



Welcome to  
Umatilla County

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FEB 02 2016

Carol Johnson <carol.johnson@umatillacounty.net>

UMATILLA COUNTY

## Chopin Wind Project - BayWare Wind, LLC - LUD-194-15

2 messages

**Seth & Anne Johnson** <sethanej86@gmail.com>

Mon, Feb 1, 2016 at 10:53 PM

To: planning@umatillacounty.net

Cc: carol.johnson@umatillacounty.net

Hello Planning Commissioners. I attended the hearing on last Thursday evening to hear the testimony and decision on my husband, Seth Johnson's behalf since he was unable to attend.

During the testimony rebuttal, in response to Jesse & Granela Thompson's testimony, the project manager indicated that he had responded to everyone who had sent correspondence regarding the landowners' and farmers' preference that they use Ferguson Road vs. Staggs Road to access the project. I am attaching the email we received from him that afternoon after he received the email testimony Seth had sent to Carol for entry into the hearing (also attached, though Carol said she would give you a copy).

As you can see, his response is vague (as were the responses when questioned during the hearing), but he also said that they were still looking at the possibility – which does not match the responses that were made in the hearing.

What was said several times was they wouldn't have to widen the existing road cutting into people's farm ground on Staggs Road. However, when Rod Anderson who had looked at the project testified, he indicated that they would be making turnouts so that when trucks or farm implements were coming down the road people could pull off to the side so they could pass. I don't know how that wouldn't require taking part of the farm ground out along Staggs Road of production.

When questioned further during the hearing, we heard that Ferguson Road had topographical challenges, they'd have to cross a creek, the distance is shorter to extend Staggs than if they have to extend Ferguson and, lastly, "using Staggs Rd has the least impact to everyone involved".

I invite you to look up Ferguson Road, Weston, Oregon on Google Maps satellite images. I'm attaching a pdf version of it with some information for you.

There appears to already be a culvert over the creek where the Fergusons have to drive over it to get home (you can't see in on the attachment, but you can if you zoom in on Google Maps).

Yes, the distance that they would have to extend Staggs Road is shorter than the extension of Ferguson Road, but when you add the road they will have to build north (no longer "Staggs Rd") up to the project site, it appears to be nearly the same distance. Plus there is already a farm road (likely used by the Fergusons) extending from Ferguson Road out to the edge of the project site.

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It appears to basically come down to the Fergusons don't want people driving by their house, even though they are the primary beneficiary of the project.

We have also heard that the company can change their use of buried transmission lines to above ground transmission lines without another hearing. For many reasons, above ground transmission lines down Staggs and York Roads would be a reason to stop the project as far as we are concerned.

We don't have an issue with the wind project going in. I don't think any of the farmers or landowners indicated that they had an issue with the project. But all of those have land or farm land on Staggs Rd. that had objections earlier in the process and/or testified (either on paper or in person) requested that the Ferguson's project use Ferguson Road and that they didn't want the transmission lines above ground. We don't want to stop progress, but we are requesting that you make the use of Ferguson Road and the buried transmission lines a stipulation of their permit.

Respectfully submitted for your information and consideration,

Anne & Seth Johnson

3033 SW Isaac

Pendleton, Oregon 97801

----- Forwarded message -----

From: Richard Nerzig <nerzig@baywa-re.us>

To: <sethanej86@gmail.com>

Cc:

Date: Thu, 28 Jan 2016 11:53:59 -0800

Subject: Chopin Project - your email comments of Jan 27 2016

Dear Mr. and Mrs. Johnson,

Thank you for your input to our planning and design phase. There are topographic challenges to the Ferguson Road access, however we are working with the engineers and the Ferguson's to see if a solution is possible. If not, we are prepared to discuss compensation during the construction period with all affected landowners.

In addition, I would like to clarify a misconception about widening Staggs Road. The already improved portion of Staggs Road will not be widened. The last portion of the road, currently a dirt track, will be widened slightly.

Where required for turning, some corners may be widened. This is a temporary widening and all such areas will be promptly restored. Of course, landowners will be compensated for this temporary inconvenience as well.

*TJ*

Thanks again and regards,

Rich Nerzig

Project Mgr - Developent

Chopin Wind LLC

----- Forwarded message -----

From: "Seth & Anne Johnson" <sethanej86@gmail.com>

To: <carol.johnson@umatillacounty.net>

Cc:

Date: Thu, 28 Jan 2016 08:18:21 -0800

Subject: Testimony for the 1/28/16 Hearing on #C-1252-15 and Land Use Decision, #LUD-194-15, BayWa r.e. Wind, LLC, Chopin Project

Good morning, Carol.

I was just made aware of the BayWa RE Wind, LLC's Chopin Wind Project that will affect farm property I own near Weston. I would like to request that the following testimony be submitted to the Planning Commission's hearing on Thursday evening, January 28<sup>th</sup>, regarding this wind farm project. This project is going to affect some of the most productive dryland wheat ground in Umatilla County.

I am a land owner of property on York and Staggs Roads north of Weston (I've attached a map highlighting the tax lots in yellow). Our land is now farmed by Jesse & Granella Thompson who also own land next to ours. The Project proposal indicates that the company is planning to utilize Staggs Road to access the wind project. It also indicates that they will have to widen the roads to twice their width to haul the turbines and equipment to the project at Ferguson Ranch.

The Thompsons planted winter wheat last fall in our field bordering York Road next to the house (tax lot 2801) and will need to prepare the other fields, including tax lot 4700, which is accessed by Staggs Road this summer to ready them for planting this fall.

I would like to request that the company access the project via Ferguson Road instead of Staggs road for the following reasons:

1. The Fergusons, who are the beneficiaries of this project, live and farm off of Ferguson Road. They already have a road that extends beyond their house down the property line to the project, while Staggs Rd. is a dead-end that would have to be extended. By using Ferguson Road the beneficiary of the project will be the primary ones affected by the project vs. their neighbors.
2. Our field in Tax Lot 4700 (and several other farmer's fields) is accessed via Staggs Road. If the width of Staggs Road is doubled it will be difficult, or impossible, to access the fields when they need to be sprayed, fertilized and tilled this summer to get the ground ready for planting next fall, which has the potential to reduce income at a time when income already promises to be short due to depressed grain prices.
3. Staggs Road has a higher bank than Ferguson Road. To double the width of the road, all the dirt from taking the banks down will have to be moved somewhere, which will make it harder or impossible to spray, till or harvest when necessary. Plus, in the winter because of the banks, the snow blows and

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drifts on this road. If maintenance on the wind project were required, the snow plows would have to push the snow onto the wheat fields, which could bury and damage the crop.

The plan indicates that the transmission lines, once the project is complete, will follow Staggs Road and York Roads to the highway to get to the proposed substation.

I would like to request that the transmission lines jog east at Watts Road to the railroad right-of-way and follow the tracks to the lot where the substation will be located. The reasons are:

1. The railroad right-of-way is already graded and wide and goes past the lot of the proposed substation, so the company wouldn't have to go under the tracks and it wouldn't disturb productive crop ground when digging the trench to install the buried transmission lines.
2. The railroad right-of-way already has an access road that could be used for maintenance on the lines.
3. York Road has hills and swales, which are going to make digging a flat trench more difficult.
4. Digging through highly productive farm ground the majority of the distance from the access road affects many farmers negatively and any access ports or line markers will permanently take crop ground out of production.
5. Smith Frozen Foods, another beneficiary of the project, owns Tax Lot 502 which has a center pivot on it. The project will disturb fewer productive acres if the line follows the Watts Road extension to the railroad and follow the railroad right-of-way to the substation. Also, it won't disturb the crop under Smith's pivot.

The plan also indicates that the corner of York & Johnson road will need to be changed to allow the turbines to traverse the corner. Will this be a permanent change to the road? We own the lot on the corner and it appears that the change to the curve will affect our tillable acreage as well as the Price's across the road.

1. As with the land off of Staggs Road, this tax lot will need to be accessed for rod-weeding, fertilizing and tilled for seeding this fall.

Lastly, I would like to know how the farmers and owners will be compensated for the loss of wheat that is already in the ground along York Road and the access road, if the company requires that it be widened to twice its width.

I appreciate the opportunity to voice my concerns for the hearing. This land, as well as that owned by Mark, Trudy and Jon Johnson and Karina Siger, has been in my family for more than 100 years. It is important to me to keep their legacy protected... it is my history. Please ask the commission and BayWa to consider the above as they make decisions on this project.

Respectfully,

Seth Johnson

3033 SW Isaac

Pendleton, OR 97801

541-276-7153

724

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**4 attachments**

 **noname.eml**  
7K

 **Project Map.pdf**  
180K

 **noname.eml**  
268K

 **Chopin - Google Map.pdf**  
313K

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**Tamra Mabbott** <tamra.mabbott@umatillacounty.net>  
To: Carol Johnson <carol.johnson@umatillacounty.net>

Tue, Feb 2, 2016 at 6:26 AM

please cc me on your reply...

[Quoted text hidden]

----- Forwarded message -----

From: Richard Nerzig <nerzig@baywa-re.us>

To: <sethannej86@gmail.com>

Cc:

Date: Thu, 28 Jan 2016 11:53:59 -0800

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Thanks again and regards,

Rich Nerzig

Project Mgr - Developent

Chopin Wind LLC

725

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*TJL*

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Seth Johnson

3033 SW Isaac

Pendleton, OR 97801

541-276-7153

**Tamra Mabbott, Planning Director**

Umatilla County Department of Land Use Planning

216 SE 4th ST | Pendleton, OR 97801

Phone: 541-278-6246 | Fax: 541-278-5480

<http://www.umatillacounty.net/planning> - Visit our website for copies of planning documents, permit applications and other helpful information.

*Please Be Aware* - Documents such as emails, letters, maps, reports, etc. sent from or received by the Umatilla County Department of Land Use Planning are subject to Oregon Public Records law and are NOT CONFIDENTIAL. All such documents are available to the public upon request; costs for copies may be collected. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.

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Chopin Wind LLC

728



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Respectfully,

Seth Johnson

3033 SW Isaac

Pendleton, OR 97801

[541-276-7153](tel:541-276-7153)

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#### 5 attachments

 **noname.eml**  
7K

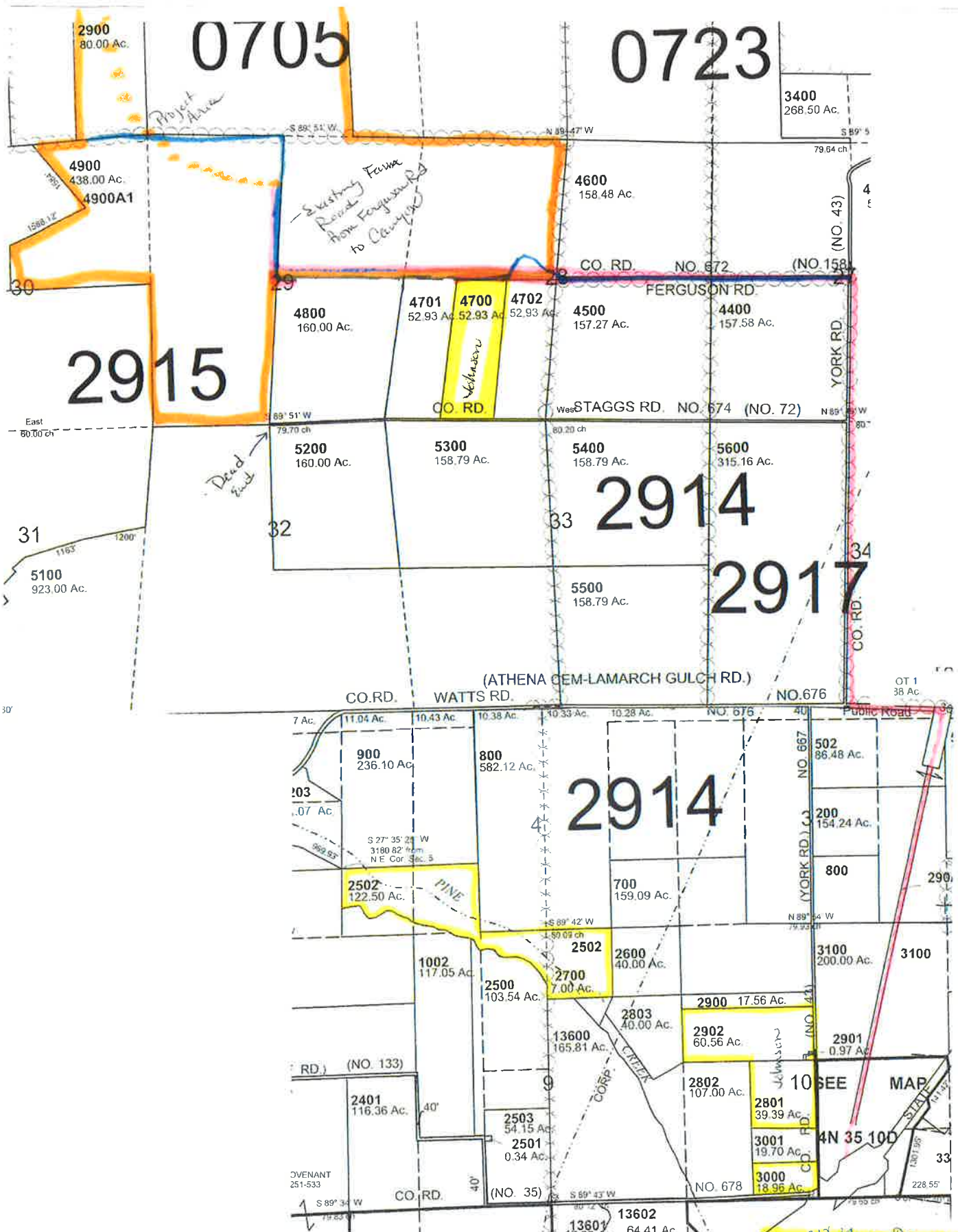
 **Project Map.pdf**  
180K

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 **Project Map.pdf**  
180K

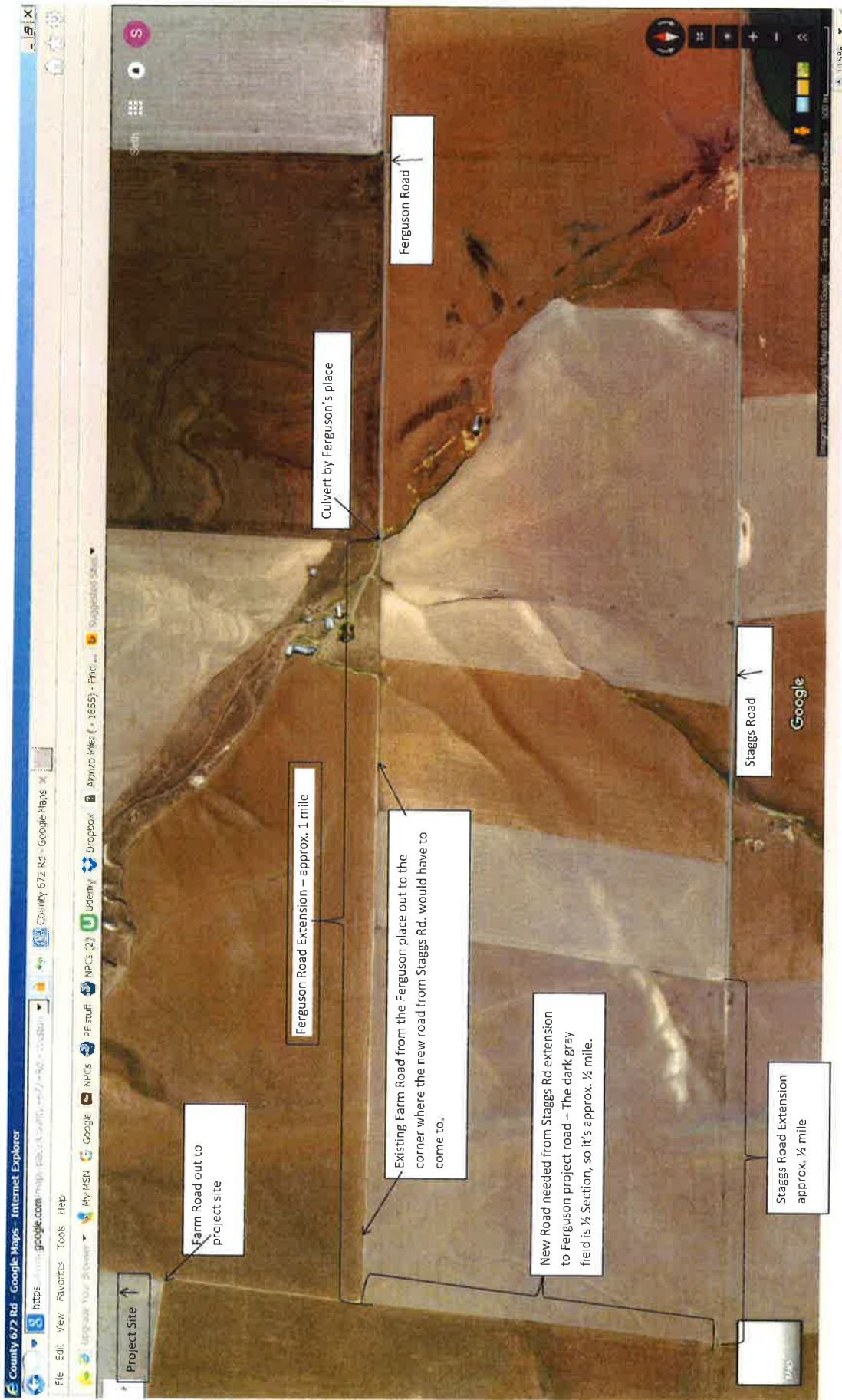
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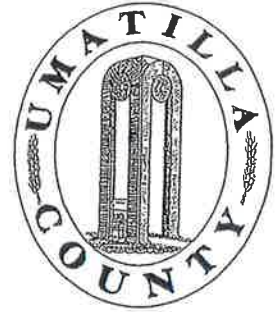
S.B. Johnson Property  
 Project Property  
 Proposed Road U.  
 Proposed Truss-MS

732



# Umatilla County

Department of Land Use Planning



February 3, 2016

DIRECTOR  
TAMRA MABBOTT

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

Richard Nerzig, Project Manager  
Chopin Wind, LLC,  
BayWa r. e. Wind, LLC  
4365 Executive Drive, Suite 1470  
San Diego, California 92121

CODE  
ENFORCEMENT

SOLID WASTE  
COMMITTEE

SMOKE  
MANAGEMENT

Re: Planning Commission Decision Letter  
Chopin Wind Conditional Use Permit, #C-1252-15 and  
Land Use Decision, #LUD-194-15  
Map #5N35; Tax Lots #3100 & 4900 and  
Map #4N 35 15; Tax Lot #500

GIS AND  
MAPPING

RURAL  
ADDRESSING

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

Dear Richard:

The Umatilla County Planning Commission, at their January 28, 2016 hearing, approved the Chopin Conditional Use Permit and Land Use Decision to construct and operate a 10 MW Commercial Wind Power Generation Facility, project substation and 34.5 kV underground transmission line. The enclosed signed Final Findings signify the Final Decision by the Planning Commission. February 3, 2016, the date this Final Decision is mailed, commences a 15-day appeal period ending February 18, 2016.

Appeals may be made by the applicant or agencies and persons who participated in the hearing process. An appeal must be made in writing on the proper appeal form available at the County Planning Department office and should include the reasons for the appeal and the alleged errors that the appellant believes were made by the Planning Commission in addressing specific approval criteria. The fee for the appeal is \$800. If appealed, the Planning Commission decision would be directed to the Board of County Commissioners for a de novo hearing.

Once the appeal period is past, Chopin Wind LLC then may satisfy the conditions of approval. Chopin has two years from the date the Final Findings are signed in which to satisfy the conditions of approval.

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If you have questions please feel free to contact me, at (541) 278-6301, or if it is more convenient you may e-mail me at [carol.johnson@umatillacounty.net](mailto:carol.johnson@umatillacounty.net)  
Thank you for your cooperation.

Cordially,



Carol Johnson,  
Senior Planner

enclosure: Signed Final Findings

cc: Steve Corey, Attorney, Corey Byler and Rew  
Patrick Gregg, Attorney, Corey Byler and Rew  
Micah Engum, Alexander Project Services  
Debi Russell, City of Weston  
Persons who commented or participated in the January 28, 2016 hearing



Welcome to  
Umatilla County

Carol Johnson <carol.johnson@umatillacounty.net>

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## Chopin wind project

1 message

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**Tom Fellows** <tom.fellows@umatillacounty.net>

Mon, Feb 8, 2016 at 6:50 AM

To: Carol Johnson <carol.johnson@umatillacounty.net>

Good Morning Carol

As you correctly identified Staggs rd. is a 60 foot R/W, Staggs rd. has been improved with a good base and gravel making it a much better candidate for loaded trucks and construction traffic than Ferguson rd. If the project was to use Ferguson rd. it would add approx. 1 to 1.5 miles of travel on county roads resulting in additional maintenance and potential for damage. Prior to the project there will be a road use agreement in place that will make the contractor return the road to as good as or better condition than it was at the beginning of the project. Bottom line Staggs rd. is the best option for the county if the project goes forward. I hope this is helpful, let me know if I can be of further assistance.

—  
Tom Fellows  
Umatilla County  
Public Works Director  
3920 Westgate  
Pendleton, OR 97801

541 278-5424

736