20 decibels, which would theoretically cap noise at levels as low as 30 decibels. However, since developers can assume a 26 decibel ambient noise level, residences with ambient noise levels below 26 decibels have the burden of proving that ambient noise was actually below 26 decibels. The citizens of Wasco County generally do not have access to the professional consultants employed by the wind industry. As such, rural residents are placed at a severe disadvantage if they attempt to challenge the industry's noise analysis. The burden placed on rural residents justifies establishing a default 1.5-mile setback with a waiver process to reduce the buffer.

A 1.5-mile buffer is supported by findings from the Oregon Public Health Division, which recently released a draft *Strategic Health Impact Assessment on Wind Energy Development in Oregon*. That concluded the following:

Sound from wind energy facilities in Oregon could potentially impact people's health and well-being if it increases background sound levels by more than 10 dBA, or results in long-term outdoor community sound levels above 35-40 dBA. The potential impacts from wind turbine sound could range from moderate disturbance to serious annoyance, sleep disturbance and decreased quality of life.

*Strategic Health Impact Assessment on Wind Energy Development in Oregon* at 51. As demonstrated by the attached noise contour maps, the distance where potential impacts to public health become significant can extend up to 2 miles from a wind facility.

Since noise impacts analysis is a highly technical science and subject to complex modeling prepared by a project developer, adopting uniform setbacks creates a fair and transparent setback that is readily apparent to all citizens. Deferring to state noise standards obscures a landowners rights behind industry technical reports, which risks leaving affected landowners in a great deal of uncertainty.

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<sup>3</sup> The "ambient degradation" test requires that facilities "not increase the ambient hourly . . . noise levels at any noise sensitive receiver by more than 10 decibels." Shepherds Flat Wind Farm Final Order (SFWF Final Order) at 132. For the ambient degradation test the project developer can either assume a 26 decibel ambient noise or measure the actual noise. Most projects reviewed by EFSC have assumed a 26-decibel ambient noise level. This creates a 36-decibel threshold for the "ambient degradation test." EFSC also applies a "maximum allowable" test, which requires that facility "not exceed an hourly . . . noise level of 50 dBA at any noise sensitive receiver." SFWF Final Order at 133. A developer is not allowed to obtain waivers from this standard.

Instead of requiring citizens to trust the industry's noise analysis or hire expensive expert consultants, the more balanced approach would be to employ larger default setbacks. For dwellings in Resource Zones the County should include a process for obtaining waivers to allow development as close as 1,320 feet. Friends encourages the BOCC to adopt a setback of 1.5 to 2 miles, with a waiver process to allow development as close as 1,320 feet for dwellings in resource zone lands.

**C. *EFSC preemption of County standards.***

The County should be aware that EFSC has authority to preempt any Wasco County standards that were adopted to implement Statewide Planning Goals. ORS 469.504(b)(1)(B) allows EFSC to preempt local land use laws implementing a Statewide Planning Goal if the proposed development would violate the local rule but comply with purpose of the Statewide Planning Goal.

The County should be aware that there is risk that any project that elects to use EFSC's permitting process may be able to preempt the standards established in Chapter 19. To avoid this risk, the County should clarify where standards are intended to implement Statewide Planning goals and where standards implement the County's broad zoning authority.

**D. *Conclusion***

Thank you for the opportunity to comment.

/s/ *R. F. Till*

Richard Till  
Conservation Legal Advocate