

UMATILLA COUNTY PLANNING COMMISSION
Work Session of Thursday, January 13, 2011
4:00 p.m., Umatilla County Justice Center, Media Room
Pendleton, OR

COMMISSIONERS

PRESENT: David Lynde, Clinton Reeder, Gary Rhinhart, John Standley, David Lee, Frank Kaminski, Randy Randall.
ABSENT: Tammie Williams, Don Wysocki
STAFF: Tamra Mabbott, Carol Johnson, Richard Jennings, Julie Alford.

Note: The following is a summary of the work session. A recording of the session is available at the Umatilla County Planning Department.

CALL TO ORDER:

Chairman Rhinhart called the work session to order at 4:08 p.m..

WORK SESSION:

- **Discussion on code amendments to Conditional Use Section 152. 616 (HHH) of the Umatilla County Development Code, pertaining to standards for large scale commercial wind energy projects.**

Planning Director, Tamra Mabbott, expressed her goal for the work session was to have a completed draft of Section 152.616 HHH of the Umatilla County Development Code ready for the next public hearing. Discussion was directed by Commissioner Clinton Reeder, who passed around a list of issues he had compiled, regarding wind turbine setbacks. He then walked through the added changes in the Conditional Use text.

When discussing the amendment to Section (F) regarding revegetation and erosion control plans, Commissioner Kaminski inquired about the involvement of other agencies regarding the plans. Clinton clarified that the referenced agencies in the text will be consulted prior to approval and Ms. Mabbott confirmed that this may be required as a condition of approval.

Questions raised previously regarding high altitude rescue lead to the decision of wind companies being responsible for those rescues. It was determined that the County should still examine road layout, addressing and access through private gates for emergency response.

Commissioner Rhinhart brought up concerns with projectiles from wind turbine blades, such as ice, and felt this should be considered in setback requirements from roads. Commissioner Reeder felt this issue should be added to areas of special concern.

Discussion followed regarding noise standards and setbacks. Commissioner Reeder referred to noise studies he reviewed which predominately declared that there are no quantifiable direct human health effects, such as hearing loss, from noise of a wind turbine. He continued to explain the State noise standards are set as industrial standards. Direct effects are likely loss of hearing but indirect health issues may also occur, such as stress induced physiological health disorders.

Commissioner Reeder asked if current noise easement contracts were between the wind company and land owner or if the easement is attached to the property. Further research was recommended for more information.

In discussion regarding setbacks, Ms. Mabbott clarified that the proposed Conditional Use text does ask for a noise study as part of the permit process. The Planning Commission will have the ability to require a noise study before permit approval. Commissioner Reeder suggested adding text in Section (6)(A)(5) - setbacks based on noise study with wording suggested as '*number of feet or based on noise test, whichever is greater*'. Ms. Mabbott believed the language was already in place.

Discussion on Section (J) regarding impact to roads followed with Commissioner Rhinhart suggesting to add requirement for private roads, within wind project boundaries, be built to best management practices. Ms. Mabbott then commented that the County Public Works Director should not be responsible for inspecting wind project roads to make sure they meet best management practices. Commissioner Rhinhart replied the Soil & Water Conservation District should be the consulting agency with Commissioner Reeder adding that NRCS should provide technical assistance with cost share.

After reviewing Section (6)(M) regarding surety bonds, Commissioner Reeder explained the intent was not to protect the developer but to protect the County. Commissioner Standley commented that the land owner should have more responsibility with the bonds. Commissioner Rhinhart proposed adding language to make the land owner accept residual liability and Commissioner Reeder suggested having the land owner sign an agreement with the County acknowledging responsibility prior to the development permits. Discussion followed regarding leases and County involvement. Commissioner Reeder recommended County Counsel verify nature of the residual liability and to clarify if it can be contracted away.

Issues for Discussion handout:

While reviewing the Aesthetic Intrusion and Deprivation section of the Issues handout, Commissioner Standley asked about assessed value of property with regards to a view. When asked if anyone had appealed to the Board of Property Tax Appeals regarding lower property values because of turbines affecting the view, Commissioner Kaminski, who resides on the BOPTA Board, reported no one had appealed to this date. Commissioner Standley concluded that a view on property can not be tied to assessed tax value.

Commissioner Reeder noted that Oregon Department of Fish & Wildlife will soon submit their study of wildlife habitat areas regarding critical winter range and once the County adopts the study we will have effectively impacted the boundaries of wind power development.

With discussion on turbine setback of 3520' from a residential zone, Commissioner Rhinhart suggested to set a buffer area larger. Commissioner Randall expressed his desire to base the setbacks on blade height. The consensus for setback from a city residential zone was 20 x blade height. Commissioner Randall felt the public consensus of two miles would be the best minimum setback from a residential zone. Richard Jennings, Senior Planner, suggested including a distance of 3520 feet **or** 10 times blade height, which ever is greater.

After discussion about feedlot setbacks, all agreed to eliminate that portion of the text. Consensus on setbacks to all County Roads, paved or gravel, was 2 x blade height and State Highways and Interstates was 3 x blade height.

Archeological and cultural site setbacks shall be 2 x blade height. Commissioner Lynde urged the Commission to refer to the recommendation of related agencies. Commission consensus was to have 2 x blade height.

Commissioner Reeder asked for clarification on setbacks from a residence. The setback from a city was decided at 20 x blade height or 2 miles, whichever is greater.

Ms. Mabbott explained the Watershed Council Coordinators will meet with the Planning Department staff to come up with a check-off list of issues for wind companies to address before final approval of wind projects.

Ms. Mabbott then explained LCDC adopted a new emergency administrative rule regarding temporary workforce housing for large energy related construction projects. When asked if temporary RV parks should be permitted for wind project areas the Commission's general agreement was they should not be allowed. Staff shared a list of existing RV and mobile home parks in the county. Planning Commission acknowledged that there was a good supply and that contractors could occupy existing RV parks. It was agreed that the county code should therefore not be amended to adopt the new Administrative Rule provisions which are optional.

While clarifying setbacks, it was determined that turbine height shall be ground level to blade tip and the setbacks from city limits shall be 2 miles or 20 x blade height, which ever is greater. After more discussion regarding setbacks from urban growth boundaries, Commissioner Reeder suggested that planning staff come up with language and text to present at next meeting.

PUBLIC COMMENT:

Richard Jolly addressed the group regarding the critical winter range overlay zone and suggested the wildlife protection issues be considered during this HHH update process. Ms. Mabbott explained that the environmental analysis from ODFW would need to be

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adopted before it could be included with the text update and she would like to move forward with the HHH code update as soon as possible and respond to the critical winter range overlay zone at a later date rather than hold up the HHH adoption.

Debbie Kelly spoke about the rural areas being invaded by the industrial noises of wind turbines. Commissioner Lynde inquired about decibel levels that the County can impose for a wind project. Commissioner Standley commented that industrial noise can go up to 54 decibels for a short period of time but there are no firm decibel levels set for an extended length in an industrial area.

Cindy Severe made comments regarding the turbine noise level at her home near Helix and stated that Iberdrola had run noise tests near her home and it was currently in the 50 decibel range.

OTHER BUSINESS:

Definition dealing with storage containers:

Senior Planner, Richard Jennings, asked the Commission to clarify if Cargo Containers should be exempt from a zoning permit in EFU & GF zones, except in a flood zone. Commission members decided cargo containers will need a zoning permit in the EFU & GF zones. Property owners will have a six month grace period to get a zoning permit at no cost for existing containers. Richard Jennings would make those changes in the upcoming code adoption.

Work Session adjourned at 8:32 pm.

Respectfully submitted,

Julie Alford, staff