

AGENDA ITEM FOR ADMINISTRATIVE MEETING ( ) Discussion only  
( X ) Action

FROM (DEPT/ DIVISION): Planning Department

SUBJECT: Stateline Wind Project – Request for Amendment 6

<p>Background: Oregon Department of Energy (ODOE) received a complete Request for Amendment 6 of the Stateline Wind Project site certificate (RFA6). RFA6 seeks Energy Facility Siting Council approval to replace blades and nacelles (repower) of 43 existing wind turbines; decommission and replace up to 4 existing wind turbines; construct and operate up to 2 wind turbines; total not to exceed 45 wind turbines; and, construct and operate 50 MW of battery energy storage. Umatilla County Department of Land Use Planning, as a cooperating agency, has been working with ODOE staff during the amendment process and has been asked to provide comments (see attached) related to the proposed amendment request.</p>	<p>Requested Action: Approval of comments related to Stateline Wind Project – RFA6.</p>
---	---

ATTACHMENTS: Umatilla County Comments – Stateline Wind RFA6

Date: ( 12/13/21 ) Submitted By: Robert Waldher, Director

\*\*\*\*\*For Internal Use Only\*\*\*\*\*

Checkoffs:

- ( ) Dept. Head (copy)
- ( ) Human Resources (copy)
- ( ) Fiscal
- ( ) Legal (copy)
- ( ) (Other - List:)

To be notified of Meeting:  
Robert Waldher, Carol Johnson

Needed at Meeting: Carol Johnson

\*\*\*\*\*

Scheduled for meeting on: December 15, 2021

Action taken:

\*\*\*\*\*

Follow-up:

December 15, 2021

Oregon Department of Energy  
Attn: Mr. Chase McVeigh-Walker, Senior Siting Analyst  
550 Capital Street NE  
Salem, OR 97301

Subject: Stateline Wind Energy Facility (Amendment 6)  
Response to Draft Proposed Order

Dear Mr. McVeigh-Walker:

Umatilla County has completed a review of Stateline III Wind Energy Facility – Draft Proposed Order (DPO) – Amendment 6. A summary of comments from the review is included below:

In the DPO, recommended Condition 153 would require that the certificate holder obtain an amended conditional use permit per UCDC 152.616(10)(a). We request that the condition be amended to also specify that amended zoning permits, for each tax lot that would include modified or new structures, would be required, in accordance with UCDC 152.025. Recommendations provided below:

**Recommended Condition 153:** Prior to construction of the facility modifications approved in the Sixth Amended Site Certificate, the certificate holder shall provide evidence to the Department that it has obtained an amended conditional use permit **and amended zoning permits per tax lot** from the Umatilla County Planning Department.

For the certificate holder's benefit, please note that current fees for an amended conditional use permit are \$5,000, plus a \$1,000/wind turbine (totaling up to \$50,000 if the 45 wind turbine scenario is completed), plus \$200 per zoning permit.

In the DPO, recommended Condition 154 requires that the certificate holder notify and provide copies of construction and operational Emergency Response Plans to satisfy UCDC 152.616(10)(c). We request that the condition specify that the plans would be coordinated with emergency response providers and local fire districts; specify that mutual aid agreements may be necessary; and, that notification and copies of the plans be provided to both the Department of Energy and Umatilla County Planning Department to ensure adequate coordination and understanding of schedule and potential impacts to public services. Recommendations provided below:

**Recommended Condition 154:** The certificate holder shall **develop emergency response plans per (a) and (b) in consultation with local emergency and fire**

service providers and shall establish whether mutual aid agreements are necessary to provide adequate services during construction and operation:

- (a) Prior to and during construction of the facility modifications approved in the Sixth Amended Site Certificate, as applicable, the certificate holder shall notify and provide copies of the final health and safety plans and/or emergency response plans to **the Department and Umatilla County Planning Department**, to be implemented during construction activities.
- (b) Prior to and during operation of the facility modifications approved in the Sixth Amended Site Certificate, as applicable, the certificate holder shall notify and provide copies of the final Emergency Action Plan to **the Department and Umatilla County Planning Department**, to be implemented during operations.

In the DPO, recommended Condition 158 would require that the certificate holder develop and submit a Noxious Weed Plan, to be reviewed and approved by the Department of Energy in consultation with the Umatilla County Road Department. We concur with this condition. Theodore Orr is the Weed Department Supervisor and should be the contact for the Department and certificate holder in the development of the plan. His phone number is (541) 278-5462 and email is [theodore.orr@umatillacounty.net](mailto:theodore.orr@umatillacounty.net).

In the DPO, recommended Condition 155 requires that the certificate holder provide maps and tabular data for demonstrate compliance with the 2-mile rural residential setback for wind turbines. We request that the condition require GIS data to enable the Department of Energy and county to more accurately evaluate compliance with UCDC 152.616(HHH)(a)(3). Recommendations provided below:

**Recommended Condition 155:** Prior to construction of facility modifications approved in the Sixth Amended Site Certificate, the certificate holder shall provide to the Department of Energy and Umatilla County Planning Department final layout maps **and GIS data of final turbine locations** demonstrating compliance of any new and replacement wind turbines with the 2-mile rural residential setback, based on the UCDC 152.616(a)(3) definition of rural residence. The certificate holder shall also provide in tabular format turbine identification numbers and distance from nearest rural residence for any new and replacement turbines, as applicable, based on final design.

In the DPO, recommended amended Condition 142 requires a compliance demonstration for wind turbine road setbacks. We request that the certificate holder provide an update to the county as soon as possible on the status of the right-of-way relocation or adjustment of Gerking Flat Road and Butler Grade Road, which we previously understood were necessary in order for 2 of the existing wind turbines to be repowered and maintain

compliance with UCDC 152.616(HHH)(6)(a)(4).

We understand that Council previously imposed a condition requiring that turbine parts associated with the repower be recycled to the maximum extent feasible. We recommend that the condition specify that the certificate holder be required to demonstrate that the selected recycling or disposal site be a qualified and/or DEQ-approved facility.

Recommendations provided below:

Condition 144: During construction of the Vansycle II facility modifications, as approved in the Sixth Amended Site Certificate, the certificate holder shall ensure its third-party contractors reuse or recycle wind turbine blades, hubs and other removed wind turbine components to the extent practicable. **The certificate shall demonstrate that the recycling or disposal facility selected to receive turbine parts is qualified and approved by an applicable regulatory agency.** The certificate holder shall report in its semi-annual report to the Department the quantities of removed wind turbine components recycled, reused, sold for scrap, and disposed of in a landfill. [Amendment #5, #6]

Thank you for the opportunity to comment on this DPO. Any additional questions may be directed to Robert Waldher, Planning Director, Umatilla County Planning, 216 S. E. 4<sup>th</sup> Street, Pendleton, Oregon 97801; phone (541) 278-6251 or e-mail at [robert.waldher@umatillacounty.net](mailto:robert.waldher@umatillacounty.net).

Sincerely,

George Murdock,  
Chairman  
Umatilla County Board of Commissioners

CC: Doug Olsen, Umatilla County Counsel  
Umatilla County Planning Commission  
Tom Fellows, Umatilla County Public Works Director  
Theodore Orr, Umatilla County Weed Supervisor  
Anne Debbaut, DLCDC Regional Representative  
Hilary Foote, DLCDC Farm and Forest Specialist