

**Last Updated
1 June 2010**

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COMMERCIAL ENERGY FACILITIES**

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CHAPTER 19 STANDARDS FOR NON COMMERCIAL ENERGY FACILITIES & COMMERCIAL ENERGY FACILITIES

SECTION 19.010 Purposes

This chapter describes the requirements for establishing non-commercial and commercial **energy facilities** in Wasco County. The goals of this chapter are to:

- Encourage renewable energy production;
- Utilize clear and objective standards;
- Establish a clear, consistent and accountable application process;
- Collaborate and coordinate with agencies and other stakeholders;
- Protect the public health, safety and general welfare of the citizens of Wasco County; and
- Protect resources identified in the Wasco County Comprehensive Plan.
- **Focus development in areas which minimize conflict with other permitted uses.**
- **Protect investments in property by ensuring that incompatible uses do not occur on adjacent properties.**

The uses described in this chapter are only allowed if listed in the zoning section in Chapter 3 applicable to the subject property.

SECTION 19.020 Definitions (Either included in Chapter 1 or Chapter 19. Compare to existing definitions)

Underline = Proposed Definitions

Ambient Sound Level - The amount of background noise at a given location **prior to the installation of an Energy System** which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

Anemometer – A device to measure the wind speed.

Building Mounted WECS - A WECS mounted or attached to a building. **Do we need to define what the height of a building mounted WECS is? No, this should be subject to the overall development standard height restriction.**

Blade - An element of a WECS rotor which forms an aerodynamic surface or surfaces to convert movement of air into mechanical energy or torque.

BOCC - Wasco County Board of County Commissioners. (Add this to Chapter 1)

Commercial Power Generating Facility (Utility Facility For The Purpose Of Generating Power) - A facility for the production (or transmission) of energy and its related components that

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues; and
- b. Is intended to provide energy for sale

See “Net Metering Facility” and “Non-Commercial/Stand Alone Power Generating Facility” for additional definitions related to energy production.

Communication Tower - Any tower designed to support commercial radio, television, and/or telecommunications receiving or broadcasting antennas, dishes, buildings and associated commercial equipment used to transmit or receive radio, microwave, wireless communications, and other electronic signals.

Downwind - On the opposite side from the direction from which the wind blows.

Downwind Properties - Properties outside of the project boundary that can practicably be developed for commercial wind energy.

Energy - The amount of work that can be performed by a force.

Energy Development - A building or construction operation making a significant change in the use or appearance of a structure or land for an energy facility; and the clearing, excavation, filling, grading, and road building in connection with the operation.

Energy Facility or System - A hydroelectric, wind energy, biomass, geothermal or transmission facility with a nominal electric generating capacity of 25 MW or less or carrying 230 kV or less.

Equipment that converts and then stores or transfers energy from into usable forms of energy and includes all necessary component used in the system except transmission lines.

Energy Facility Project Area - The proposed location of an energy facility, any structure adjacent to and associated with an energy facility, including associated transmission lines, reservoirs, intake structures, road and rail access, pipelines, barge basins, office or public buildings, and commercial and industrial structures proposed to be built in connection with

the energy facility, and the area affected by the facility.

EFSC - Oregon Energy Facility Siting Council. The Council includes seven members appointed by the governor and confirmed by the Oregon Senate with the responsibility for overseeing the development of large energy facilities.

FERC - Federal Energy Regulatory Commission – The United States federal agency with jurisdiction over interstate electricity sales, wholesale electric rates, hydroelectric licensing, natural gas pricing, and oil pipeline rates. FERC also reviews and authorizes liquefied natural gas (LNG) terminals, interstate natural gas pipelines and non-federal hydropower projects.

Grid - The utility distribution system. The network that connects electricity generators to electricity users.

Guy Wire - A cable or wire used as a semi-flexible tension support between a guy anchor and a tower.

Height Of Tower - The height of the vertical distance from the grade at the base of the tower or pole to the tallest point of the tower including any attachments to the tower that are above the highest point on the tower structure. (what about antenna?). For a WECS the height shall be measure to the uppermost vertical extension of any blade or to the maximum height reached by any part of the WECS.

Horizontal Axis WECS - A WECS on which the rotor axis substantially is parallel to the ground.

Inverter - A device that converts direct current (DC) to alternating current (AC).

Joule - Amount of work done by a force of one newton moving an object through a distance of one meter.

Kilowatt-hour (kWh) - A measure of energy equal to the use of one kilowatt in one hour.

Kilovolt (kV) - The unit of voltage of potential difference which equals 1,000 volts.

Kilowatt (kW) - A measure of power for electrical current (1,000 watts).

Megawatt (MW) - The electrical unit of power which equals 1,000,000 watts.

Meteorological Tower - The tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), temperature and pressure sensors, other weather measuring devices attached to the tower, wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry

devices that are used to monitor or transmit weather information at a given location.

Nacelle -The structure which houses all of the generating components, gearbox, drive train and other components of the WECS.

Net Metering Facility - A facility for the production of power that:

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues;
- b. Is intended to offset part of the customer-generator's requirements for energy;
- c. Will operate in parallel with a utility's existing transmission and distribution facilities;
- d. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;
- e. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

See "Non-Commercial/Stand Alone Power Generating Facility" and "Commercial Power Generating Facility" for additional definitions related to energy production.

Non-Commercial/Stand Alone Power Generating Facility –

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues;
- b. Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to;
- c. Operates as a standalone power generator not connected to a utility grid; and
- d. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

See “Net Metering Facility” and “Commercial Power Generating Facility” for additional definitions related to energy production.

Non-Resource Zones - Zones within the jurisdiction of this ordinance that are not protected by either Oregon Land Use Planning Goal 3, Agricultural Lands or Goal 4, Forest Lands.

OWRD - Oregon Water Resources Department.

Photovoltaic System – A system which converts solar energy for electricity generation, space heating, space cooling or water heating and which consists of solar panels, photovoltaic laminates, electrical lines, pipes, batteries, mounting brackets, frames, foundation and other appurtenances or devices necessary for the operation of the system wherever installed. - (Do we need definitions for roof mounted and ground arrays?)

Planning Department - Wasco County Planning and Development Department.

Planning Commissioner – Wasco County Planning Commission.

Power - The rate at which work is performed or energy is converted.

Prevailing Wind Direction - Within 45 degrees of the direction from which wind flows for at least 20 percent of the year based on at least one year's site-specific recorded wind data.

Private Utility Service Lines (Consumer) – Electrical power lines that connect the consumer/customer to the utility facility service lines (distribution).

PURPA - Public Utility Regulatory Policies Act (1978), (1) 16 USC § 824a-3; (2) 18 CFR § 292; (3) ORS 758.505-555; (4) OAR 860, Division 029.

Related and Supporting Facilities to a Commercial Energy Facility – What does this include? It does not include things such as existing road networks that are necessary to access the development site. Transmission, maintenance and operations centers, repair equipment storage, substations, etc.

Resource Zones - Zones within the jurisdiction of this ordinance that are protected by either Oregon Land Use Planning Goal 3, Agricultural Lands or Goal 4, Forest Lands.

Rotor - 1) A system of rotating aerodynamic elements and hub assembly attached to a shaft that converts the kinetic energy in the wind into mechanical energy; 2) Rotating element in an electrical generator.

Rotor Diameter - Twice the distance from the center of rotation to the outermost point of the blade.

Shadow Flicker - The moving shadow created by the sun shining through the rotating blades of a WECS.

Significant Interference With Wind Access - A ten (10) percent decrease in wind speed caused by an obstruction(s).

Solar Access - The right of a property owner to have sunlight shine onto the property owner's land.

Solar Energy System - See "Photovoltaic System".

Swept Area - Area perpendicular to the wind velocity that a rotor will cover during one complete rotation.

Theoretical Horsepower - The product of the flow used by a hydroelectric facility, expressed in cubic feet per second, multiplied by the head, expressed in feet, divided by 8.8.

Tower - monopole, freestanding, or guyed structure.

Tower Mounted WECS - A Wind Energy System mounted or attached to a tower, pole or similar structure which is not a building. (Is this term used in the standards?)

Shouldn't this just be a specific type of met tower, rather than a separately defined term?

Total WECS Height - The height of a WECS measured from ground level to the highest vertical extension of a WECS.

(For transmission look at Umatilla County information)

Transmission Facility - The conductors, lines, structures, buildings, corridor, and construction staging and assembly areas associated with the transmission of electricity from major power sources to the regional power grid and from the regional power grid to the local power distribution system. Such a facility operates at a current of 230 kilovolts (230kV) or less. Such a facility does not include electric power substations, switching stations, or generating facilities.

Upwind - On the same side as the direction from which the wind is blowing – windward.

Utility Facility – Look at Umatilla County definition

Utility Facilities Necessary for Public Service - Facilities for providing communication, water, sewers or transportation and facilities accessory to energy facilities.

Utility Facility Service Lines - Utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

- a. A public right of way;
- b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
- c. The property to be served by the utility.

Add these will also be allowed in an easement for properties other than EFU.

Vertical Axis WECS - A WECS which rotor axis is vertical.

Watt - A unit of measure for the rate of energy conversion. Equal to 1 joule of energy per second.

WECS (Wind Energy Conversion System) - ~~A device that converts the kinetic energy in the wind into electric energy. The WECS includes all parts of the system except transmission lines.~~

Equipment that converts energy from the wind into usable forms of energy (such as electricity) and then stores or transfers the energy. This equipment includes any base, blade, foundation, wind generator, nacelle, rotor, wind tower, transformer, vane, wire, inverter, batteries or other component used in the system except transmission lines.

WECS Site - The lot or lots upon which a WECS is situated. If abutting lots are used primarily for WECS, the WECS site encompasses all such abutting lots.

WECS Tower - Subsystem of a WECS that supports the rotor, or other collection device, above-ground.

Wind Energy Facility - A WECS or group of WECS including all parts of the system except transmission lines. ~~Such a facility has a nominal electric generating capacity of 25 MW or less.~~

~~Wind Farm - A cluster or array of three or more electrical WECS which are under the same ownership or management.~~

Wind Measurement Device - An instrument for measuring wind speed and/or direction, including the tower or pole upon which it is mounted. (This could be different than a meteorological tower should we make the distinction or amend this definition so it is not a meteorological tower?)

Wind generator – The blades and associated mechanical and electrical conversion components mounted on top of the tower.

SECTION 19.030 Non-Commercial Review Processes & Approval Standards

These are being reviewed through a separate group and will be incorporated into the Chapter at a later date.

SECTION 19.040 Commercial Review Processes & Approval Standards

A. Review Processes

1. Review Authority:

a. Planning Commission - Unless otherwise specified all commercial projects shall be initially heard by the Planning Commission in a public hearing.

b. Planning Department

(1) Post EFSC Review - Pursuant to ORS 469.401, after issuance of a site certificate by EFSC pursuant to subsection c. below, and subject to receiving the proper fees, the Planning Department must promptly issue any permits, licenses and certificates addressed in the site certificate subject only to conditions set forth in the site certificate but without hearings or other proceeding (Type I review).

(2) PURPA - Should we allow PURPA projects to be reviewed by the Planning Department instead of the Planning Commission? This would streamline the process and eliminate a public hearing. If the project looked to be controversial we would have the opportunity to take it directly to the Planning Commission.

Do we want to describe a subset of review criteria or some other expedited process for PURPA projects? Where does 10 MW limitation come from? I didn't see it in either the ORS or OAR. See PURPA definition.

We could look at the number of towers as a trigger. At two MW per tower a PURPA project would be 5 towers.

(3) Hydroelectric Projects – See subsection d. below.

(4) Other –

-Projects 10% or less than the EFSC standards shall be reviewed administratively. What about standards? Should there be reduced standards as well?

-As technology advances and gets more efficient the residential scale devices will get smaller. This could allow for residential or small scale uses to kick over into commercial if they produce more than they consume. If a device is technically commercial but would be reviewed under a ministerial or STS process according to the Non-Commercial matrices, we should review them under that process and not the commercial process. There may need to be some exceptions such as ground arrays >1,500 square feet on properties > 40 acres. Since there is no upper limit a commercial CUP should be required.

c. EFSC

- (1) EFSC has regulatory authority over all **energy and related projects** exceeding thresholds designated by ORS 469.300. However, pursuant to ORS 469.480 EFSC shall designate the BOCC as a special advisory group who may participate in the siting process pursuant to the role established in ORS 469. (Do we want to define the county's process anymore? If yes should that be appealable? This is not required pursuant to ORS 46.504. We made this process public for the UPC application due to citizen concerns over the project but we did not do this with Summit Ridge.)
- (2) An applicant can elect to have EFSC review their **energy or related project** notwithstanding it is less than the threshold designated by ORS 469.300.
- (3) If for any reason the BOCC desires, they may defer regulatory authority of **energy or related project to** EFSC notwithstanding it is less than the threshold designated by ORS 469.300 (Legal?).

d. OWRD - Hydroelectric Energy Projects

- (1) Not Located within an Area of Special Flood Hazard - Hydroelectric energy projects not located within an Area of Special Flood Hazard are not required to meet property development standards within the zone they are being located and are allowed without any review by the Planning Department as long as they are being reviewed by OWRD or FERC. (OWRD has a robust review process pursuant to ORS 543 & OAR 690-051-0060 which requires consultation with all applicable state, federal and local agencies. Hydro facilities are precluded in certain areas subject pursuant OAR 690-051-0030. OWRD confirmed the proposed language is acceptable to them.)
- (2) Located within an Area of Special Flood Hazard - Hydroelectric energy projects located within an Area of Special Flood Hazard are not required

to meet property development standards within the zone they are being located or any additional criteria in B. or C. below but are subject to Section 3.740, Flood Hazard Overlay even if they are being reviewed by OWRD.

- e. FERC - FERC has regulatory authority over all energy or related projects of a size, scale or interest to the federal government pursuant to Title 18, Conservation of Power and Water Resources, of the Code of Federal Regulations.

2. Zone Requirements

- a. Resource zones – Unless otherwise specified, **all commercial energy projects including transmission only projects** located entirely or partially within a resource zone shall meet the applicable standards of C. General Standards, D. Specific Standards, Chapter 5 Conditional Use Review Standards and applicable Chapter 20 Site Plan Review Standards.
- b. Non-Resource Zones – Unless otherwise specified, **all commercial energy projects including transmission only projects** located entirely or partially within a non-resource zone shall meet the applicable standards of B. Non-Resource Zone Standards, C. General Standards, D. Specific Standards, Chapter 5 Conditional Use Review Standards and applicable Chapter 20, Site Plan Review Standards.

- 3. County Decision Options: As part of the application materials the applicant shall indicate if they are requesting final or tentative approval.

- a. Final Approval: A final approval will be issued when the applicant has submitted all of the required application materials and Wasco County has issued final approval which includes only non-discretionary conditions that can be submitted for staff review and verification.

- b. Tentative Approval: A tentative decision may be issued when the applicant has submitted most of the required application materials but would prefer to defer completion of some limited discretionary review elements of the project including one or more prescribed plans such as weed, erosion control, soil de-compaction, or wildlife plans.

The tentative approval shall specify a time limit or expiration date within which all deferred discretionary review elements or plans shall be reviewed for final approval. **(Do both the tentative and final approval get the full two years and the one time two year extension? This would give eight years to begin construction?).**

The deferred items or plans will be the only items up for consideration and not the entire project.

B. Non-Resource Zone Standards

If the energy facility or system will entirely or partially be sited in a non-resource zone it will be required to meet either 1. Related or Supporting Facilities, or 2. Community Interest Test below.

1. Related or Supporting Facilities (Reasonable Alternatives Analysis)

If all of the primary **commercial energy facility** is to be sited on resource zoned properties and part or all of the related or supporting facilities are proposed to be sited on non-resource zoned properties, they shall be allowed upon a showing that such related or supporting facilities are necessary for siting the **commercial energy facility**. To demonstrate that 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 criteria:

- a. Technical and engineering feasibility of siting the commercial energy facility as a whole;
- b. Availability of existing rights-of ways and public roads and proximity to transmission lines and interconnections;
- c. Environmental impacts associated with avoiding non-resource zoned land; and
- d. Protection of farm and forest resources **(Listed in the general standards below)**

2. Community Interest Test (If this test is required 1. above is not required.)

Non-resource zoned lands are designated for higher density uses which may be incompatible with an **energy project** depending on the scope, scale and location of the project. To ensure compatibility, if all or part of the primary **energy facility** is proposed to be located on non-resource zoned properties, it shall be allowed if the facility is in the community interest. To demonstrate that the **energy facility** is in the community interest, an applicant must meet the following criteria:

- a. The applicant is a community group within the meaning of this section, or is associated or partnered with a community group;

Community Group – Individuals who are elected or appointed to represent property owners within a defined geographic area where the energy project is proposed including but not limited to a homeowner’s association, fire district board, water district board, or irrigation district board. A community group could also be a majority (or 75%) of the property owners of the geographic area where the project will be located and those property owners within the notification area of the project pursuant to Section 2.080, Notice.

- b. The commercial energy facility will provide an identifiable benefit to property owners within the geographic area the community group represents; and (this could be power, money, or jobs if associated with a business)
- c. The community group shall notify all members within the geographic area of the community they represent and conduct a public meeting to solicit feedback regarding the proposed commercial energy development project prior to submitting a land use application. The applicant shall then include the notification list, agenda, and minutes of the meeting as part of the application.

C. Pre-application conference

Section 2.050 and the Fee Schedule both talk about pre-application conferences. Currently we would require a pre-application conference for all commercial energy applications. Cost is \$500 with \$250 of that applied to cost of application if it is submitted within 90 days of the pre-application conference. Do we want anything else specific here such as an overview of the process?

-Information provided to the Planning Department by applicant

-As much information as possible

-Information provided to applicant by Planning Department

-Process Explanation

-Application requirements

-Invite Applicable Federal, State and Local Jurisdictions and Agencies to provide their information.

- D. Application Materials – In addition to the Site Plan Requirements of Section 20.030, Contents of the Site Plan and any required information in the application materials, the applicant shall submit the following where applicable: (We could eliminate some or all of the following and just make reference to the information required in the application materials)

1. Site Plan/Map Requirements

- a. Township, range, section and tax lot number.
- b. Property lines and physical dimensions of the applicant’s property.

- c. Names and location of all streets or roads adjacent to the property.
 - d. Indicate the direction and percent of slope and contours.
 - e. Indicate location of and distance from all major features (i.e., rims, canals, irrigation ditches, rock ledges, rivers and streams).
 - f. Indicate location of any wells or water source.
 - g. Indicate existing or proposed fencing.
 - h. Identify with dotted lines the location of any Easements and Deed Restrictions.
 - i. Location, dimensions, and types of existing structures on the property (number each structure. In the margin reference the structures by number and indicate structure usage and dimensions). Indicate the distance from all structures to adjacent structures and property lines.
 - j. Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
 - k. Indicate the setback requirements as outlined in this ordinance.
 - l. Show any overhead utility lines.
 - m. Show location of power and water lines or any other utility with the length indicated.
 - n. State and federal resource lands, Goal 5 areas, and other protected areas in the vicinity of the project site.
 - o. A map showing the existing topography of the site.
 - p. Water bodies, waterways, wetlands and drainage channels.
 - q. The location and distance to residences and other noise sensitive properties, public or private airports or airstrips, and other uses or structures relevant to the standards or criteria for the facility.
2. General Description - A general description of the proposed project and other development associated with the project, 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 project, including a map showing the location of components.
 3. 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;
 - c. Accepted farm or forest practices on surrounding resource land, including the nature and the extent of the impact of the proposed facility on the cost of such practices; and
 - d. Residential or other non-resource properties on adjacent lands.

4. Other permits - A list of permits, approvals or other actions that the applicant has requested or will request from other government agencies or from public or privately-owned utility companies serving the site.
5. Transportation Plan - A Transportation Plan, with proposed recommendations, if any, reflecting the guidelines provided in Wasco County's Transportation System Plan (TSP). The Plan shall include transportation impacts from the proposed facility on the local and regional road system during and after construction, after consultation with Wasco County Road Department and/or the Oregon Department of Transportation. The plan will designate the size, number, location and nature of vehicle access points.
6. Revegetation Plan & Weed Control Plan - A plan for restoring areas temporarily disturbed during construction and to address prevention and control of all Wasco County identified noxious weeds directly resulting from the project during preparation, construction, operation and demolition/rehabilitation developed in consultation with the Wasco County Weed Department.
7. Drainage and Erosion Control Plan - An erosion control plan, developed in consultation with the Wasco County Public Works Department 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 Pollution Discharge Elimination System) permit.
8. Fire Protection & Emergency Response Plan - 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 and address the fire siting standards in the applicable zone. The plan shall also address how employees of the facility will receive medical attention in case of emergency. (Most if not all rural fire and ambulance services are not trained to respond to incidents in a wind tower.)
9. Cultural/Historic Resources Plan - A plan to protect any archaeological, historical or cultural sites or artifacts found at the site.
10. Avian Plan - The avian 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. (Is the reference to EFSC needed if we already refer to EFSC authority above?)

The plan shall include the formation of a technical oversight committee to review

the plan, and consist of the following persons: (Not sure if we want to do this was but it is included in several other Oregon county ordinances)

- 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 Wasco County residents with no direct economic interest in the project and recommended by the applicants for appointment by the Wasco County Board of Commissioners.
- e. U.S. Fish and Wildlife representative, if the agency chooses to participate.
- f. Wasco County Planning Commission member.

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

11. Information pertaining to the facility impacts 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.
12. Soil De-compaction plan - 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. (This is already required for wind projected in the EFU. Is it needed for other projects and in other zones?)
13. Socioeconomic Impact Assessment - A socioeconomic impact assessment of the 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 and/or individuals. These effects can be viewed as either positive or negative. In order to maximize potential benefits and to mitigate outcomes that are viewed as problematic, decision-makers need information about the socioeconomic impacts that are likely to occur.
14. Decommissioning Plan - A description of actions to restore the site to a useful, non-hazardous condition upon project termination prepared by the applicant and approved by the landowner(s).
15. EFSC Information - 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.

- E. General Standards (A lot of these criteria duplicate the language from the plan requirements above. Should we make a general criterion that the applicant is required to adhere to the plans as reviewed and approved?)

The following standards apply to all commercial energy systems in addition to meeting the Conditional Use Standards listed in Chapter 5, Conditional Use Review:

1. Exclusive Farm Use Land

- a. If the site of a proposed power generating project is in an Exclusive Farm Use zone, the proposed project complies with the standards in ORS 215.296(1) and OAR 660-033-130(17) or 660-033-130(22). (Unless it is a wind project it cannot remove more than 12 or 20 acres of farmland without a goal 3 exception)
- b. If the proposed project is a transmission line or pipeline in an Exclusive Farm Use zone, the proposed project complies with the standards in ORS 215.275. (Utility facility necessary for a public service. This use will be included in all zones. Need to make sure commercial energy and utility facilities that are transmission or pipelines are cross-referenced.) Compare this to transmission specific standards to make sure they are not redundant.

2. Forest Land - If the site of a proposed energy project is in a forest zone or mixed farm and forest zone, the proposed use complies with OAR 660-006-0025(4). (Sub h. Cannot take more than 10 acres out of production for all uses including wind unless a goal exception is taken)

Will not significantly affect forest uses on the site or surrounding land;

3. Air Safety - For all structures that are more than 200 feet above grade or that exceed airport imaginary surfaces as defined in OAR Chapter 738, Division 70, the proposed facility complies with the air hazard rules of the Oregon Department of Aviation. The applicant shall notify the Department of Aviation and the Federal Aviation Agency of the proposed facility and shall submit documentation to the planning authority of any air safety conditions required by those agencies. (There is already an aviation overlay. We need to include language about notice to local sprayers, Oregon Aviation and FAA.)
4. Interference with Communications - Energy systems shall be designed, constructed and operated so as not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. If undue reduction or interference occurs,

the applicant must restore reception to the level present before operation of the energy project.

5. Noise - The proposed energy project complies with the noise regulations in OAR Chapter 340, Division 35. The applicant may be required to submit a qualified expert's analysis and written report.

The applicant may exceed the standard listed above from any property where this standard would not be met if written permission is received from that property owner(s). (Need to clarify for this and other standards that they are not applicable for all properties that are part of the project)

6. Visual Impact - The applicant has reduced the visual impact of construction and operation of the proposed energy project to the extent practical by methods that may include, but are not limited to, the following:
 - a. Avoiding state or federal scenic areas and significant visual resources listed in the comprehensive plan.
 - b. Building the energy project near the edge of contiguous timber areas or using the natural topography to obscure the project.
 - c. Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation.
 - d. Retaining or planting vegetation to obscure views of the energy project; and
 - d. Setting the energy project back from the edge of public arterial rights-of-way and from Type F and Type D streams.
7. Scenic Area Corridor (or comp plan designated scenic areas or corridors) - The proposed energy project is not within a formally-designated scenic corridor. Scenic corridors include federal or state scenic byways, scenic highways, scenic areas, scenic waterways and local scenic view corridors listed in the comprehensive plan.
8. Fish, Wildlife and Native Plant Protection - The proposed energy project can be designed, constructed and operated without significant adverse impact to fish, wildlife and native plant resources, including fish and wildlife habitat, migratory routes and state or federally-listed threatened or endangered fish, wildlife or plant species. The applicant agrees to implement monitoring and mitigation actions that the planning authority determines appropriate after consultation with

the Oregon Department of Fish and Wildlife and the Oregon Department of Agriculture.

9. Natural Resource Protection - The proposed project has been designed to reduce the likelihood of significant adverse effects on wildlife and wildlife habitat. Measures to reduce significant impact may include, but are not limited to, the following:
 - a. Conducting biologically appropriate baseline wildlife surveys in the areas affected by the proposed wind energy project to determine wildlife species present and patterns of habitat use.
 - b. Selecting locations to reduce the likelihood of significant adverse impacts on wildlife based on expert analysis of baseline data.
 - c. Designing towers to reduce horizontal surfaces for perching
 - d. Designing towers, foundation and support structures to avoid creation of artificial habitat or shelter for raptor prey.
 - e. Controlling weeds to avoid the creation of artificial habitat suitable for raptor prey such as spreading gravel on turbine pad.
 - f. Using anti-perching protection devices on transmission line support structures and appropriate spacing of conductors.
 - g. Avoiding construction activities near raptor nesting locations during sensitive breeding periods and using appropriate no construction buffers around known nest sites. (Duplicates Section 3.960 – Sensitive Bird Site Overlay)
 - h. Using suitable methods such as coloration or soundproducing devices to discourage birds from entering areas of concentrated solar energy near solar-thermal mirrors or other devices that concentrate solar radiation.
 - i. Locating transmission lines or electrical lines associated with the project at least 50 feet from the edge of the nearest wetland or water body.
 - j. Separating transmission lines or electrical lines associated with the project from the nearest wetland or water body by topography or substantial vegetation.
 - k. Locating transmission lines or electrical lines associated with the project parallel to the prevailing winds.
 - l. For facilities subject to Energy Facility Siting Council jurisdiction, a finding by the Council that a proposed energy facility meets the Council's Fish and Wildlife Habitat standard, OAR 345-022-0060, satisfies the requirements of paragraph (4).
 - m. Developing a plan for post-construction monitoring of the project site using appropriate survey protocols to measure the impact of the project on wildlife in the area.
10. Fire Protection & Emergency Response - The applicant agrees to implement fire protection measures for the construction and operation of the energy project that

are acceptable to the Wasco County and other land management agencies adjacent to the proposed energy project, if any. For power generation projects, the applicant must have an approved fire prevention or protection plan in place with the Wasco County or local fire protection district during construction and operation.

11. Access and Parking - The applicant agrees to implement adequate plans to: (All commercial uses will reference Chapter 20, Site Plan Review to deal with parking and loading.)

- a. Use existing roads for access to the extent practical and avoid construction of on-site roadways as much as possible.
- b. Restore the natural grade and revegetate any temporary access roads, equipment staging areas and field office sites used during construction of the energy project. The applicant must specify the type and amount of seed or plants used to revegetate the disturbed areas and a timeline to complete this work.
- c. Construct and maintain access roads for all-weather use to assure adequate, safe and efficient emergency vehicle and maintenance vehicle access to the site.

12. Local Roads - The applicant has secured, or can secure, all necessary approvals from the local government or the State Highway Division of access points for project roads and parking areas at the project site.

Enter into agreement with County Road Department to mitigate any impacts associated with the proposed project.

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

14. Protection of Historical and Cultural Resources - (Dealt with in Chapter 5 and the Cultural overlay zone) Construction and operation of the proposed energy project would not cause significant adverse impact to historical and cultural resources identified by the State Historic Preservation Office or identified in the local comprehensive plan or cultural resource inventory. The applicant agrees to implement a plan to preserve any previously undiscovered archeological, historical or cultural artifacts discovered during construction or operation of the energy project in compliance with applicable county, state and federal law.

15. Erosion and Sediment Control - The applicant agrees to conduct all roadwork and other site development work in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as required by Oregon Department of Environmental Quality regulations. The applicant must have an

NPDES permit and an erosion and sediment control plan before beginning construction. The plan must include both general “best management practices” for erosion control during and after construction and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off into waterways.

16. Protection of Wetlands - (This should already be dealt with in the CUP process so this may not be needed) Construction of the proposed energy project would not have a significant adverse impact on wetlands.
17. Weed Control - The applicant agrees to implement a plan for weed control during construction and operation of the proposed energy project.
18. Dust Control (Check CUP criteria for duplication) - The applicant agrees to construct all non-paved temporary or permanent on-site roads and staging areas using compacted baserock and gravel. During the site development and construction, the applicant must regularly water roads and staging areas as necessary to minimize dust and wind erosion.
19. Signs (Look at non-commercial language) - The applicant agrees not to erect outdoor displays, signs or billboards within the energy project site, except:
 - a. Signs required for public or employee safety or otherwise required by law.
 - b. No more than two signs relating to the name and operation of the energy project; and
 - c. Signs specifically approved in the land use permit.
20. Undergrounding Electrical Systems - Where practicable the electrical cable collector system shall be installed underground, at a minimum depth of 4 feet; shallower depths may be authorized where notification and safety measures are taken, elsewhere the cable collector system shall be installed to prevent adverse impacts on agriculture operations.
21. Operation & Maintenance Buildings - Required permanent maintenance/operations buildings shall be located off-site in one of Wasco County’s appropriately zoned areas, except that such a building may be constructed on-site if:
 - a. The building is designed and constructed generally consistent with the character of similar buildings used by commercial farmers or ranchers; and
 - b. The building will be removed or converted to farm use upon decommissioning of the Generation Facility consistent with the provisions of this section.

22. Coordination and Documentation - Prior to commencement of any construction, all other necessary permits shall be obtained, e.g. building permit, rural address, road access and other permits from the Wasco County Public Works Department, and/or from the Oregon Department of Transportation as well as any other applicable local, state or federal permits or approvals.
23. Modifications - Generation Facility requirements shall be facility specific, but can be amended as long as the facility does not exceed the boundaries of the Wasco County conditional use permit where the original facility was constructed.

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

- a. Require an expansion of the established facility boundaries;
- b. Increase the number of towers;
- 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.

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 Wasco County Planning Department of changes not requiring an amendment are encouraged, but not required. An amendment to a Site Certificate issued by EFSC will be governed by the rules for amendments established by EFSC.

24. Termination and Decommissioning (Bonding is an issue. Look at the way this is being done in Union County)
- a. A description of actions the facility owner proposes to take to restore the site to a useful, non-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.
 - b. 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.

- c. The applicant agrees to the following as conditions of the land use permit:
- (1) If the applicant ceases operation of the energy project or begins, but does not complete, construction of the project, the applicant shall restore the site according to a plan approved by the planning authority. The applicant shall submit a plan that ensures that the site will be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:
 - (a) Removal of aboveground and underground equipment, structures and foundations to a depth of at least three feet below grade (four feet if cropland). Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land.
 - (b) Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - (c) Removal of graveled areas and access roads.
 - (d) Restoration of surface grade and soil.
 - (e) Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, consistent with the [county/city]'s weed control plan.
 - (f) For any part of the energy project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land. Said landowner will be responsible for maintaining said facilities for purposes permitted under applicable zoning.
 - (g) The underground collection and communication cables need not be removed if at a depth of three feet or greater (at least four feet in cropland). These cables 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.
 - (h) The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.
 - (i) The plan must include a schedule for completion of site restoration work.
 - (2) Before beginning construction of the energy project, the applicant must submit a bond or letter of credit in a form and amount satisfactory to the [county/city], assuring the availability of adequate funds to restore the site to a useful, non-hazardous condition naming Wasco County and the landowner as beneficiary or payee. For projects being sited by the State

of Oregon's Energy Facility Siting Council (EFSC) the bond or letter of credit required by EFSC will be deemed to meet this requirement.

- (3) The amount of the bond or letter of credit shall be adjusted for inflation using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor agency (the "Index"). The applicant shall increase the amount of the bond or letter of credit annually by the percentage increase in the Index and shall pro-rate the amount within the year to the date of retirement. If at any time the Index is no longer published, the [county/city] shall select a comparable index for adjusting the amount. The amount of the bond or letter of credit account shall be prorated within the year to the date of decommissioning.
 - (4) The certificate holder shall describe the status of the bond or letter of credit in an annual report submitted to the county/city.
 - (5) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the energy project site.
 - (6) If any disputes arise between Wasco County and the landowner on the expenditure of any proceeds from the bond or the letter of credit, either party may request non-binding 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.
- d. For facilities subject to Energy Facility Siting Council jurisdiction, a finding by the Council that a proposed energy facility meets the Council's Retirement and Financial Assurance standard, OAR 345-022-0050, satisfies the requirements of paragraph (1).

25. Annual Review

- a. Within 120 days after the end of each calendar year the facility owner/operator shall provide Wasco County an annual report including the following information:
 - (1) Energy production by month and year where required by state reporting requirements.
 - (2) Non-proprietary information about wind conditions. (e.g. monthly averages, high wind events, bursts)
 - (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) Direct employment statistics from the project in Wasco County during and after construction.
 - (6) Success or failures of weed control practices.
 - (7) Status of decommissioning fund
 - (7) Summary comments - any problems with the projects, any adjustments needed, or any suggestions.
- b. 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. For facilities under EFSC jurisdiction and for which an annual report is required, the annual report to EFSC satisfies this requirement.

F. Specific Standards

(Should there be some reduction of criteria for PURPA projects? We shouldn't limit it to 10MW assuming those standards may change)

The following standards apply to specific types of energy projects as described. These standards apply in addition to the General Standards in Section XXX above.

1. Wind Energy Generation

- a. Wind Resources. The site shall have site-specific data documenting wind speed and direction or off-site data from within the same topoclimatological zone as the proposed site.
- b. Visual Impact: To the extent practical, the proposed wind energy project has been designed to minimize visual impact upon open space and natural landscape by:
 - (1) Using underground electric collection lines (transmission lines that connect each turbine to a substation).
 - (2) Using turbine towers of uniform design, color and height.
 - (3) Using the minimum lighting necessary for safety and security purposes in addition to aviation warning lights required by federal or state law.
 - (4) Using appropriate techniques to prevent casting glare from the on-site area lighting.
 - (5) Using existing roads to provide access to the site, or if new roads are needed, minimizing the amount of land used for new roads and locating roads to reduce visual impact and other adverse environmental impacts such as erosion.

- (6) Using existing substations, or if new substations are needed, minimizing the number of new substations.
 - (7) Flicker - WECS' shall be sited in a manner that does not result in significant shadowing or flicker impacts to non-project residences. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation. (Does this duplicated chapter 5?)
 - (8) Lighting - If lighting is required it shall be shielded from the ground in a manner that prevents the lighting from projecting onto adjacent properties, roadways, waterways, as well as preventing the lighting from noticeably contrasting with the surrounding landscape. (This is the opposite of the night sky requirements – What does FAA and Oregon Aviation say?)
- c. Public Safety: The proposed wind energy project has been designed and will be operated to protect public safety by measures that may include, but are not limited to, the following:
- (1) Designing turbine blades so that at the closest point, the sweep of the blades is at least 20 feet above the tallest existing or foreseeable obstruction to blade movement.
 - (2) Designing, constructing and operating the facility to exclude the public from close proximity to turbine blades and electrical equipment.
 - (3) Designing, constructing and operating the facility to protect against structural failure of the turbine tower or blades that could endanger the public safety.
 - (4) Restricting public access to the interior of tubular turbine towers by installing locked access doors.
 - (5) A Wind Power Generation Facility shall comply with the Specific Safety Standards for Wind Facilities delineated in OAR 345-024-0010.
 - (a) Can design, construct and operate the facility to exclude members of the public from close proximity to the turbine blades and electrical equipment.
 - (b) Can design, construct and operate the facility to preclude structural failure of the tower or blades that could endanger the public safety and to have adequate safety devices and testing procedures designed to warn of impending failure and to minimize the consequences of such failure.

Aircraft Safety – Consistent with FAA & Oregon Department of Aviation

- d. Setbacks (Whichever is greater)

Towers shall be allowed closer to a property line, public-right-of-way, or above ground public utility line than the height of the tower without a variance

pursuant to either Chapter 6 or 7 if granted written permission from the property owner, road authority, or utility (or an easement pursuant to ORS 105.900 through .915).

Notwithstanding receiving permission from an adjacent property owner, road authority or utility, towers shall still be required to meet the setback and buffer requirements of the zone in which they are located unless a variance is granted pursuant to either Chapter 6 or 7.

(1) Property Boundaries (Not applicable to properties that are part of the application)

The proposed wind energy project has been designed so that all above-ground parts of the nearest wind turbine structure are set back from the property line by a distance that is at least 1.5 times the height of the wind turbine structure, including the rotorswept area, except when the wind energy project extends onto the abutting property.

(2) Dwellings

Do we want to include any setbacks for dwellings that may be on the same property? Property boundary and non-resource property boundary setbacks should take care of off-site dwellings.

(3) Non-Resource Properties

Unless the use is being reviewed under the related or supporting facilities test in XXX above or the community interest test in XXXX above, no portion of the Wind Energy System facility shall be within 3,520 feet of properties zoned non-resource or as described in (a) and (b) below, whichever is less.

(a) At least 20 rotor diameters for a horizontal axis WECS.

(b) At least 10 WECS heights for a vertical axis WECS.

(4) Downwind Properties (Taken from Sherman County)

The following are only applicable to towers 200' in height or taller.

Towers shall be set back five rotor diameters from the downwind property lines in the direction of the dominant winds across the property, and two diameters from all other property lines and county boundaries unless it can be demonstrated that a lesser setback can protect the wind access for the downwind properties.

The project developer is encouraged to negotiate setback distances from wind turbines on the outer edges of the project to the outer boundary lines of the project with owners or developers of adjacent projects or adjacent property owners outside the project.

In the even the project developer is unable or unwilling to negotiate boundary setbacks, then the following shall apply.

Setback from all property lines in all East-West upwind downwind directional property line installation shall be no less than 7.5 times the rotor diameter and no less than 1.5 times the rotor diameter for all North-South property line delineations.

The minimum setback requirements from pre-existing wind turbines shall be 15 times the rotor diameter upwind and downwind for all East-West setback considerations and 3 time the rotor diameter for all North-South setback considerations.

The minimum setback distance from an operating wind turbine to the boundary lines of any incorporated city shall be a distance of one (1) mile.

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

2. Photovoltaic/Solar Energy Systems

- a. Ground Leveling: The proposed solar energy project has been designed and would be constructed so that ground leveling is limited to those areas needed for effective solar energy collection and so that the natural ground contour is preserved to the greatest extent practical.
- b. A finding that a proposed energy facility meets the EFSC's Fish and Wildlife Habitat standard, OAR 345-022-0060, satisfies the requirements of paragraph in b above.
- c. Misdirection of Solar Radiation: The proposed solar energy project has been designed and would be operated to prevent the misdirection of concentrated solar radiation onto nearby property, public roads or other areas accessible to the public.
- d. Public Safety: The proposed solar energy project has been designed and will be operated to protect public safety, including development and implementation of a plan of operating procedures to prevent public access to hazardous areas. (General standard)

- e. Airport Proximity: The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.
- f. Cleaning Chemicals and Solvents: During operation of the proposed solar energy project, all chemicals or solvents used to clean photovoltaic panels or heliostats would be low in volatile organic compounds and the operator would use recyclable or biodegradable products to the extent possible.
 - i. Solar/Photovoltaic Standards – The Photovoltaic/Solar energy systems shall be located such that any significant or prolonged glare is directed away from an adjoining property or roadway. **(Does this duplicate Chapter 5?)**

3. Cogeneration

- a. The proposed cogeneration project would supply thermal energy to an existing or approved industrial or commercial use.
- b. Except as allowed in this section, an electric transmission line or natural gas or petroleum pipeline necessary for the cogeneration project must be an upgrade to an existing transmission line or pipeline or must otherwise be constructed in an existing right-of way or utility easement. If the proposed electric transmission line or natural gas or petroleum product pipeline necessary for the proposed cogeneration project is not an upgrade to an existing transmission line or pipeline, the transmission line or pipeline must comply with the standards in Sections ##.07.04 or ##.07.05.

4. Electrical Transmission or Distribution Lines **(Transmission will be both above and below 200' in height. Over 200' it is automatically a CUP. Should we make transmission projects under 200' a CUP as well?)**

- a. Use of Existing Routes/Co-Locating. The development uses available developed or approved road and utility rights-of-way, easements or transmission facilities that can accommodate the proposed facility. New routes are permitted if more adverse energy, environment, economic, and social consequences would result from using an existing route than development of other rights-of-way or easements.
- b. Adjacent to Existing Routes: To the extent practical, any part of the proposed transmission or distribution line outside an existing route would be adjacent to an existing public road or utility right-of way or easement and would not increase the width of the clearing for the existing right-of-way or easement by more than [50] percent and not beyond a maximum width of [125] feet.
- c. New Routes: If all of part of the proposed transmission or distribution line is outside an existing route or not adjacent to an existing route, the permanent right-of-way for the new transmission line route would not exceed [50] feet in width, and:

- (1) The proposed new route would serve an existing or proposed electric generation project that is not adjacent to an existing right-of-way or easement, or
 - (2) The proposed new route would result in less adverse energy, environmental, economic and social consequences than would result from using an existing route.
- d. Visual Effects. The facility considers visual effects by means including but not limited to the following.
- (1) Avoiding ridgelines, scenic areas, unique or significant views and vistas, hilltops, or other high or visually prominent areas.
 - (2) Building the facilities near the edge of contiguous timber areas or in swales, dips, and depressions that provide a backdrop for or obscure the facility to the extent these features are available between the ends of the facility.
 - (3) Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or Oregon State Aeronautics Division.
 - (4) Setting development back from the edge of public arterial rights-of-way, Class I and II streams, viewpoints, and other significant visual resources identified in the comprehensive plan and retaining or planting vegetation to obscure views of the development from those areas.
- e. In-Stream Towers. A transmission tower may be permitted in a Class I or II stream if it complies with (a) and (b) below.
- (1) Adjoining towers and conductors cannot safely and economically support the transmission line(s) that span the stream without an in-stream tower.
 - (2) The transmission line cannot be safely and economically placed under the water or streambed.
5. Natural Gas or Petroleum Product Pipelines
- a. Use of Existing Routes: To the extent practical, the proposed pipeline would use developed or approved road and utility rights-of way or easements that can safely accommodate the proposed line.
 - b. Adjacent to Existing Routes: To the extent practical, any part of to an existing public road or utility right-of-way or easement and would not increase the width of the clearing for the existing right-of way or easement by more than [50] percent and not beyond a maximum width of [75] feet.
 - c. New Routes: If all of part of the proposed pipeline is outside an existing route or not adjacent to an existing route, the permanent right-of-way for the new transmission line route would not exceed [40] feet in width, and:
 - (1) The proposed new route would serve an existing or proposed electric generation project that is not adjacent to an existing right-of-way or easement, or
 - (2) The proposed new route would result in less adverse energy, environmental, economic and social consequences than would result from using an existing route.

- d. Stream crossings: If the proposed pipeline would cross a stream or river that is important habitat for a state or federally-listed threatened or endangered species, the applicant must use a crossing technique or method approved by the Oregon Department of Fish and Wildlife.

OTHER APPLICABLE ORDINANCE CRITERIA

Chapter 3 – Overlay Zones

- 3.740 – Flood Hazard Overlay
 - 3.750 – Geologic Hazards Overlay
 - 3.760 – Airport Impact Overlay
 - 3.770 – Cultural & Historic Overlay
 - 3.800 – Aggregate Overlay
 - 3.910 – Natural Areas (Wild & Scenic Rivers)
 - 3.920 – Sensitive Wildlife Habitat (Big Game Winter Range)
 - 3.960 – Sensitive Bird Sites
 - 3.970 – Western Pond Turtle Habitat Overlay
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Chapter 5 - Conditional Use Review

SECTION 5.020 Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used

- A. The proposal is consistent with the goals and objectives of the Comprehensive Plan and implementing Ordinances of the County.
- B. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.
- C. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.
- D. The proposed use will not unduly impair traffic flow or safety in the area.
- E. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties.
- F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.
- G. The proposed use will not adversely affect the air, water, or land resource quality of the area.

- H. The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area.
- I. The proposal will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.
- J. The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use. (Revised 1-92)
- K. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use. (Revised 1-92)

SECTION 5.040 Revocation of Conditional Use Permit (added 2-89)

Noncompliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land use action and reviewed by the Planning Commission. The following procedures shall be completed at least twenty (20) days prior to the date of the revocation hearing: (Revised 1-92)

- A. A notice of violation pursuant to Section 15.090 shall be sent to the owner of the property on which the conditional use takes place.
- B. Notice of public hearing pursuant to Section 2.080 shall be sent.

The opportunity for review of the Planning Commission decision, pursuant to Section 2.170 shall be available.

Chapter 20 Site Plan Review Applicable Sections

SECTION 20.030 Contents of the Site Plan

SECTION 20.040 Approval Standards

SECTION 20.050 Off-Street Parking

SECTION 20.055 BICYCLE PARKING REQUIREMENTS

SECTION 20.060 Public Parking Area

SECTION 20.070 Off-Street Loading

SECTION 20.080 General Provisions - Off-Street Parking and Loading