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JUN 28 2011

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY  
RECORDS

STATE OF OREGON

In the Matter of Amending	)	
Development Code for Wind	)	ORDINANCE NO. 2011-07
Power Generation Facility	)	
Conditional Use Permits -	)	
Walla Walla Watershed Standards	)	

WHEREAS on May 20, 2003, the Board of Commissioners adopted Ordinance No. 2002-02, establishing requirements for the siting of wind power generation facilities, codified at Section 152.616 (HHH) of the Umatilla County Code of Ordinances;

WHEREAS the Planning Commission and Planning Department staff have drafted updates to the siting standards for wind power generation facilities;

WHEREAS the Umatilla County Planning Commission held work sessions and discussions on the matter a number of times, including December 17, 2009, and January 13, 2011, and held a public hearing regarding the proposed amendments on November 18, 2010 and February 24, 2011, and forwarded the proposed amendment to the Board of Commissioners with a recommendation for adoption;

WHEREAS the Board of Commissions held a public hearing on March 17, 2011, continued to May 12, 2011, June 14, 2011 and June 28, 2011, to consider the proposed amendments, and voted to approve the amendments to the Land Development Ordinance as set out in this ordinance;

WHEREAS the Walla Walla Watershed contains Goal 5 inventoried resources and highly erodible soils that support additional standards for the siting of Wind Power General Facilities in this area.

NOW, THEREFORE the Board of Commissioners of Umatilla County finds as follows:

1. The Walla Walla Watershed contains two species listed under the Endangered Species Act--Bull Trout and Steelhead.
2. The Confederated Tribes of the Umatilla Indian Reservation are working to create self-sustaining Chinook Salmon in the Walla Walla River.

3. The upper and mid reaches of the Walla Walla River Watershed was identified as one of two priority Conservation Opportunity Areas by the Oregon Fish & Wildlife Commission in 2006.

4. A decade of watershed restoration efforts, including millions of dollars of private and public funds, warrant protection.

5. Protection of the Walla Walla Watershed is consistent with policies set forth in Oregon Administrative Rules 690-507-0020 Umatilla Basin Rules.

6. The Oregon Department of Agriculture has identified highly erodible soils in the Walla Walla Watershed and the soil data is the established Soil Survey of the Soil Conservation Service.

7. The acknowledged Umatilla County Comprehensive Plan and Technical Report contain inventories of Goal 5 resources and findings and policies that support appropriate standards for protection of resources in the Walla Walla Watershed.

8. Commercial wind energy development would conflict with inventoried Goal 5 resources within the Walla Walla Watershed Sensitive Resource Area.

9. The resources within the watershed are sensitive and traditional mitigation standards and techniques cannot guarantee the necessary protection of the resources.

10. The resources are co-located in a defined geographic area, as defined in the "Walla Walla Watershed Sensitive Habitat Area" maps.

11. Standards have been designed that are reasonable, appropriate, and would not preclude commercial wind energy development, but would protect inventoried resources and also serve to facilitate compliance with applicable federal laws for the protection of natural resources, including but not limited to the Endangered Species Act and the Clean Water Act.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendment to the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances, to amend as follows (Strikethrough text is deleted; Underlined/Italicized text is added):

**§ 152.616 STANDARDS FOR REVIEW OF  
CONDITIONAL USES AND LAND USE  
DECISIONS.**

(HHH) Commercial Wind Power Generation Facility.

(11) Walla Walla Watershed.

Lands located within the Walla Walla Sub-basin East of Highway 11 shall be subject to additional standards. The purpose of these criteria is to prevent impacts to the following: inventoried Goal 5 resources, highly erodible soils (as defined by the Oregon Department of Agriculture), federally listed threatened and endangered species, and the Critical Winter Range. The standards are also designed to protect sensitive streams and to be consistent with the Clean Water Act.

(A) There shall be no construction of project components, including wind turbines, transmission lines and access roads on soils identified as highly erodible. The highly erodible soils are those soils identified by the Oregon Department of Agriculture as highly erodible.

(B) The application shall demonstrate that the Wind Power Generation Facility and its components, wind turbines, transmission lines, and roads, will not conflict with existing significant Goal 5 Resources within the Walla Walla Sub-basin.

(C) The application shall demonstrate that the Wind Power Generation Facility and its components will be setback a minimum of two miles from streams and tributaries that contain Federally listed threatened and endangered species, and, that the project will generate no runoff or siltation into the streams.

(D) The application shall demonstrate that the Wind Power Generation Facility and its components will not be located within the Critical Winter Range.

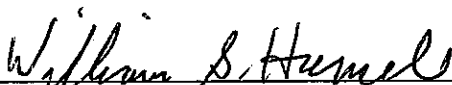
FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and effect from and after its adoption.

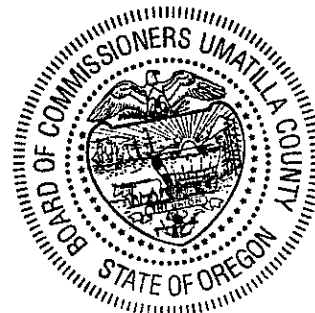
FIRST READING: June 14, 2011

SECOND READING: June 28, 2011

DATED this 28th day of June, 2011.

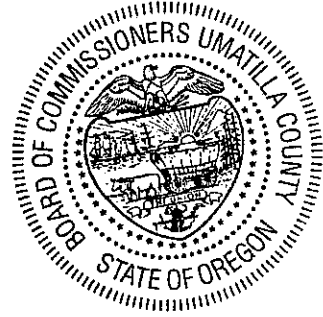
UMATILLA COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
William S. Hansell, Chair



W. Lawrence Givens  
W. Lawrence Givens, Commissioner

Dennis D. Doherty  
Dennis D. Doherty, Commissioner



ATTEST:  
OFFICE OF COUNTY RECORDS

Jean Hemphill  
Records Officer

