UMATILLA COUNTY
est. 1862

Board of Commissioners

216 S. E. 4th Street
Pendleton, OR 97801
541-278-6204

Daniel N. Dorran
541-278-6201

John M. Shafer
541-278-6203

Celinda A. Timmons
541-278-6202

BOARD OF COMMISSIONERS MEETING

Wednesday, March 18, 2026, 10:00am
Umatilla County Courthouse, Room 130

A. Call to Order

B. Chair's Introductory Comments & Opening Statement

C. New Business

COMPREHENSIVE PLAN TEXT AMENDMENT #T-101-25, and CONDITIONAL USE PERMIT REQUEST #C-1402-25: FOURMILE SOLAR OR LLC, APPLICANT / TIMOTHY AND SHANNON RUST LIVING TRUST ET AL, OWNER. The applicant requests approval to develop a photovoltaic solar generation facility and associated components. The proposed site is located approximately 11 miles south west of the City of Echo and east of Highway 207. The site is identified on Assessor's Map as Township 2 North, Range 27 East, Tax Lots 800 and 900. The applicant wishes to microsite the solar generation facility, battery storage and other ancillary components up to 450 acres within the Project Area Extent of 626 acres. The proposed site subject to the Goal 3 Exception is approximately 450 acres and is zoned Exclusive Farm Use (EFU).

The criteria of approval are found in Oregon Revised Statutes 197.732(2)(c), 215.446 Oregon Administrative Rule 660-004-0022, 660-033-0130(5) and 660-033-0180 (38) and Umatilla County Development Code (UCDC) Sections 152.060, 152.061 152.487, 152.488, 152.611 and 152.750 through 152.755.

D. Adjournment

UMATILLA COUNTY
est. 1862
Community Development

PLANNING DIVISION

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252
Email: planning@umatillacounty.gov

COMMUNITY & BUSINESS DEVELOPMENT

LAND USE PLANNING, ZONING AND PERMITTING

CODE ENFORCEMENT

SOLID WASTE COMMITTEE

SMOKE MANAGEMENT

GIS AND MAPPING

RURAL ADDRESSING

LIAISON, NATURAL RESOURCES & ENVIRONMENT

PUBLIC TRANSIT

MEMO

TO: Umatilla County Board of County Commissioners
FROM: Megan Davchevski, Planning Division Manager
DATE: March 4, 2026

RE: March 18, 2026 BCC Hearing
Goal 3 Exception PAPA Request Comprehensive Plan Text Amendment #T-101-25 & Conditional Use Permit #C-1402-25 "Fourmile Solar"
Fourmile Solar OR LLC, Applicant
Timothy and Shannon Rust Living Trust, Owners

Background Information

The applicant requests approval to construct and operate a 90 megawatt (MW) solar photovoltaic energy generation facility with battery energy storage systems (BESS) on lands zoned Exclusive Farm Use (EFU). The project will be confined within a 450-acre micro-sited Project Area within the identified 626-acre Project Area Extent. The applicant is requesting a post-acknowledgement plan amendment (PAPA) and an exception to Statewide Planning Goal 3, Agricultural Lands. The applicant has provided proposed Comprehensive Plan text amendment language in support of the request.

The applicant is requesting the Goal 3 Exception in order to site the project on more than 12-acres of high value farmland which is an existing limitation in Oregon Revised Statute (ORS) and Oregon Administrative Rules (OAR). The request also includes a Conditional Use Permit for the solar generation facility, battery storage and accessory components including an operations and maintenance building.

Table of Contents

The included Table of Contents includes the Applicant's application attachments that were submitted with the text amendment and conditional use permit application. The Applicant's Attachment I in the Goal Exception Application and Attachment P in the CUP application are not included in the packet as both attachments are the Confidential Cultural Resources Survey Report. This report was shared with County Staff and CTUIR. Also included are Exhibits 1 through 4 which were submitted both prior to and at the Planning Commission hearing.

Notice

Notice of the applicant's request, the Planning Commission and Board of County Commissioner hearings was mailed on January 2, 2026 to nearby property owners and necessary agencies. Notice of the January 22, 2026 Planning Commission hearing and the March 18, 2026 Board of Commissioner hearing was published in the East Oregonian on January 7, 2026.

Criteria of Approval

The criteria of approval are found in ORS 197.732(2)(c) and ORS 215.446, OAR 660-004-0022, 660-033-0130(5) and 660-033-0180 (38) and Umatilla County Development Code (UCDC) Sections 152.060, 152.061 152.487, 152.488, 152.611 and 152.750 through 152.755.

Conclusion

On January 22, 2026, at a public hearing, the Planning Commission reviewed the Goal 3 Exception and recommended approval to the County Board of Commissioners with a unanimous 4-0 decision. The Planning Commission also unanimously approved the Conditional Use Permit to site up to 450 acres of a solar generation facility with ancillary uses, including battery storage.

The provided preliminary findings and conclusions reflect the Goal 3 Exception / Comprehensive Plan Text Amendment recommendation of approval and Conditional Use Permit approval as decided by the Planning Commission. Following the Planning Commission's recommendation, the Board must also hold a public hearing(s) and decide whether or not to adopt the proposed Goal 3 Exception and text amendment.

The Umatilla County Board of Commissioners may agree with the Planning Commission's recommendation of approval of the Goal 3 Exception and Comprehensive Plan Text Amendment and adopt the findings as presented. Alternatively, the Board of Commissioners may deny the Goal 3 Exception and Comprehensive Plan Text Amendment and adopt new findings based on evidence in the record. The Board's decision is final unless timely appealed to the Oregon Land Use Board of Appeals.

UMATILLA COUNTY
BOARD OF COMMISSIONER HEARING – MARCH 18, 2026
COMPREHENSIVE PLAN TEXT AMENDMENT & CONDITIONAL USE PERMIT
FOURMILE SOLAR, APPLICANT &
TIMOTHY & SHANNON RUST LIVING TRUST, OWNERS
PROPOSED FOURMILE SOLAR
PACKET CONTENT LIST

1.	Staff Memo to Board of Commissioners	Pages 1-2
2.	Public Notice and Soil Maps	Pages 5-6
3.	1-Mile Impact Area Map	Page 7
4.	Preliminary Findings	Pages 8-84
5.	Proposed Text Amendment	Page 85
6.	**Exhibit 1** –Applications with Attachments	Pages 86-577
	a. Cover Letter	Page 86
	b. Land Use Request Application	Pages 87-107
	c. Amendment Packet	Pages 108-110
	d. Goal 3 Exception Narrative	Pages 111-144
	i. Attachment A. Landowner Support Letter	Pages 145-148
	ii. Attachment B. Alternatives Analysis	Pages 149-175
	iii. Attachment C. Soils Analysis	Pages 176-262
	iv. Attachment D. Wetland Delineation Report	Pages 263-293
	v. Attachment E. FEMA Map	Pages 294-295
	vi. Attachment F. Draft Vegetation and Weed Management Plan	Pages 296-309
	vii. Attachment G. US Fish and Wildlife IPaC Report	Pages 310-320
	viii. Attachment H. Wildlife and Habitat Survey Report	Pages 321-348
	ix. Attachment J. SHPO Submission	Pages 349-351
	x. Attachment K. Preliminary Site Plan	Pages 352-353
	xi. Attachment L. Letter of Intent with Krebs Solar Grazing	Pages 354-355
	xii. Attachment M. Glare Analysis	Pages 356-363
	e. CUP Application Narrative	Pages 364-403
	i. Attachment A. Site Plan	Pages 404-405
	ii. Attachment B. Landowner Support Letter	Pages 406-409
	iii. Attachment C. FEMA Map	Pages 410-411
	iv. Attachment D. Transportation Plan	Pages 412-436

v. Attachment E. Draft Vegetation and Weed Management Plan — Pages 437-450
vi. Attachment F. Letter of Intent with Krebs Solar Grazing — Pages 451-452
vii. Attachment G. Decommissioning Plan — Pages 453-457
viii. Attachment H. Soils Analysis — Pages 176-262
see Goal 3 Exception Attachment C.
ix. Attachment I. Glare Analysis — Pages 458-465
x. Attachment J. FAA Pre-Screening Results — Pages 466-467
xi. Attachment K. DOD Navy Correspondence — Pages 468-475
xii. Attachment L. Fire District Approval Letter — Pages 476-477
xiii. Attachment M. Wildlife and Habitat Survey Report — Pages 478-505
xiv. Attachment N. Wetland Delineation Report — Pages 506-536
xv. Attachment O. US Fish and Wildlife IPaC Report — Pages 537-547
xvi. Attachment Q. SHPO Submission — Pages 548-550
xvii. Attachment R. Alternatives Analysis — Pages 551-577

7. **Exhibit 2** – Comment from Oregon Department of Fish and Wildlife, *received January 8, 2026* — Pages 578-608
   a. Email from Lindsay Somers, Habitat-Biologist — Pages 578-579
   b. ODFW Solar Guidance — Pages 580-608

8. **Exhibit 3** – Additional information submitted by Applicant *Received January 21, 2026* — Pages 609-650
   a. Email from Tanner Gillespie, Associate Director — Pages 609-669
   b. Fourmile Solar Supplemental Filing — Pages 610-614
   c. Fourmile Solar Transportation Plan — Pages 615-643

9. **Exhibit 4** – Fourmile Solar Slideshow — Pages 644-669
   Presented at January 22, 2026 Planning Commission hearing

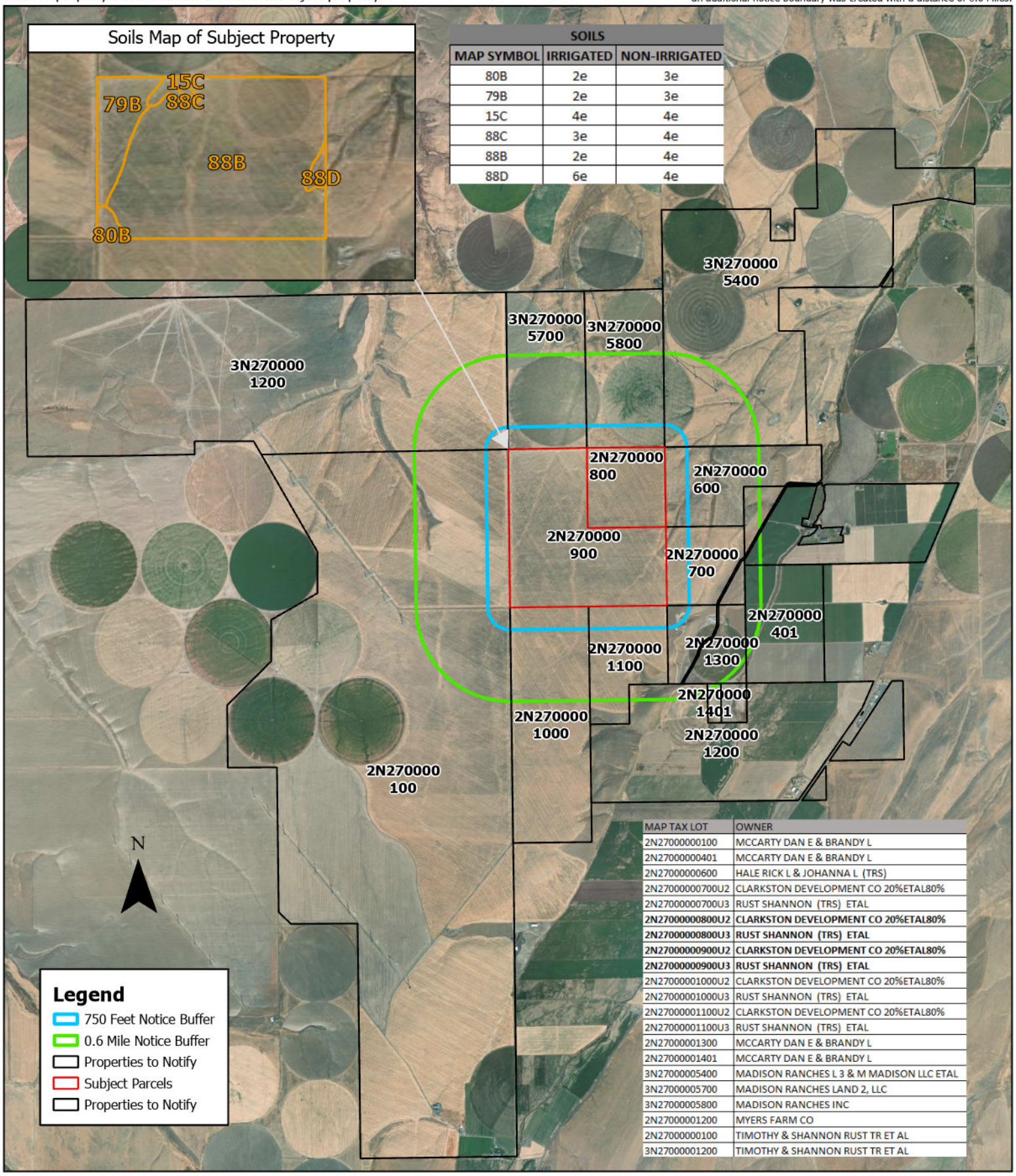
FOURMILE SOLAR LLC, APPLICANT
TIMOTHY & SHANNON RUST, CLARKSTON DEVELOPMENT, OWNER
MAP 2N 27, TAXLOTS 800 & 900

Notified property owners within 0.6 miles of subject property.

#T-101-25 & #C-1402-25

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by B. Fairchild, Umatilla County Planning Department Date: 11/24/2025

As set forth in UCDC 152.770 (B), less than five different property owners were within the specified 750 ft Notice Boundary. Therefore, an additional notice boundary was created with a distance of 0.6 Miles.

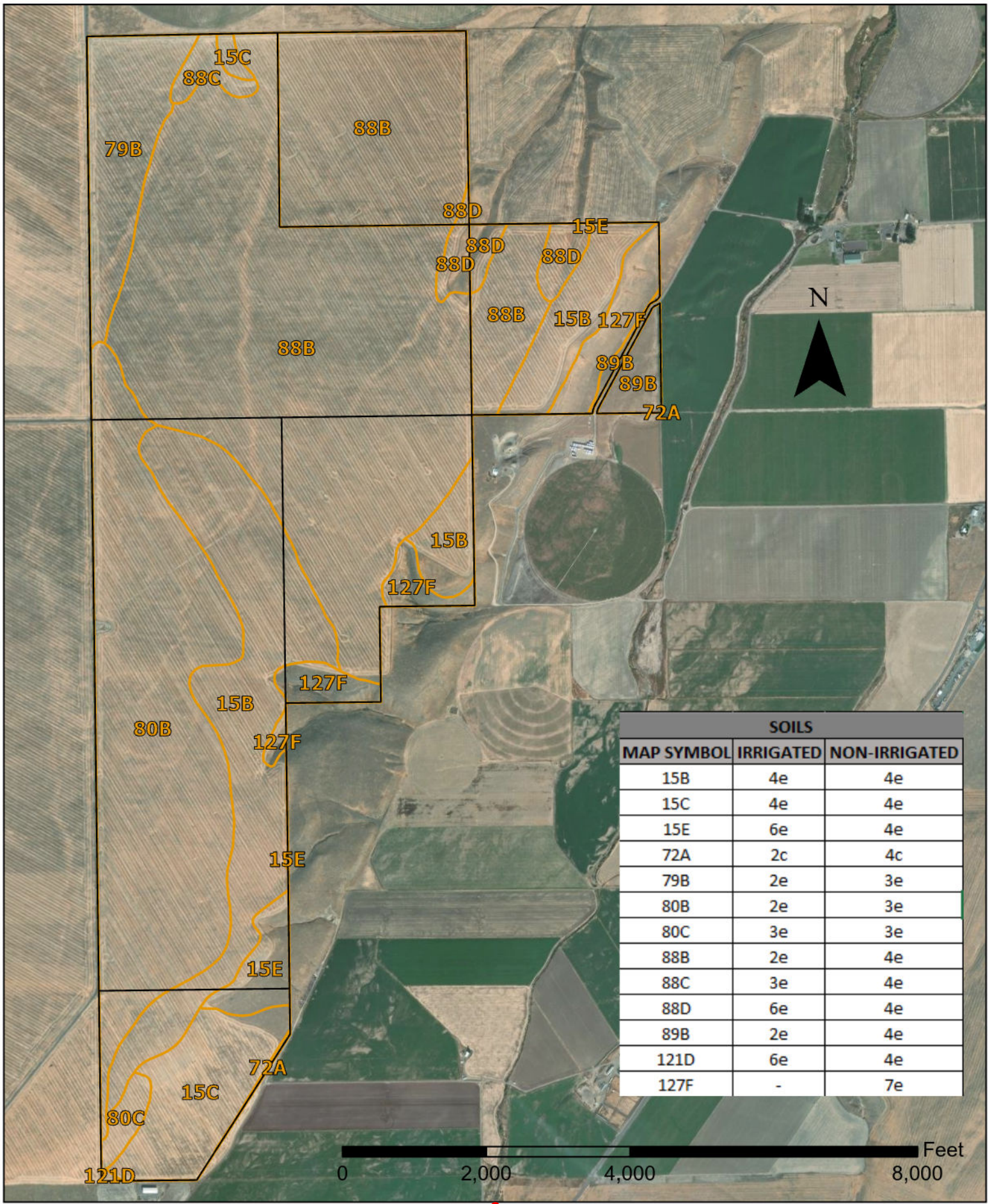


SOILS		
MAP SYMBOL	IRRIGATED	NON-IRRIGATED
80B	2e	3e
79B	2e	3e
15C	4e	4e
88C	3e	4e
88B	2e	4e
88D	6e	4e

MAP TAX LOT	OWNER
2N27000000100	MCCARTY DAN E & BRANDY L
2N27000000401	MCCARTY DAN E & BRANDY L
2N27000000600	HALE RICK L & JOHANNA L (TRS)
2N27000000700U2	CLARKSTON DEVELOPMENT CO 20%ETAL80%
2N27000000700U3	RUST SHANNON (TRS) ETAL
2N27000000800U2	**CLARKSTON DEVELOPMENT CO 20%ETAL80%**
2N27000000800U3	**RUST SHANNON (TRS) ETAL**
2N27000000900U2	**CLARKSTON DEVELOPMENT CO 20%ETAL80%**
2N27000000900U3	**RUST SHANNON (TRS) ETAL**
2N27000001000U2	CLARKSTON DEVELOPMENT CO 20%ETAL80%
2N27000001000U3	RUST SHANNON (TRS) ETAL
2N27000001100U2	CLARKSTON DEVELOPMENT CO 20%ETAL80%
2N27000001100U3	RUST SHANNON (TRS) ETAL
2N27000001300	MCCARTY DAN E & BRANDY L
2N27000001401	MCCARTY DAN E & BRANDY L
3N27000005400	MADISON RANCHES L 3 & M MADISON LLC ETAL
3N27000005700	MADISON RANCHES LAND 2, LLC
3N27000005800	MADISON RANCHES INC
2N27000001200	MYERS FARM CO
2N27000000100	TIMOTHY & SHANNON RUST TR ET AL
3N27000001200	TIMOTHY & SHANNON RUST TR ET AL

Feet
0 5,000 10,000 20,000

Soils Map
OneEnergy "Fourmile Solar" Goal 3 Exception
#T-101-25 & #C-1402-25

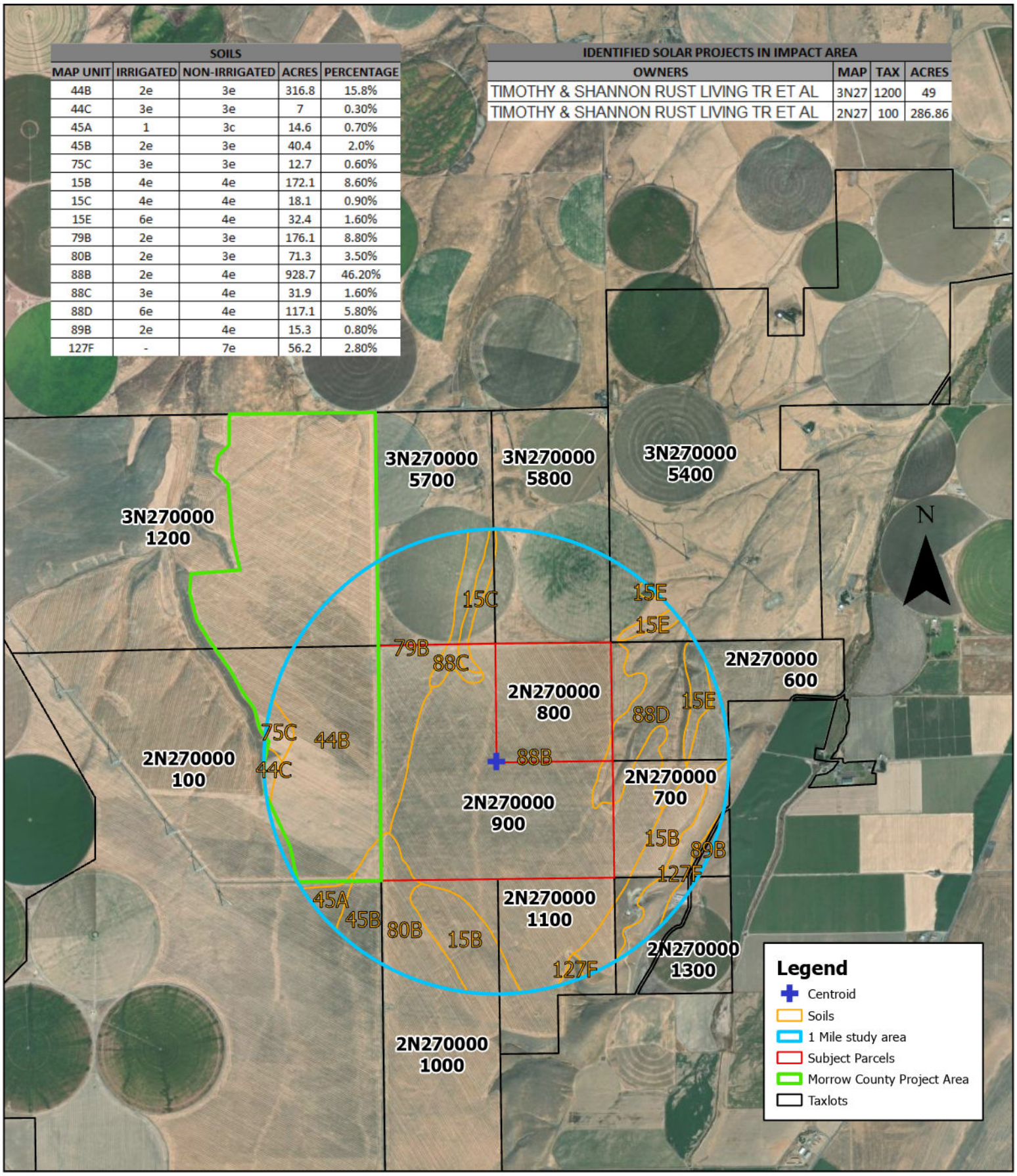


SOILS		
MAP SYMBOL	IRRIGATED	NON-IRRIGATED
15B	4e	4e
15C	4e	4e
15E	6e	4e
72A	2c	4c
79B	2e	3e
80B	2e	3e
80C	3e	3e
88B	2e	4e
88C	3e	4e
88D	6e	4e
89B	2e	4e
121D	6e	4e
127F	-	7e

One-mile Study Area Impact Map
OneEnergy "Fourmile Solar" Goal 3 Exception
#T-101-25 & #C-1402-25

SOILS				
MAP UNIT	IRRIGATED	NON-IRRIGATED	ACRES	PERCENTAGE
44B	2e	3e	316.8	15.8%
44C	3e	3e	7	0.30%
45A	1	3c	14.6	0.70%
45B	2e	3e	40.4	2.0%
75C	3e	3e	12.7	0.60%
15B	4e	4e	172.1	8.60%
15C	4e	4e	18.1	0.90%
15E	6e	4e	32.4	1.60%
79B	2e	3e	176.1	8.80%
80B	2e	3e	71.3	3.50%
88B	2e	4e	928.7	46.20%
88C	3e	4e	31.9	1.60%
88D	6e	4e	117.1	5.80%
89B	2e	4e	15.3	0.80%
127F	-	7e	56.2	2.80%

IDENTIFIED SOLAR PROJECTS IN IMPACT AREA			
OWNERS	MAP	TAX	ACRES
TIMOTHY & SHANNON RUST LIVING TR ET AL	3N27	1200	49
TIMOTHY & SHANNON RUST LIVING TR ET AL	2N27	100	286.86



Feet

0 3,750 7,500 15,000

UMATILLA COUNTY BOARD OF COUNTY COMMISSIONERS
DRAFT FINDINGS AND CONCLUSIONS
FOURMILE SOLAR PROJECT
EXCEPTION TO STATEWIDE PLANNING GOAL 3
COMPREHENSIVE PLAN TEXT AMENDMENT (File #T-101-25) AND
CONDITONAL USE PERMIT (#C-1402-25)
ASSESSOR'S MAP 2N 27; TAX LOTS 800 & 900, ACCOUNT NOs. 106939 & 106942

I. OVERVIEW

Applicant:
Fourmile Solar OR, LLC,
a wholly-owned subsidiary of OneEnergy Development, LLC
2003 Western Ave, Suite 225
Seattle, WA 98121

Applicant Contact:
Elaine Albrich
Davis Wright Tremaine, LLP
560 SW 10th Ave, Suite 700
Portland, OR 97205

Property Owners:
Timothy and Shannon Rust Living Trust
77252 Mader Rust Lane
Echo, OR 97826

Shannon Rust Share
Frank and LaVonne Mader Living Trust
77252 Mader Rust Lane
Echo, OR 97826

Clarkston Development Company
1836 NW Boulevard
Coeur d'Alene, ID 83814

Proposed Action:
Obtain a Statewide Planning Agricultural Goal 3 exception and Conditional Use Permit to construct and operate Fourmile Solar, a solar photovoltaic (PV) energy generation facility sized up to 90 megawatts alternating-current (MWac) with battery energy storage systems (BESS) on land zoned Exclusive Farm Use (EFU) (the Project). The Fourmile Solar Project will be sited on up to 450 acres (Project Area) within the Project Area Extent (defined below).

Subject Properties:
The project will be sited on Tax Lots 800 and 900 in Township 2, Range 27 E, Section 3, Umatilla County, Oregon consisting of approximately 626 acres ("Exception/Project Property").

Table 1: Tax Parcels in Project Tract

Tax Lot	Acres
02N27000000700	158
02N27000000800	163
02N27000000900	486
02N27000001000	483
02N27000001100	201
02N27000001700	131
TOTAL	1,622

Note: Tract is defined in the Umatilla County Development Code (UCDC) Section 152.003 as: one or more contiguous lots or parcels in the same ownership. The Project Tract is identified solely for determining soil predominance; only Tax Lots 800 and 900 are subject to this request.

Project Area Extent:

The Project Area is located within the Project Tract within a micro siting boundary of 626 acres (Project Area Extent). The Project Area Extent is located across portions of two tax lots: 02N2700000800 and 02N2700000900.

Table 2: Tax Parcels in Project Area Extent

Tax Lot	Acres
02N27000000800	**163**
02N27000000900	**486**

Although the Project Area Extent is 626 acres, the applicant is requesting approval to micro site the project within 450 acres.

Site Characteristics:

The subject properties are currently in dryland wheat production. There are no roads or structures that have been developed on the subject properties. The site is relatively flat and does not have irrigation water rights.

The Applicant selected this location in Umatilla County after consideration of many suitability characteristics, including but not limited to: the high solar energy resource, the underlying topography and land traits, access to electrical infrastructure, compatible zoning criteria, and low impacts to land use and habitat.

As shown in Figure 3[1], the northern portion of Umatilla County has some of the highest solar energy resource areas in Oregon. This higher resource means that each solar panel can produce more electricity on an annual basis than one sited in a lower resource area. While the solar resource is superior to the east of the Cascade Mountains, often there is limited existing electrical infrastructure with the available interconnection capacity to connect a project of this size, which creates a limiting factor for where solar energy projects could be located. Here, the Project Tract is near Umatilla Electric Cooperative's (UEC) new Oregon Trail Substation, constructed in 2021. Passage Solar has sufficient electrical capacity to support the additional generation without cost-prohibitive upgrades to the grid (more information on interconnection is provided in Section 2E of the Applicant's CUP Narrative). This combination of a good solar resource and direct access to low-cost interconnection constitutes a unique resource upon which the Project is dependent.

The proposed site has direct access to the existing electrical infrastructure. It is predominately located on disturbed land due to past agricultural activity. The site has robust access routes already built. The topography is relatively flat. The landowner desires to develop their property for this use. And finally, the zoning allows the Project subject to the County's review and approval.

Soil Classifications:

High-Value Farmland is defined in the Umatilla County Development Code (UCDC) §152.003 as: "Land in a tract composed predominantly of soils that are: (1) Irrigated and classified prime, unique, Class I, or Class II; or (2) Not irrigated and classified prime, unique, Class I, or Class II. (3) Includes parcels or tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this definition, "specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture, or alfalfa. (ORS 215.710)".

[1] See Figure 3 located on Page 6 of the Applicant's CUP Narrative

The following table provides an overview of the soil types and their Land Capability Class designation of the **Project Tract**:

Soil Unit Number, Percent of Tract, Name, Description	**Land Capability Class**	
	Dry	Irrigated
15B: 16.1% Burke silt loam, 1 to 7 percent slopes	IVe	IVe
15C: 4.69% Burke silt loam, 7 to 12 percent slopes	IVe	IVe
15E: 1.5% Burke silt loam, 12 to 30 percent slopes	VIe	IVe
72A: 0.1% Powder silt loam, 0 to 3 percent slopes	IIc	IVc
79B: 4.9% Ritzville very fine sandy loam, 2 to 7 percent slopes	IIe	IIIe
80B: 19.3% Ritzville silt loam, 2 to 7 percent slopes	IIe	IIIe
80C: 0.7% Ritzville silt loam, 7 to 12 percent slopes	IIIe	IIIe
88B: 45.1% Shano very fine sandy loam, 2 to 7 percent slopes	IIe	IVe
88C: 0.7% Shano very fine sandy loam, 7 to 12 percent slopes	IIIe	IVe
88D: 1.7% Shano very fine sandy loam, 12 to 25 percent slopes	VIe	IVe
89B: 1.2% Shano silt loam, 2 to 7 percent slopes	IIe	IVe
121D: 0.6% Willis silt loam, 12 to 30 percent slopes	Vie	IVe
127F: 3.7% Xerollic Durorthids, 30 to 60 percent slopes	-	VIIe
Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as "e" – erosion prone, "c" – climate limitations, "s" soil limitations and "w" – water (*Survey*, page. 172).		

The following table provides an overview of the soil types and their Land Capability Class designation of the **Subject/Exception Property**:

Soil Unit Number, Percent of Tract, Name, Description	**Land Capability Class**	
	Dry	Irrigated
15C: 0.6% Burke silt loam, 7 to 12 percent slopes	IVe	IVe
79B: 12.6% Ritzville very fine sandy loam, 2 to 7 percent slopes	IIe	IIIe
80B: 2% Ritzville silt loam, 2 to 7 percent slopes	IIe	IIIe
88B: 81.2% Shano very fine sandy loam, 2 to 7 percent slopes	IIe	IVe
88C: 1.7% Shano very fine sandy loam, 7 to 12 percent slopes	IIIe	IVe

88D: 1.9% Shano very fine sandy loam, 12 to 25 percent slopes	VIe	IVe
Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as "e" – erosion prone, "c" – climate limitations, "s" soil limitations and "w" – water (*Survey*, page. 172).		

The Subject Tract and Subject/Exemption Property do not contain irrigated water rights. The **Subject Tract** is predominately comprised of soils that are Class 2 when irrigated and Class 3 and 4 when dry, not meeting the definition of high value farmland under ORS 215.710. The **Subject/Exemption Property** is predominately comprised of 88B, Shano very fine sandy loam, which is Class 2 when irrigated and Class 4 when dry, which does not meet the definition of high-value farmland under ORS 215.710.

Notices Sent: A 35-day hearing notice was sent to the Department of Land Conservation and Development (DLCD) on December 18, 2025. Notice of the January 22, 2026 Planning Commission and March 18, 2026 Board of County Commissioner hearings was mailed to neighboring land owners and affected agencies on January 2, 2026. Notice of the hearings was also published in the East Oregonian on January 7, 2026.

Hearings: The Umatilla County Planning Commission held a public hearing on Thursday January 22, 2026 at 6:30PM at the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton OR. The Planning Commission recommended approval of the Goal 3 Exception and Comprehensive Plan Text Amendment. The Planning Commission also approved the Conditional Use Permit for the proposed Fourmile Solar project as presented, with a slight modification to Subsequent Condition #13, to modify the perimeter fencing from "chain link" to "wire" to coincide with testimony provided before the Planning Commission.

The Umatilla County Board of Commissioners held a public hearing on Wednesday, March 18, 2026 at 10AM at 216 SE 4th Street, Pendleton OR 97838 for a final decision on the Goal 3 Exception and Comprehensive Plan Text Amendment.

Notified Agencies: Umatilla County Assessor, Umatilla County Public Works, Oregon Department of Transportation Region 5-Highways Division, Oregon Department of Land Conservation and Development, Department of Environmental Quality, Oregon Water Resources Department, Westland Irrigation District, CTUIR-Natural Resources, CTUIR-Cultural Resources

Comments: Written comments were received from Oregon Department of Fish and Wildlife (ODFW) (**Exhibit 2**), and the Applicant, OneEnergy Solar (**Exhibit 3**). The Applicant's slideshow presentation presented to the Planning Commission was entered into the record as **Exhibit 4**.

ODFW's comment stated that ODFW staff have been in contact with the Applicant, that completed wildlife surveys did not locate any sensitive species within the project boundary, and because the project footprint is within an area actively cultivated, there are no concerns for impacts to the Washington Ground Squirrels or their habitat. ODFW also shared the Department's guidance document for solar which is included in Exhibit 2.

The Applicant's Exhibit 3 included new information to be included in the record and incorporated into the findings document. Information included access road details and maps, transportation routes, a recorded access easement, communication with ODOT District 12 staff, and a copy of the ODOT application for a state highway approach.

Testimony at the Planning Commission hearing included the applicants, property owner, and Mr. Cameron Krebs of Krebs Solar Grazing, who potentially would have sheep graze beneath and around the solar panels on the Fourmile site. There was no testimony in opposition of the request.

II. PROJECT DESCRIPTION AND LOCATION

Applicant is a wholly-owned subsidiary of OneEnergy Development, LLC (OneEnergy). OneEnergy has been in business for more than 14 years and develops, owns, and operates solar and energy storage projects across the United States, with over 200 projects in development and more than 500 MW operating or under construction. OneEnergy focuses on a local, hands-on approach to making clean, affordable energy more accessible.

The project is a solar photovoltaic (PV) energy generation facility sized up to 90 megawatts alternating-current (MWac) with optional battery energy storage systems (BESS) on land zoned exclusive farm use (EFU). The project will be sited on up to 450 acres (Project Area) within a larger micro siting boundary of 628 acres (Project Area Extent). The project area extent is located within the 1,622 acre Project Tract.

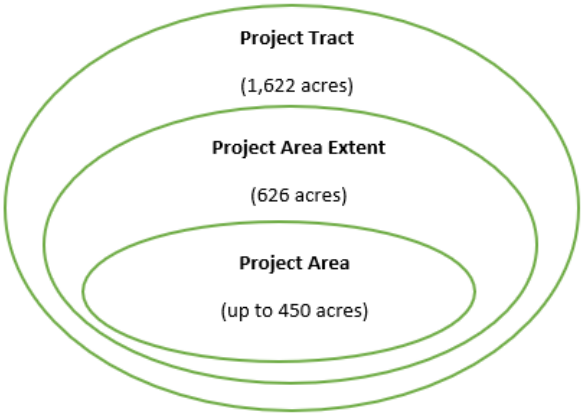


Figure 3: Project Area Definitions

The Applicant requests that the County allow the Applicant flexibility to microsite the precise location of Project components within the **Project Area Extent** and provide an updated site plan prior to construction.

This gives the Applicant the ability to refine the spacing of solar modules, associated access roads, collector lines, staging areas and above-ground facilities within the Project Area Extent as design is finalized. The requested flexibility to microsite the final Project site plan within the Project Area Extent also allows the Applicant to minimize potential impacts and deliver the most effective and efficient Project consistent with the landowners' needs. In total, the Project will not exceed 450 acres, regardless of the MW capacity.

The Project requires a Conditional Use Permit (CUP) under UCDC 152.060 and a Goal 3 exception under OAR 660-033-0130(38) because the Project will occupy more than 12 acres of Columbia Valley AVA soils considered high-value farmland (HVF) under ORS 195.300(10)(f)(C) and more than 20 acres of arable land. There are no irrigated soils within the Project Area Extent or Project Area itself.

The Project would be located on private land between the Naval Weapons Systems Training Facility Boardman (or commonly, the Boardman Bombing Range) and Highway 207, approximately 7.5 miles south of the intersection of I-82 and I-84 and approximately 11 miles southwest of Echo, OR (see Figures 1 and 2). The Project would interconnect to the Passage Solar Facility (Passage Solar), a OneEnergy solar project located in Morrow County and directly west of the Fourmile Solar Project Tract (see Figures 1 and 2).

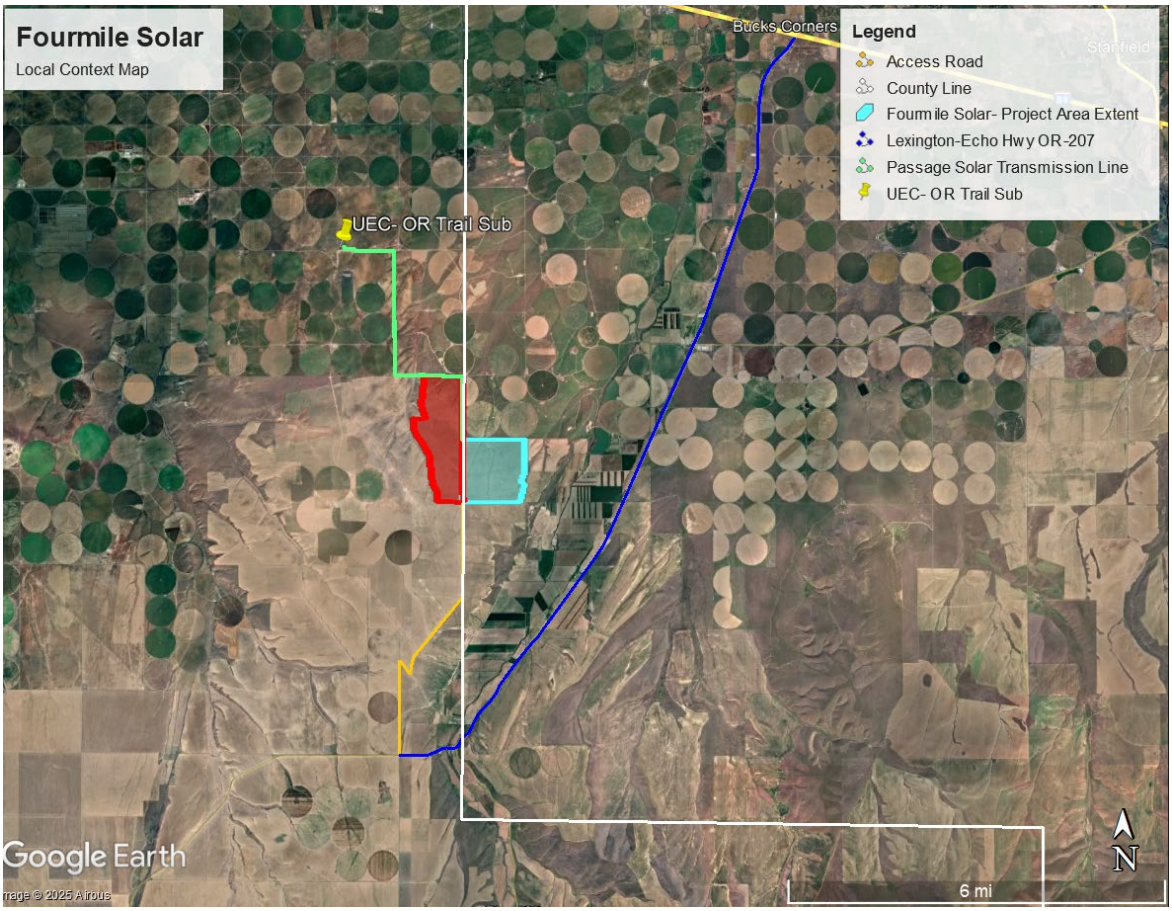
The Fourmile Solar Project Property is privately-owned by landowners Timothy M. Rust and Shannon L. Rust, The Shannon Rust Share of the Frank & LaVonne Mader Living Trust and Clarkston Development Company. Applicant has a executed a site control agreement with the Landowners. The Landowners have provided a letter of support for the Project, which is enclosed as the **Applicant's Attachment A**.

The Project Area Extent historically consisted of undeveloped/vacant lands and agricultural areas from the early 1900s to 1950s. Agricultural cultivation increased between the 1960s and 1980s and continues today. Currently the Project Area Extent is cultivated for grain. No tree cutting or clearing will be required. No wetlands or floodplains will be affected. The Project Area Extent is considered Category 6 habitat by ODFW, which does not require any mitigation, so the impacts to habitat are limited.

The Project will be located directly adjacent to the proposed Passage Solar Facility, located in Morrow County on Tax Lots 02N27000000100 and 03N27000001200. The Passage Solar Facility, including its associated 115 kV transmission line, received a conditional use permit and a Goal 3 exception from Morrow County in 2024 (CUP-N-364-24/AC-153-24/ LUD-N-069-24) ("Passage Solar"). The Project will interconnect to Passage Solar by constructing a medium voltage electrical line approximately 200 feet in length, connecting to Passage Solar's collector substation. Once connected to the Passage Solar collector substation power generated from the Project will utilize the Passage Solar electrical infrastructure via a shared facilities agreement

and connect to the electrical grid at the Umatilla Electric Cooperative's Oregon Trail Substation.

The main access point for the Project is via an existing private access road located in Morrow County. The private access road has an existing permitted approach intersecting Lexington-Echo Highway OR-207 and is managed by the Oregon Department of Transportation (ODOT). The Applicant has consulted with ODOT and has obtained the required easement with the private landowner to allow for ingress and egress to the Project. The Project is not anticipated to use public roads within Umatilla County other than OR-207.



III. GOAL 3 EXCEPTION

The applicant seeks approval to develop approximately 450 acres with a photovoltaic solar array. ORS 195.300 (10)(C) defines, in relevant part, high value farmland to include lands within the Columbia Valley American Viticulture Area (AVA). The subject property is located within the Columbia Valley AVA and is therefore classified as high value under ORS 195.300(10)(f)(C).

Standards for permitting a solar project are included in OAR 660-033-0130(38). Subsection (f) requires that, "high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, Division

4". Therefore, in order to develop a photovoltaic solar power generation facility on more than 12 acres of the subject parcel, applicant requests the county approve an exception to Statewide Planning Goal 3.

Applicant's Response: As summarized in the Soils Analysis (*Attachment C*), the entire Project Tract is predominately cultivated and therefore considered arable land under OAR 660-033-0130(38)(a). The Project will use, occupy, or cover up to 450 acres of land within a portion of the Project Tract and therefore triggers a Goal 3 exception under OAR 660-033-0130(38)(i). The Project also triggers a Goal 3 exception under OAR 660-033-0130(38)(g) because it will use more than 12 acres of Columbia Valley AVA soils which are considered high-value farmland (HVF) under ORS 195.300(10)(f)(C). There are no irrigated soils within the Project Area Extent or the Project Area itself.

Umatilla County Finding: Soils located on the Project Tract and Exemption/Subject Property are identified above. The Subject Tract and Subject/Exemption Property do not contain irrigated water rights. The **Subject Tract** is predominately comprised of soils that are Class 2 when irrigated and Class 3 and 4 when dry. The **Subject/Exemption Property** is predominately comprised of 88B, Shano very fine sandy loam, which is Class 2 when irrigated and Class 4 when dry.

As noted by the applicant, the subject property is located within the Columbia Valley American Viticultural Area (AVA) due to satisfying the Columbia AVA's specified location, aspect and slope. Therefore, the Exemption/Subject Property is classified as high-value farmland as defined under ORS 195.300(10)(f)(C).

Approval of this proposed Goal 3 Exception request would provide relief from the criteria found in OAR 660-033-0130(38)(f) and would allow the project owner to site a photovoltaic solar power generating facility(s) on more than 12 acres on the subject property.

III. UMATILLA COUNTY CODE – AMENDMENTS, APPLICABLE STATE STATUTE AND ADMINISTRATIVE RULES – GOAL 2 PROCESS FOR EXCEPTION TO GOAL 3

Criteria from the Umatilla County Development Code (UCDC), Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) are provided in underlined text.

Umatilla County Development Code – Amendments:

Umatilla County Development Code (UCDC), Amendments, Sections 152.750 through 152.755 provides information on initiating an amendment, processing an amendment, and imposing conditions on amendments. Additionally, UCDC Section 152.751 requires compliance with provisions of the County Comprehensive Plan and the Transportation Planning Rule, Oregon Administrative Rules (OAR) 660, Division 12, and the Umatilla County Transportation Plan (TSP), subject to Traffic Impact Analysis in UCDC Section 152.019.

ORS 197.732 (2)(c):

In order to adopt an exception to Goal 3 and amend the County's comprehensive plan, the County must first find that the following criteria in ORS 197.732(2)(c)(A)-(D) are met:

(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

(B) Areas that do not require a new exception cannot reasonably accommodate the use;

(C) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

As set forth below, the applicant has provided responses addressing ORS 197.732(2)(c)(A)-(D) and evidence upon which the County may base an amendment to its comprehensive plan. The following sections provide evidence supporting a finding in which the applicant believes that there are sufficient reasons justifying why the state policy embodied in Goal 3 should not apply to the Exception/Project Property. **Umatilla County Findings** are included below each response.

A. Reasons to Justify the Exception

1) Rural Industrial Use Reason Test

Applicant's Response: Applicant demonstrates that the Project warrants a Goal 3 exception using two reasons allowed by rule – the "Rural Industrial Use" reason and the "Other Reasons" reason. Because the "Rural Industrial Use" reason specifically applies to solar photovoltaic power generation facilities, Applicant addresses it first and presents it as Applicant's primary reason for justifying the Goal 3 exception request.

The Project qualifies as a rural industrial use and meets the requirements of OAR 660-022(3)(a)-(c). Therefore, Applicant has demonstrated that the rural industrial use reason provides an adequate "reason" to justify the requested Goal 3 exception.

OAR 660-004-0022(3):

Rural Industrial Development: For the siting of industrial development on resource land outside an urban growth boundary, appropriate reasons and facts may include, but are not limited to, the following:

(a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports;

Applicant's Response: The proposed facility is significantly dependent on the unique characteristics of agricultural lands that make them suitable for solar energy development. Agricultural lands often provide large, contiguous tracts with flat topography, minimal tree cover, and consistent exposure to sunlight, that are conditions that maximize the efficiency of photovoltaic solar facilities. In this case, the Project Area Extent consists of dryland agricultural fields without irrigation infrastructure, minimizing disruption to productive farm use while supporting renewable energy generation.

As detailed in the Alternatives Analysis (*Attachment B*), the Project also benefits from the nearby electrical infrastructure, which reduces the need for costly upgrades and limits additional land disturbance. Agricultural lands, particularly in this area, are generally more compatible with solar development because they involve fewer conflicting land uses and have fewer sensitive receptors such as residences or public spaces nearby. This reduces potential impacts to neighboring uses and makes agricultural land more suitable for siting the photovoltaic solar facilities. Together, these features, including ample acreage, unobstructed solar resource, low-conflict land use, and viable interconnection—demonstrate why agricultural lands can serve as appropriate resource lands for solar facilities. Accordingly, the Project is significantly dependent on these characteristics, and subpart (a) is satisfied.

Umatilla County Finding: The State of Oregon has determined that photovoltaic solar generation facilities may be sited on Exclusive Farm Use land and may take a Rural Industrial Development Reasons Exception provided the project meets all criteria of approval. Umatilla County finds there is evidence supporting the fact that the proposed Exception Property provides a good solar resource. Umatilla County finds this criterion is satisfied.

(b) The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or

Applicant's Response: The use is dependent on rural land because ground-mounted PV would be incompatible in densely populated areas where there is insufficient land supply for a 450-acre project. Urban lands are characterized by residential, commercial, and industrial uses, along with higher population densities, public infrastructure, and competing demands for land that are incompatible with the scale and operation of a photovoltaic solar facility. Accordingly, subpart (b) of the test is met.

Umatilla County Finding: The Applicant's proposed solar generation facility cannot be located within an urban grown boundary simply because there is no urban growth boundary (UGB) in Umatilla County that has a land supply for a contiguous 450-acre solar project. Lands typically within the urban growth boundary are residential, commercial or industrial uses that would be incompatible with this large-scale project. Umatilla County finds there are not large industrial land supplies within UGBs to accommodate larger solar project development.

> (c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages that support the decision.

Applicant's Response: The proposed facility provides a significant comparative advantage due to its location near existing electrical infrastructure and the approved Passage Solar facility, which will serve as the Project's point of interconnection. By utilizing the nearby UEC transmission system and shared facilities with Passage Solar, the Project avoids the need for extensive new transmission lines. The electrical connection to the adjacent Passage Solar will be approximately 200 feet, reducing both cost and land disturbance. The Project will also be microsited within the Project Area Extent to maximize efficiency while minimizing its permanent footprint to high value farmland soils, thereby limiting impacts to agricultural uses and surrounding resource lands.

In addition to these locational advantages, the Project supports the diversification of Umatilla County's economy by introducing a long-term renewable energy that complements existing agricultural activity. Unlike irrigated farming, photovoltaic solar facilities require minimal water and can coexist with grazing or other low-impact agricultural practices. The Applicant proposes to incorporate managed sheep grazing throughout the Project Area, providing continued agricultural production while generating additional economic value through wool and meat production. This approach ensures that the land remains agriculturally and economically productive while supporting clean energy.

The Project also creates broader countywide economic benefits. Construction and long-term operations will provide jobs in engineering, electrical work, land management, and maintenance, thereby expanding the local employment base beyond traditional farming. The availability of reliable renewable electricity strengthens the region's attractiveness to industries that prioritize clean energy sources, further enhancing Umatilla County's competitive economic position. Taken together, these factors demonstrate that the Project's location provides a significant comparative advantage, minimizes the loss of productive agricultural resources, and contributes positively to the county economy. Accordingly, subpart (c) is satisfied.

Planning Staff Response: The applicant's narrative suggests that irrigated agricultural lands could be traded off for the development of photovoltaic solar facilities. Although solar generation facilities require less water for development, irrigated agricultural lands are a vital piece of Umatilla County's economy and Umatilla County's agricultural lands provide a significant amount of food. In 2022, Umatilla County was ranked #9 of the 36 Oregon counties for overall market value of agricultural products. Umatilla County was the only county in Eastern Oregon in the top 10 and behind: Clackamas, Marion, Jackson, Lane, Linn, Yamhill, Douglas and Washington.

Umatilla County Finding: The proposed solar generation facility will provide a long-term renewable energy source that will also allow for continued agricultural use of sheep grazing. Although the proposed sheep grazing activity is not equivalent to the current dryland wheat crop; the applicant has selected a site that is adjacent to a recently permitted large solar generation facility in Morrow County that has proposed transmission lines and other facilities that will be shared.

Umatilla County finds the proposed Fourmile Solar project has a significant comparative advantage due to its location adjacent to the applicant's other solar generation facility that will include a transmission line and other supporting facilities that would also support the Fourmile Solar Project. Thus, extensive new transmission lines are not proposed or required. Umatilla County finds that the proposed solar generation facility will trade off a gain in energy generation with the loss of grain production.

2) "Other Reasons" Reason Test

Applicant's Response: Applicant demonstrates under OAR 660-004-0022(1) that other reasons also justify the requested Goal 3 exception.

Umatilla County Finding: Umatilla County finds the applicant is requesting to justify the Goal 3 exception by using the "Other Reasons" test. The criteria follow.

OAR 660-004-0022
(1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-014-0030 or 660-014-0040, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either:

> (a) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this paragraph must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or
>
> (b) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

Applicant's Response: Applicant demonstrates that the Project satisfies OAR 660-004-0022(1) and (1)(b) to provide a second justifiable reason for the Goal 3 exception request.

Umatilla County Finding: Umatilla County finds that the applicant has provided information that the proposed Exception Property has a solar resource. The solar resource is somewhat

unique to Eastern Oregon and the applicant has identified a project site that does not have irrigation water rights, has a willing landowner, and is in close proximity to adequate transmission lines. The criterion is satisfied.

a. First Prong of the "Other Reasons Test"

Requirements of Other Goals Justify an Exception to Goal 3

Applicant's Response: Statewide Planning Goals are implemented at the local level via the County's comprehensive plan. The County's comprehensive plan is acknowledged as being consistent with the Statewide Planning Goals. Therefore, for purposes of analyzing the Project under OAR 660-004-0022(1), the Applicant demonstrates why the requirements contained in the County's goals and policies implementing Goal 5(Natural Resources), Goal 9 (Economic Development), and Goal 13 (Energy Conservation) evidence a need for the proposed Project and justify removing up to 450 acres of the Project Area Extent from cultivation.

Umatilla County Comprehensive Plan, Chapter 8. Open Space, Scenic and Historic Areas, and Natural Resources (Goal 5)

> *Energy Sources*
> *Of the three major commercial components of Oregon's present energy picture- electricity, petroleum, and natural gas- only electricity is generated in the county.*
>
> *Findings*
>
> *37. Areas specifically set aside for natural resource exploitation, future development of reservoirs, energy generation and transmission facilities and industry will lower the cost of eventual use, as compared to allowing incompatible development on the same lands before such eventual use.*
>
> *42. Alternative energy resources should be explored more fully in Umatilla County.*
>
> *Policies*
>
> *37. The County shall ensure compatible interim uses provided through Development Ordinance standards, and where applicable consider agriculturally designated land as open space for appropriate and eventual resource or energy facilities use.*
>
> *42(a). Encourage development of alternative sources of energy.*
>
> *42(b). The County will develop a file of alternative energy literature which will be available to the public.*
>
> *42(c). The County will refer people to agencies or private sources of energy conservation or development information when such information is not locally available.*
>
> *42(d). With the availability and/or addition of adequate information on wind, solar and other alternate energy resources, the County shall complete the Goal 5 analysis process for those resources (OAR 660-16-000).*

Applicant's Response: Chapter 8 of the County's Comprehensive Plan make direct and frequent reference to the benefits of developing solar energy and in fact, encourage the development of renewable energy sites. The Project enables the County to advance many of its policies found here. Policies 37 and 42(a)-(d) could not be clearer in supporting a Goal 3 exception for the Project in order to advance Goal 5.

Chapter 12. Economy of the County (Goal 9)

> *Future conservation and development opportunities rely heavily and directly upon allocation of available land and water. Devoting these resources mainly to agricultural production presumes additional, yet uncertain, water sources, commits the area to an inelastic market, restricts diversification of the local economy, and returns less personal income to the local population. Consequently, this plan recognizes the limited advantages to irrigated agriculture and advocates careful future evaluation before allocating water resources to any segment of the economy.*
>
> *Finding*
> *1. Predominately a resource based economy, the County experiences fluctuations in market demand, production supply, and seasonal unemployment and under employment.*
> *3. Specified industry site requirements may vary presently designated industrial lands.*
> *7. Comparative advantages over neighboring jurisdictions exist in availability of labor, reasonably priced lands, access to energy sources, and excellent transportation systems.*
> *9. Changing markets, resource demands, and technology will directly affect economic development considerations.*
> *11. Local products do not receive full preferential demand in national/international markets.*
>
> *Policies*
> *1. Encourage diversification within existing and potential resource-based industries.*
> *3. To encourage industrial diversification, modify from pre-designated industrial areas as appropriate.*
> *7. Cooperate with development-oriented entities in promoting advantageous aspects of the area.*
> *9. Recognize the need for and periodically review/update economic policies and projects.*
> *11. Encourage efforts to gain preferential recognition for this area's products.*

Applicant's Response: Chapter 12 of the County's Comprehensive Plan specifically addresses the need for economic diversity in order to address changing markets due to resource demands and new technologies. The Chapter further encourages diversifying resource-based industries, and promoting advantageous aspects of the area such as solar resources and existing electrical infrastructure. The County's plan is forward-thinking and broad in order to allow the County to adapt to changing markets and demands.

In the case of solar energy production, the County's farmers who for generations have cultivated the land for its agricultural products. Just like with wheat (the traditional crop grown in this part of Umatilla County), a farmer can produce and harvest solar energy via a solar land lease which generates a profit from the occupied acreage. The Project will create solar generation capacity of up to 90 MW, resulting in approximately 140,000 MWh of renewable electricity each year. That is enough to power over 12,000 average households and results in an annual emissions reduction of over 50,000 metric tons CO2e based off data from the US Environmental Protection Agency.

The state’s mandated Renewable Portfolio Standard, discussed below under state policies, has created new *demand* for renewable energy created in Oregon. This demand must be accompanied by new *supply* of renewable energy, thus the birth of a *"new market*”. Umatilla County’s high insolation rate, abundance of sunny days, and robust electrical infrastructure make it an ideal location for efficiently producing renewable energy as a *“local product”.*

Furthermore, a solar development in Umatilla County would reduce the county’s heavy reliance on agriculture by adding a long-term, stable energy sector to the local economy. Instead of tying land and water almost exclusively to farming, solar projects use far less water and can coexist with grazing or other low-impact land uses. The reliable supply of renewable electricity makes the area more attractive for new industries that prioritize clean energy, such as data centers, food processing facilities, or manufacturing. In addition, solar construction and maintenance create a different type of job base—engineering, electrical work, land management, and operations—that expands beyond traditional agricultural employment. This diversification helps buffer the community against fluctuations in crop prices or water shortages and positions Umatilla County as a hub for both clean energy production and the industries that seek to benefit from it.

Chapter 16. Energy Conservation (Goal 13)

> *The era of inexpensive and unlimited energy has come to an end. Since support and service systems transporting energy are essential to land development, and most urban patterns are dependent upon non-renewable energy sources, conservation measures are needed in order to maintain improve the present standards of living.*
>
> *Energy conservation policies in the Comprehensive Plan therefore become a desirable objective. Rapid growth in Umatilla County necessitates a comprehensive, realistic approach to future land use patterns that relate to energy utilization and conservation.*
>
> *Finding*
>
> *1. Escalating cost of depleting non-renewable energy sources make renewable energy source alternatives (e.g. solar wind) increasingly more economical, and help conserve existing energy supplies.*
>
> *Policy*
>
> 1. *Encourage rehabilitation /weatherization of older structures and the utilization of locally feasible renewable energy resources through use of tax and permit incentives.*

Applicant’s Response: The goals, findings, and policies of Umatilla County’s Energy Conservation Chapter make direct and frequent reference to the benefits of developing solar energy and in fact, encourage the development of renewable energy sites.

Because modern land development and urban patterns rely on energy systems that are currently dependent on limited and expensive energy sources, conservation and renewable generation are necessary to maintain and improve present standards of living. With rapid growth occurring in Umatilla County, a comprehensive and realistic approach to land use that prioritizes energy efficiency and conservation is essential. This solar project ensures that local growth is supported by sustainable, reliable energy.

By utilizing Umatilla County's strong solar resource, the facility reduces reliance on imported fuels, conserves existing energy supplies, and advances statewide and county commitments to renewable energy development. Lastly, this facility demonstrates the county's leadership in energy innovation.

In sum, under this first prong of the Other Reasons test, Applicant demonstrates that the Project is justified by the policies and needs identified in the County Comprehensive Plan. Chapter 8, Policy 37, specifically recognizes the potential for agricultural lands to accommodate future energy facility uses. Chapter 12 emphasizes the importance of economic diversification and supporting emerging industries, while Chapter 16 highlights the County's commitment to providing clean and affordable energy. Together, these policies establish a clear basis for siting the proposed photovoltaic solar facility, and they support the conclusion that the Project is appropriately justified under this Goal 3 exception.

Umatilla County Findings: The applicant has identified applicable Umatilla County Comprehensive Plan policies for Statewide Planning Goal 5, *Open Space Scenic and Historic Areas and Natural Resources*, Goal 9, *Economy of the County*, and Goal 13, *Energy Conservation* to justify the Goal 3 exception of up to 450 acres of agricultural land from production.

Umatilla County finds that in addition to the findings and policies identified by the applicant, the following findings and policies are also applicable to the applicant's request:

Goal 9 Economy of the County

Finding 10: Retail trade is directly related to fluctuations in agriculture income.

Policy 10: Encourage industry and manufacturing diversification while preserving the more productive agricultural lands.

Umatilla County finds the proposal is to site a 450-acre solar generation facility, including accessory uses and battery storage, on land that is currently cultivated in dryland wheat. While not considered prime soils (class 1 and 2), the applicant has presented information that the land would be more productive with solar generation, while also allowing the continued farm use of sheep grazing. The sheep grazing would occur underneath the solar panels and allow for a "dual use" of the site. This allows for a farm use, although a different farm use than currently occurring, to co-exist with the solar generation facility. Umatilla County finds Finding 10 of the County's Comprehensive Plan Chapter 12 Economy of the County is supported.

Umatilla County finds Chapter 8 of the County's Comprehensive Plan makes direct and frequent reference to the benefits of developing solar energy and in fact, encourage the development of renewable energy sites. Chapter 12 of the County's Comprehensive Plan specifically addresses the need for economic diversity in order to address changing markets due to resource demands and new technologies. Chapter 12 further encourages diversifying resource-based industries, and promoting advantageous aspects of the area such as solar resources and existing electrical infrastructure. The goals, findings, and policies of Umatilla County's Energy Conservation Chapter 13 make direct and frequent reference to the benefits of developing solar energy and the development of renewable energy sites.

Umatilla County finds and concludes that the applicant's request complies with and is supported by the policies of the Umatilla County Comprehensive Plan.

b. Second Prong of Other Reasons Test

The Project Requires Specific Site Characteristics and High Solar Resource Value

Applicant's Response: Under the second prong of the Other Reasons Test, the Project must demonstrate that it has "special features or qualities that necessitates" its location on the proposed exception area (up to 450 acres within the Project Area Extent).

The Project depends on unique siting characteristics, including high solar resource. Umatilla County offers some of the highest solar resources in Oregon, with abundant sunshine and long daylight hours that maximize energy generation. The region's relatively dry climate and low cloud cover provide consistent solar availability throughout the year. These conditions make it an ideal location for photovoltaic solar generation development.

The Project also requires contiguous, vacant land to allow for efficient development and minimize land use conflicts. It must also be near a viable interconnection point, either through a substation or a transmission line capable of accommodating the Project, without cost prohibitive upgrades. The Project site satisfies these conditions by being located adjacent to the Passage Solar collector substation and existing 115-kV transmission infrastructure.

As further described in the Alternatives Analysis (*Attachment B*) the Project requires specific site characteristics. This includes access routes, relatively flat topography, limited critical resources, a landowner that desires to develop their property for the use, and zoning criteria that allows photovoltaic solar power generation facilities to be developed. Specifically, access to existing roads, slopes of 10 percent or less, and land that avoids sensitive resources such as floodplains, critical habitat, and wetlands or waters are key siting factors for the proposed use. The Project Area Extent meets each of these criteria, whereas alternative parcels would be unlikely to do so without incurring significant regulatory, environmental, and economic burdens. Further, use is dependent on rural land because ground-mounted PV would be incompatible in densely populated areas where there is insufficient land supply for a 550-acre project.

Together, these unique siting characteristics—sufficient contiguous acreage, proximity to feasible interconnection, avoidance of environmental constraints, and compatibility with

zoning and access—demonstrate that the Project Area Extent has the "special features or qualities" outlined under OAR 660-004-0022(1)(b).

Umatilla County Findings: The applicant has provided a robust Alternatives Analysis (Applicant's Attachment B). The analysis details requirements for site selection: availability of 600 vacant contiguous acres excluding hazards and critical habitats, located within 1-mile of a reliable existing 115-kV transmission line and electrical substation, a willing landowner, zoning that allows solar generation outright or conditionally, adjacent to an existing road, grade of 10% or less, have available solar resource without obstruction, available to be leased or owned, compatible with surrounding neighbors and land uses, and lastly permittable within 1 year or less to meet the project's commercial operation date.

The applicant used ArcGIS (a spatial analysis tool) to identify lands in Umatilla County that would meet all of the site requirements. No areas were identified within an urban growth boundary due to the requested amount of acreage. Of the non-resource zoned properties, only one alternative site was identified as meeting the acreage, zoning and transmission line requirements. This site is owned by the Columbia Development Authority (CDA) and is known as the former Umatilla Chemical Depot site. This site is split zoned between Umatilla Depot Refuge and Depot Industrial. Although the CDA property allows for solar generation facilities conditionally, the applicant's analysis identified the following constraints: much of the area that allows solar development, Subarea 1, is already developed with the chemical igloos and/or other areas are restricted from development. Further, the applicant provides that per CDA meeting minutes from May 20, 2025, "all economic development opportunities on CDA properties are on hold pending resolution to real estate ownership amongst CDA partners"[2]. The applicant further states that this would exclude the site from being permittable within 1 year or less and thus unable to meet the project's commercial operation date deadline. The analysis further explains why this site is not available for the Fourmile Solar project.

The applicant's analysis concludes that there would be no sites within Umatilla County that meet the project's siting criteria that would not require a new Goal 3 exception. Umatilla County finds and concludes that the Fourmile Solar project requires specific site characteristics and high solar resource value. This criterion is satisfied.

c. Conclusions for "Reasons" Analysis

Applicant's Response: When the County finds that reasons justify a requested goal exception, the County must limit the uses and activities to only those that are justified in the exception. See OAR 660-004-0018(4)(a). Consistent with OAR 660-004-0018(4)(a), the exception is limited to the development and operation of a solar energy generation facility and its directly related components on approximately 450 acres within the 1,622-acre Project Tract. Beyond the fenced project footprint and the electrical connection to Passage Solar, no roads or other facilities will be constructed. No water or sewer will be installed on-site, and the optional O&M building will utilize portable toilets if constructed. Furthermore, the Applicant has limited the proposed use by siting the Project adjacent to proposed and existing electrical

[2] Applicant's Attachment B, Alternatives Analysis, Page 13

infrastructure further minimizing and limiting impacts from the Project.

Umatilla County Findings: The "Reasons" Analysis requires that the other Statewide Planning Goals not subject to the Goal Exception be satisfied. As found above under a. First Prong of the Other Reasons Test, the applicant's Goal 3 Exception request is supported by the policies in the Umatilla County Comprehensive Plan, specifically policies for Goals 5, 9 and 13. As found under b. Second Prong of Other Reasons Test, the site has a unique solar resource, is in close proximity to proposed transmission lines, and the applicant evaluated Umatilla County for alternative sites of which there were none that were non-resource zoned and of adequate size or with a willing landowner.

Umatilla County finds the proposal satisfies the requirements for a Goal 3 exception for development of a photovoltaic solar generation facility to be micro sited within a 646-acre project extent, with the total project area being contained within a 450-acre area. Umatilla County finds and concludes the development use is limited to the construction and operation of a solar energy generation facility and its directly related components including battery storage. This criterion is satisfied.

3) Solar development on the Exception Property will further important local and state policies.

The County's comprehensive plan contains policies encouraging renewable energy development, including solar. Specifically,

> *Chapter 8, Finding 42*
> *Alternative energy resources should be explored more fully in Umatilla County.*
> *Chapter 8, Policy 42(a) and (c)*
> *(a) Encourage development of alternative sources of energy.*
>
> *(c) The County will refer people to agencies or private sources of energy conservation or development information when such information is not locally available.*
>
> *Chapter 16, Finding 1*
>
> *Escalating cost of depleting nonrenewable energy sources make renewable energy source alternatives (e.g. solar, wind) increasingly more economical, and help conserve existing energy supplies.*
>
> *Chapter 16, Policy 1*
>
> *Encourage rehabilitation /weatherization of older structures and the utilization of locally feasible renewable energy resources through use of tax and permit incentives*

Applicant's Response: Statewide Planning Goal 13 (Energy Conservation) calls for the development of renewable energy resources. In addition to Goal 13 and the County policies, the state of Oregon published a Renewable Energy Action Plan (ODOE, 2005) (the "Plan"). The Plan calls for significant, additional development of renewable resources, including solar energy. In 2007, the Oregon legislature passed Senate Bill 838 establishing Oregon's Renewable

Portfolio Standard for electricity, requiring up to 25 percent of electricity sold to retail customers in Oregon be derived from renewable energy resources by 2025. In 2016, the Oregon legislature passed SB 1547 that further increased Oregon's Renewable Portfolio Standard from 25 percent to 50 percent by 2040. The Oregon Legislative Assembly has enacted numerous tax credits and economic development incentives favoring renewable energy development, including House Bill 3492 that was effective October 5, 2015. Oregon's numerous programs together reflect a comprehensive state policy of supporting renewable energy development. *See* ORS 757.612 (creating system benefit charge, a portion of the funds from which go to renewable energy); ORS 469A.205 (providing green power rates for retail electricity consumers).

On balance, there is a demonstrated need for new renewable resources, including solar, and the Exception Property will produce a significant advancement of important County and state policies, without undermining the policies behind Goal 3. UEC is developing specific plans to implement these policies and the Exception Property will play a large role in those efforts.

Umatilla County Finding: Umatilla County finds that the applicant has identified policies within Umatilla County Comprehensive Plan that encourage renewable energy development. In addition, the applicant's plan to develop future renewable energy align with Statewide Planning Goal 13 and renewable energy goals. Although the various state plans and programs reflect support for renewable energy, development of renewable resources has never been incorporated into Statewide Planning Goal 13. Nonetheless, given the County Plan Policy to encourage renewable energy and provided the proposed Exception Property complies with development standards, the County can find that this exception application is compliant with the County Comprehensive Plan.

4) <u>The Exception Property will advance the state and county policies of furthering efficient development and economic growth.</u>

Applicant's Response: Solar development will benefit the local economy through contributions to the local tax base and employment opportunities during construction. As solar is developed on the Exception Property, the land will be removed from farm deferral and the land will be taxed at a higher assessed value. The additional tax revenue will increase the County's ability to provide roadways, police, fire protection, and other services to its citizens. During construction, up to approximately 30 construction workers will be needed, increasing the employment opportunities in the area.

Umatilla County Finding: Umatilla County finds that records obtained from the Umatilla County Assessment and Taxation Department show that the proposed Exception Property has historically been in farm deferral. However, developing the property with solar facilities will provide some increase in tax revenue for the County. Umatilla County finds that the project will provide jobs during construction, thus providing economic growth.

In terms of efficient development, Umatilla County finds the project is efficient given that the solar project is adjacent to proposed transmission lines and another solar generation facility. Therefore, additional transmission lines on adjacent farm ground are not be required. The proximity to transmission lines and other industrial development to the west establish

qualification as efficient development. Umatilla County finds and concludes the proposed Exception/Project Property will advance the state and county policies of furthering efficient development and economic growth.

B. Areas Not Requiring a New Goal Exception Cannot Accommodate Use (Alternatives Analysis)

Applicant’s Response: The Applicant has prepared a Goal 3 Alternatives Analysis (*Attachment B*) that reviewed and analyzed potential alternative sites within Umatilla County that would not require a goal exception. It is appropriate to consider multiple factors when determining whether there is alternate land that could "reasonably accommodate" solar development. It is not simply whether the zoning would allow the development without a Goal 3 exception. The feasibility and practicality of developing such lands for a successful solar facility must be considered in addition to the consideration of access to existing electrical and solar resources. These considerations led to the development of nine (9) siting criteria or siting factors that help inform whether a project could “reasonably” be accommodated on other land.

The Alternatives Analysis applied the following siting criteria: a minimum of 600 contiguous acres of vacant land located in an area that allows solar development; proximity within one mile of a 115-kV transmission line or substation with available capacity; direct or convenient site access; slopes of less than 10 percent; minimal presence of sensitive environmental features; a willing landowner; compatibility with surrounding land uses; and the ability to secure necessary permits within one year to meet the Project’s commercial operation schedule.

The Alternatives Analysis shows that there are no sites in Umatilla County that meet the Project’s defined siting criteria and would not require a goal exception.

Applicant presents findings demonstrating that OAR 660-004-0020(2)(b) is met.

Umatilla County Finding: The applicant provided an alternatives analysis in support of the Goal 3 exception. The applicant identified 9 siting criteria to determine if the solar generation facility could be “reasonably” accommodated on other lands. The applicant used ArcGIS (a spatial analysis tool) to identify lands in Umatilla County that would meet all of the site requirements. No areas were identified with an urban growth boundary due to the requested amount of acreage. Of the non-resource zoned properties, only one alternative site was identified as meeting the acreage, zoning and transmission line requirements. This site is owned by the Columbia Development Authority (CDA) and is known as the former Umatilla Chemical Depot site; this site is not available as described above under *b. Second Prong of Other Reasons Test.*

The applicant’s Alternative Analysis concludes that there would be no sites within Umatilla County that meet the project’s siting criteria that would not require a new Goal 3 exception. Umatilla County finds and concludes that the Fourmile Solar project requires specific site characteristics and high solar resource value and that areas not requiring a Goal 3 Exception cannot accommodate the solar generation facility. This criterion is satisfied.

660-004-0020(2)(b) "Areas that do not require a new exception cannot reasonably accommodate the use." The exception must meet the following requirements:

> (A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;

The Alternatives Analysis includes a map showing the alternative sites considered in addition to the proposed exception site.

> (B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:
>
> > (i) Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not?
> >
> > (ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?
> >
> > (iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?
> >
> > (iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

Applicant's Response: The Alternative Analysis demonstrates why the Project cannot be reasonably accommodated on non-resource lands, on lands irrevocably committed or included in existing unincorporated communities, or on lands inside an urban growth boundary (UGB), as required by OAR 660-004-0020(2)(b)(B).

First, the Alternatives Analysis began by looking at the definition of "resource land" as defined under OAR 660-004-0005(2), which is considered land subject to one or more of the statewide goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d). This includes Agricultural Lands (subpart a), Forest Lands (subpart b), Estuarine Resources (subpart e), Coastal Shorelands (subpart f), and Beaches and Dunes (subpart g). Per OAR 660-033-0020(1)(c), Agricultural Land does not include land within acknowledged UGBs. Therefore, non-resource land in Umatilla County would include land within a UGB or land not located on Agricultural Lands or Forest Lands.

The analysis next inventoried vacant parcels of 600 acres or more within Umatilla County UGBs

that intersect a 1-mile buffer around existing transmission lines or substations with available capacity. The analysis covered UGBs for eleven cities. No qualifying vacant areas were found, indicating the proposed use cannot reasonably be accommodated within any UGB in Umatilla County.

Additionally, an analysis was conducted to identify vacant areas of 600 acres or more outside UGBs, excluding Agricultural and Forest Lands, that intersect the Gen-tie Line Buffer Area as described in the Alternatives Analysis. The study focused on zoning districts that permit photovoltaic solar energy facilities, including DI (subareas 1 and 3), LRLI, RLI, and UDR zones. Of these, only the DI and UDR zones were found to have the potential to meet the 600-acre minimum requirement.

As described further in the Alternatives Analysis, only one group of contiguous parcels was identified as having a minimum 600 acres within the DI and UDR zones, and intersecting with the Gen-tie Line Buffer. The alternative site was identified as the former Umatilla Army Chemical Depot as potentially meeting the minimum criteria set forth in the Alternatives Analysis.

Further review by the Applicant determined that the Depot Industrial (DI) zone is highly constrained for solar development due to existing facilities, infrastructure, and land use restrictions that conflict with the Project's requirements. The Umatilla Depot Refuge (UDR) zone is also unsuitable, as it contains historic roads and bunkers from the former Army Depot that render the site unbuildable for the proposed Project.

Based on the findings set forth in the Alternatives Analysis, there are no sites in Umatilla County that meet the Project's defined siting criteria and would not require a goal exception.

Planning Staff Response: Although vacant is not defined in the Umatilla County Development Code, Merriam-Webster defines vacant as, "not occupied by an incumbent, possessor, or officer", "being without content or occupant", and "free from activity or work".

The applicant has identified that a minimum of 600-acres of vacant and developable land is requested for the photovoltaic solar generation facility. Although the subject property has been identified as vacant, there is an active commercial farming operation occurring. It is important to note that although the subject property is not heavily developed with structures, it is not vacant as it is actively farmed.

Umatilla County Finding: According to the applicant, the Fourmile Solar Project requires at a minimum 600-acres of vacant, developable land and available lands must be within 1-mile of existing 115-kV transmission line or substations with available capacity. Lands not requiring a goal exception in Umatilla County would be those not zoned Exclusive Farm Use (EFU), Grazing/Farm (GF) and those located within an Urban Growth Boundary (UGB). The applicant's Alternatives Analysis began by evaluating the 12 UGBs within Umatilla County; none have 600 vacant acres available for the solar project.

The analysis then reviewed lands outside of UGBs with non-resource zoning. Of all lands within Umatilla County, only two zones had the potential to meet the 600-acre minimum threshold: Depot Industrial (DI) and Umatilla Depot Refuge (UDR). Both of these zones apply only to the former Umatilla Chemical Depot site which is currently owned by the Oregon Military Department and the Columbia Development Authority (CDA). Lands owned by the Oregon Military are a National Guard base and not available. The UDR zone is occupied by historic bunkers and the purpose of the zone is to provide a wildlife habitat and refuge.

The applicant reached out to CDA staff, who indicated that the CDA was not interested in a solar project being sited within the DI zone. Thus, OneEnergy considers CDA an un-willing landowner uninterested in a negotiating a lease for solar development; disqualifying these lands as a feasible alternative site.

The applicant's provided Alternatives Analysis demonstrates that there are no sites within Umatilla County that would not require a Goal 3 Exception that could meet the Project's defined siting criteria. Umatilla County finds and concludes this criterion is satisfied.

> (C) The "alternative areas" standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.

Applicant's Response: As documented above and further described in the Alternatives Analysis, the Applicant analyzed the entirety of Umatilla County and alternative sites identified. Based on the various criteria set forth in the Alternatives Analysis, there are no sites in Umatilla County that meet the Project's defined siting criteria and would not require a goal exception.

Umatilla County Finding: Umatilla County finds the applicant identified siting criteria and analyzed the entirety of Umatilla County to identify specific potential alternative sites. Only one site met the acreage requirements of 600-acres which is owned by the CDA. This site ultimately was determined to not meet all siting requirements due to not having a willing landowner. Umatilla County finds and concludes this criterion is satisfied.

C. ESEE Consequences Favor the Exception

Applicant's Response: Applicant evaluated the long-term consequences for environmental, economic, social, and energy for the proposed use at the proposed exception site to demonstrate that adverse impacts are not significantly more adverse than another site requiring a goal exception.

1. **Environmental**

The Applicant has performed desktop and field surveys and does not anticipate any unmitigated adverse impacts on soils, wetlands, protected areas, water resources, threatened and endangered species, scenic resources, historic, cultural, archaeological resources, or public services as a result of this Goal 3 exception request.

Wetlands and Water

As demonstrated in the Wetland Delineation Report (***Attachment D***) and the FEMA Map (***Attachment E***), the Project is located outside any wetlands and is outside any floodplain. The applicant has also prepared a Draft Vegetation and Weed Management Plan (***Attachment F***) that outlines actions to prevent, control and mitigate erosion and surface runoff during construction as well as operation, therefore impacts to waters and wetlands have a low potential to occur.

Wildlife and Habitat

A site review for any potential impact to Federal endangered species was completed in September 2025 via the United States Fish & Wildlife Service's (USFWS) Information for Planning and Conservation (IPaC) Trust Resource Report. No critical habitats were found within the Project Area Extent (see ***Attachment G***).

In consultation with the Oregon Department of Fish and Wildlife (ODFW), the Applicant contracted with Tetra Tech, Inc. (Tetra Tech) to complete a Threatened Endangered and Sensitive Species (TESS) survey, raptor nest survey, habitat mapping and botanical surveys for the Project Area Extent in 2023. The results of these surveys are found in the Wildlife and Habitat Survey Report (***Attachment H***).

The report shows that the Project Area Extent is composed entirely of Category 6 habitat. Please see the Wildlife and Habitat Survey Report for a detailed description of the habitat types, including a map. Table 2 below is a summary of the type and acreage of habitat identified within the Project Area Extent. Pursuant to ongoing consultation with ODFW, the Applicant has been advised that a Habitat Mitigation Plan is not required for this project, since no quality habitat will be impacted (See ***Attachment H*** for ODFW correspondence).

Table 2: ODFW habitat categories within the Project Area Extent

Habitat Type	ODFW Habitat Category	Acres
Agriculture, Pasture, and Mixed Environs	6	626.5
Total		**626.5**

Historic, Cultural and Archaeological

The Applicant has consulted with the Oregon State Historic Preservation Office (SHPO), and engaged the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the Burns Paiute Tribe and the Confederated Tribes of Warm Springs for the Project. CTUIR and SHPO both responded to requests for reviews and based on feedback from these groups, the Applicant hired Tetra Tech to complete a cultural resources survey with support from CTUIR personnel. The findings of the Cultural Resources Survey Report are included under the ***confidential***

Attachment I. The report was submitted to SHPO, and confirmation of receipt was sent from SHPO on July 23, 2024. Additionally, the Applicant submitted the Cultural Resources Survey Report to the interested tribes on January 25, 2024. The assigned SHPO Case Number is 23-1030 (see *Attachment J)*.

The report was shared with CTUIR, the Burns Paiute Tribe, and the Confederated Tribes of Warm Springs. The cultural resources survey identified no archeological or built environment resources within the Survey Area identified in the Cultural Resources Report. Based on recommendations from Tetra Tech, the Applicant will develop an Inadvertent Discovery Plan (IDP) in coordination with SHPO and interested tribes, and implement the IDP during construction.

Additionally, the cultural resources survey identified a historic property of religious and cultural significance (HPRCSIT) to the CTUIR. Impacts to the HPRCSIT have been identified by CTUIR and are addressed under a Confidential Mitigation Agreement between the Applicant and CTUIR. CTUIR has shared the Confidential Cultural Mitigation Agreement with Umatilla County.

Soils and Stormwater

The Project must adhere to the solar siting standards in OAR 660-033-0130(38), which require a project-specific Soil Erosion and Sediment Control plan, and a Vegetation and Weed Management plan. The Applicant has prepared a Draft Vegetation and Weed Management Plan (*Attachment F*) in consultation with the Umatilla County Weed Supervisor. In addition, the Applicant will prepare a separate Soil Erosion and Sediment Control Plan in consultation with the Oregon Department of Environmental Quality (DEQ) prior to construction as part of the National Pollutant Discharge Elimination System (NPDES) permit. The Applicant will use best management practices for erosion control during and after construction. The Soil Erosion and Sediment Control Plan will also provide for permanent and temporary drainage and erosion control facilities as necessary to allow stormwater passage without damage to adjacent lands and without increasing sedimentation to nearby waters.

Due to the relatively low presence of habitat, water, and other environmental resources present on the site, analysis shows that other sites that would also require a Goal 3 exception would either have the same or greater environmental impacts from the development of a solar project. See *Attachment B*, Alternatives Analysis.

2. Socioeconomic

The Project will not have any adverse socioeconomic consequences. Economically, the Project will contribute additional income to the local tax base and to the landowners in the form of recurring lease payments. Additionally, the Applicant proposes to incorporate sheep grazing throughout the Project Area, enabling the land contribute to the agricultural economy while also supporting a local business. This approach provides direct payments to the grazing operator and generates broader economic benefits through the production of wool and meat, enhancing agricultural diversity and reinforcing the connection between renewable energy and traditional farming practices.

The economic impact on the tax base is expected to bring in an estimated $12 million to $16 million over the life of the project and create additional jobs during construction as well as during the operational lifetime of the Project. Additionally, the Project will foster traditional rural lifestyles and opportunities by offering the landowners a long-term, predictable annual revenue stream to supplement their production across the Project Tract and enable long-term security for the operational staff such as the grazing operator.

Furthermore, the Project would reduce the county's heavy reliance on agriculture by adding a long-term, stable energy sector to the local economy. The reliable supply of renewable electricity makes the area more attractive for new industries that prioritize clean energy, such as data centers, food processing facilities, or manufacturing. In addition, solar construction and maintenance create a different type of job base—engineering, electrical work, land management, and operations—that expands beyond traditional agricultural employment. This diversification helps buffer the community against fluctuations in crop prices or water shortages and positions Umatilla County as a hub for both clean energy production and the industries that seek to benefit from it.

3. Energy

The Project will create solar generation capacity of up to 90 MW, resulting in approximately 140,000 MWh of renewable electricity each year. That is enough to power over 12,000 average households and results in an annual emissions reduction of over 50,000 metric tons CO2. Thus, the energy impacts of removing the Project Area from Goal 3 protection will be positive. The renewable, emissions-free energy produced by the Project will help the region meet increasing energy demands with affordable and reliable clean energy for decades to come.

Another benefit is that the Project will support HB 2021, an Oregon law passed in 2021, which sets 100% clean energy targets for the State. The Project's electricity generation would contribute towards the requirements of Oregon retail electricity providers to provide electricity that does not emit greenhouse gas into the atmosphere.

The Applicant does not anticipate any unmitigated adverse impacts on soils, wetlands, protected areas, water resources, threatened and endangered species, scenic resources, historic, cultural, archaeological resources, public services or the local economy as a result of this Goal 3 exception request.

The proposed Project, currently used for dryland wheat production, is uniquely suited for development of a solar facility compared to other potential areas. The property is composed of non-irrigated, lower-value agricultural land, avoiding impacts to high-value farmland and preserving more productive resource lands for continued agricultural use. The site contains minimal environmental constraints, with limited habitat value and no significant wetlands, thereby reducing ecological impacts. The Project has been sited on the proposed Project Area Extent, due to its rural character and isolated nature. The Project is located away from nearby residences, further minimizing potential conflicts with nearby land uses and receptors. Together,

these factors demonstrate that the proposed site results in fewer negative environmental, economic, and social impacts than would typically occur if the project were sited on higher-value resource lands or within more developed areas that would otherwise require a goal exception.

The Project will comply with OAR siting standards, using best management practices for erosion, stormwater, and vegetation control. Economically, the Project provides $12–16 million in new tax revenue, lease payments to landowners, construction and operations jobs, and supports agricultural diversity through integrated sheep grazing. The facility will generate up to 90 MW of clean solar power, enough for 12,000 households. By diversifying the local economy and contributing to Oregon's HB 2021 clean energy goals, the Project produces lasting environmental, economic, and energy benefits.

Umatilla County Finding: Umatilla County finds that the ESEE analysis performed by the applicant appears to indicate that adverse environmental, social, economic, or energy impacts are not expected as part of this proposed Goal 3 exception. In addition, solar development on the subject property requires a Conditional Use Permit from Umatilla County, and would be subject to the criteria found in Umatilla County Development Code Sections 152.615, 152,617 as well as the solar siting standards found in OAR 660-033-0130(38). The applicant is requesting Conditional Use Permit approval along with this Goal 3 Exception request, the solar siting standards are evaluated following the exception requirements. The ESEE Analysis demonstrates adverse impacts from solar project are not significant. The Fourmile Solar project will have positive benefits in producing clean energy annually.

D. Solar Development on the Exception Property Is Compatible with Other Adjacent Uses

Applicant's Response: The Project is compatible with adjacent land uses, which include agricultural uses, energy generation (wind energy), and rural residential[3].

Beyond the fenced project footprint and underground electrical connection to Passage Solar, no roads or other facilities will be constructed. The Preliminary Site Plan (*Attachment K*) also shows that the Project will not result in small, irregular shaped or isolated pieces of property. Furthermore, the Project will not negatively impact the Property Owner's current operations or reduce the quality of the surrounding farm lands. As noted in the Landowner Support Letter (*Attachment A*), the Property Owner will continue to farm the remainder of their existing cultivated land.

The adjacent parcels will also continue to be farmed and/or used for common agricultural practices, energy generation, and rural residential. The Project will be unoccupied and will not cause any change or increase in the cost of accepted agricultural practices on surrounding lands. Plowing and harvesting patterns on adjacent properties can continue unchanged.

The Project will not result in unnecessary soil erosion or soil loss that would limit agricultural

[3] Staff note: There are no lands adjacent to the Fourmile Solar subject properties that are zoned Rural Residential. The applicant is likely referring to farm dwellings on adjacent lands.

productivity on adjacent lands. During construction limited grading would occur across the Project Area and the Applicant will mitigate dust emissions through the implementation of best management practices such as dust control, traffic speeds would be limited to 25 miles per hour, and erosion-control measures would be implemented to limit deposition. All civil work will be conducted in compliance with the Project's Erosion and Sediment Control Plan, required as part of the Project's NPDES Construction Stormwater Permit issued by the Oregon Department of Environmental Quality (DEQ). This document will be drafted once final site plans are completed.

The Applicant will work with Umatilla County officials to ensure all grading results in minimal fugitive dust generation and meets standard code for stormwater and sediment erosion control.

The Applicant has consulted with the Umatilla County Weed Control Supervisor to develop the Draft Vegetation and Weed Management Plan (*Attachment F*). This will prevent the spread of noxious weeds and reduce further impacts to nearby agricultural operations. The Draft Vegetation and Weed Management plan also proposes to utilize sheep grazing within the Project Area, further reducing the amount of herbicide use on-site and enhancing the soils through natural fertilization, enabling plant diversity, improving water infiltration, and increasing soil health. Through the adaptive management principles outlined in the Draft Vegetation and Weed Management, the Applicant will support returning the land to agriculture production at the end of its useful life. The Applicant has entered into a Letter of Intent with Krebs Solar Grazing, LLC (see *Attachment L*).

There are few residences near the project, with one being located within 1,000 feet of the Project Area Extent boundary. A GIS viewshed analysis reveals that only one nearby residence, located approximately 1,000 feet from the Project Area Extent, falls into the 3-mile viewshed of the Project. The Applicant conducted a Forge Solar Glare Analysis (*Attachment M*) to assess potential impact on nearby residences. Based on the results of the Forge Solar Glare Analysis, no impacts were identified to any nearby residences.

Umatilla County Finding: Umatilla County finds that the applicant has provided evidence that future solar development on the proposed Exception/Project Property appears to be compatible with other adjacent uses. Further, Umatilla County finds that given the proximity to proposed transmission lines, new transmission lines will not be required.

IV. ANALYSIS OF STATEWIDE PLANNING GOALS 1 THROUGH 14.

Goal 1 Citizen Involvement: *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

County Finding: Umatilla County finds that the applicant's request will go through the public hearing process, including at least two public hearings, and therefore complies with Statewide Planning Goal 1 (Citizen Involvement).

Goal 2 Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

County Finding: Umatilla County finds that through this amendment process, the applicant's request complies with the County's Comprehensive Plan and Development Code and therefore complies with Statewide Planning Goal 2 (Planning).

Goal 3 Agricultural Lands: *To preserve and maintain agricultural lands.*

County Finding: The applicant has requested an exception to Statewide Planning Goal 3 as allowed under ORS 197.732 and OAR Chapter 660, Division 4 in order to construct and operate a 450-acre solar generation facility with battery storage on high-value farmland as defined in ORS 195.300. Under Goal 3, an energy project may only occupy up to 12 acres of high-value farmland without taking an exception to Statewide Planning Goal 3.

Umatilla County finds and concludes Oregon Revised Statutes and Administrative Rules allow for Goal 3 Exceptions for siting energy generation facilities; this process was followed and the request appears to comply with those rules and regulations. Thus, Goal 3 is no longer applicable to the request.

Goal 4 Forest Lands: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

County Finding: Umatilla County finds that Statewide Planning Goal 4 (Forest Lands) does not directly apply to the applicant's request because no forest lands are impacted by this application.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: *To protect natural resources and conserve scenic and historic areas and open spaces.*

County Finding: Umatilla County finds that the applicant's request identifies an available solar resource for energy generation and based on the Applicant's application, Goal 5 is met.

Goal 6 Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

County Finding: Umatilla County finds that with the identified conditions of approval, the applicant's request addresses air, water and land resource quality and the applicant will obtain necessary permits and implement best practices to be consistent with Statewide Planning Goal 6 (Air, Water and Land Resource Quality).

Goal 7 Areas Subject to Natural Hazards and Disasters: *To protect people and property from natural hazards.*

County Finding: Umatilla County finds that Statewide Planning Goal 7 (Areas Subject to Natural Hazards and Disasters) does not apply to this request.

Goal 8 Recreation Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

County Finding: Umatilla County finds that Goal 8 does not directly apply to this request because there are no recreational components included in or affected by the application. To the extent Goal 8 is implicated, it is met.

Goal 9 Economy: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

County Finding: Approval of the applicant's request would add an energy generation site to the County's economy and will create some jobs during the construction process. Umatilla County finds that the applicant's request is consistent with Statewide Planning Goal 9 (Economy).

Goal 10 Housing: *To provide for the housing needs of citizens of the state.*

County Finding: Umatilla County finds housing is not a direct consideration of this request. Umatilla County finds Goal 10 is met.

Goal 11 Public Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

County Finding: Umatilla County finds that the applicant's request and supporting documentation support a finding that Statewide Planning Goal 11 (Public Services) is satisfied.

Goal 12 Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 12 (Transportation.

Goal 13 Energy: *To conserve energy.*

County Finding: The applicant is requesting approval to construct and operate a 450-acre solar generation facility with battery storage. Although Goal 13 does not specifically address renewable energy, renewable energy sources are supported by Goal 13. Umatilla County finds that the applicant's response and supporting documents are consistent with Statewide Planning Goal 13 (Energy). Goal 13 is satisfied.

Goal 14 Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

County Finding: Umatilla County finds that Statewide Planning Goal 14 (Urbanization) is not specifically applicable to this request because the proposed use of a photovoltaic solar generation facility with battery storage is not considered an urban use. Goal 14 is satisfied.

V. UCDC Comprehensive Plan Amendment

§ 152.751 COMPLIANCE WITH COMPREHENSIVE PLAN.
An amendment to the text of this chapter or to a zoning map shall comply with the provisions of the County Comprehensive Plan Text and Comprehensive Land Use Map. Proposed amendments shall also comply with the applicable provisions of the Oregon Transportation Planning Rule, Oregon Administrative Rule (OAR) 660, Division 12 and the Umatilla County Transportation Plan, and are subject to the requirements of § 152.019, Traffic Impact Analysis. Any deviation from this section shall be preceded by an amendment to the Comprehensive Plan Text or to the Comprehensive Land Use Map. However, if the existing use of the property is allowed outright in the requested zone, compliance with the Comprehensive Plan is not necessary.
Applicant Response: Applicant demonstrates that the requested Goal 3 exception is consistent with UCDC comprehensive plan goals and policies in Section III above and in the concurrently filed Conditional Use Permit application. Applicant maintains that compliance with the Transportation Planning Rule is not needed because Applicant is not proposing a zone change, only an exception that will retain the EFU zoning and Agricultural designation. For these reasons, the County may find that the comprehensive plan amendment satisfies UCDC 152.751.

Umatilla County Finding: The applicant is requesting that Umatilla County grant a Goal 3 Exception to the subject properties, which requires an amendment to the Umatilla County Comprehensive Plan. The EFU zoning and Agricultural designation will remain and the Goal 3 Exception will be specific for a solar generation facility.

Solar generation facilities have low traffic impacts aside for during the construction process. Once operating the facilities have few employees for maintenance, weed control, etc. The applicant has indicated that a majority of weed control will be accomplished through sheep grazing. Umatilla County finds adverse traffic impacts are not anticipated; therefore a Traffic Impact Analysis is not required.

VI. AMENDMENT CONCLUSION AND REQUEST FOR EXCEPTION

Applicant's Response: The Applicant has provided substantial evidence to demonstrate that the County may find that a Goal 3 exception is justified for up to 450 acres within the Project Area Extent. There are compelling reasons that justify removing the Project Area from Goal 3 protection, which include: 1) there is a demonstrated need for the Project based on the policies of the Umatilla County Comprehensive Plan Chapters 8, 12 and 16 (State Goals 5, 9 and 13) and 2)

the location provides a comparative advantage for the renewable energy development which will benefit the county economy and cause only minimal loss of resource lands. Other areas that do not require a new exception and that could otherwise reasonably accommodate the use are not available. The Project does not create any significant adverse economic, social, environmental, or energy consequences. Solar development on the Project Area Extent is compatible with adjacent land uses. For these reasons and those set forth in the record, the Applicant respectfully requests approval of the Goal 3 exception request.

Umatilla County Finding: The applicant has provided evidence to demonstrate the justification for a Goal 3 Exception for the Subject/Exception Property to site up to 450-acres of photovoltaic solar panels, battery storage, and ancillary components. Umatilla County finds that there is a need for the solar resource which is supported by policies in the Umatilla County Comprehensive Plan, Chapters 8, 12 and 16, that the location provides a comparative advantage for renewable energy development and that there are no other areas within Umatilla County that do not require a Goal 3 Exception that could reasonable accommodate the 450-acre project. Umatilla County may find that the Fourmile Solar Goal 3 Exception request could be approved.

VII. CONDITIONAL USE REQUEST

Applicant's Information:

Project Components
As shown in the Preliminary Site Plan (*Attachment A*), the Project would consist of PV panels, inverters, mounting infrastructure, an electrical collection system, access roads, security fencing, and electrical interconnection infrastructure. The Applicant anticipates that the Project would utilize a single-axis tracking system designed to optimize system output by slowly rotating the solar PV panels to follow the path of the sun. The Applicant proposes an optional battery storage system within the fenced area that would support the solar generation by balancing the resource and injecting energy onto the power grid during lower solar resource conditions.

The Project would interconnect to Passage Solar located adjacent to the Project on Tax Lots 02N27000000100 and 03N27000001200. The Project will connect to the Passage Solar project through a buried medium voltage connection, approximately 200 feet in length, that crosses into Morrow County and connects to the Passage Solar transmission line for delivery at the UEC owned Oregon Trail Substation.

As identified and confirmed through the UEC and Bonneville Power Administration (BPA) interconnection study processes, the interconnection is feasible at this location. The utility interconnection facilities would be constructed, owned and operated by UEC and BPA.

The Preliminary Site Plan (*Attachment A*) is based upon technical studies completed to-date and is subject to changes within the Project Area Extent, but the Project size would not exceed 450 acres in size. The final locations of Project components would depend upon results from outstanding technical studies and design (e.g. civil design and interconnection studies) and ongoing stakeholder consultations which may require changes to the Project configuration to

either minimize potential impacts to natural resources, landowner operations or to optimize Project economics. Changes would be driven by Applicant's best management practices (BMPs), which are to site with the least disturbance necessary for the lowest impact feasible. A Final Site Plan would be provided to Umatilla County upon completion of construction.

While the Preliminary Site Plan (*Attachment A*) does not include an Operations and Maintenance (O&M) building in its current state, the Project may include an O&M building which would consist of a single-story structure with office space and warehousing space. Based on further technical studies with the utilities, the Project may also consist of a Control House which would consist of a single-story building used to house communications equipment. A graveled parking area with at least three spaces for employees and visitors would be located within the fenced area. Relevant building permits would be obtained for the O&M building and Control House if necessary.

The Project would be accessed via a private access road located in Morrow County. The private access road begins at OR-207 and heads north to the Project Tract, crossing private farmlands. The Applicant has executed an Easement Agreement with the private landowners for all necessary access rights (See Transportation Plan, *Attachment D)*.

The Project would be enclosed by a perimeter chain-link fence at least seven (7) feet in height. Access to the Project would be gated and locked with gates 20 feet in width with accessible hardware per Echo Fire District requirements.

Lighting may be needed for security and occasional after-hours work, however the Applicant would limit the amount of lighting and would shield lighting as needed to minimize light pollution concerns.

Construction

Project construction is estimated to take 9 to 18 months. At peak construction the Project would employ up to 70 workers. All features would be designed in accordance with Oregon State and Umatilla County regulations, including those for erosion, sediment control, and stormwater. Additionally, the Applicant will obtain an Electrical Construction Permit from the Oregon State Building Codes Division.

During the initial site preparation there would be clearing and grubbing activities and grading of access roads. Construction personnel would be limited during the initial site preparation phase. Once the Project construction begins, the onsite head count would begin to increase and peak at approximately 70 workers. During the final phase, the electrical work would be completed, and the headcount would begin dropping back down. After construction there would be some additional onsite work for plant start-up and testing and would involve utility company personnel.

Vehicle traffic for onsite personnel is expected to be at a ratio of 1 vehicle per 2-3 workers carpooling together with arrival times being spread across a two-hour window in the mornings.

The delivery of materials should not exceed ten to fifteen deliveries per day at peak and would taper off significantly once all the panels and trackers are onsite.

The Project would require the typical equipment used in many construction projects. Because solar farms are low to the ground, there is very minimal work performed at great heights. The installation work would be performed utilizing the following equipment: skid steers, light dozers, excavators, pile drivers, reach fork lifts, light duty utility vehicles, heavy duty utility vehicles, and semi-trailer delivery trucks.

Operations and Maintenance

The expected life of the Project is assumed to be 35 years. However, depending on the commercial market for renewable energy, the Project could be updated with more efficient components over time which could extend its useful life. Minimal on-site maintenance would be required over the life of the Project. Routine maintenance checks on the equipment would occur quarterly. Routine mowing and herbicide treatment for invasive grasses would occur in the spring and the fall and would follow the plan outlined in the Draft Vegetation and Weed Management Plan (*Attachment E*). Additionally, the Applicant proposes to incorporate sheep grazing across the Project Area to supplement the vegetation management, reducing mowing and herbicide applications across the site. By reducing mowing and herbicides across the site, the grazing will promote reduced emissions like noise and dust, and support healthier soils through reduced herbicide treatments and natural fertilization. The Applicant has executed a Letter of Intent with Krebs Solar Grazing, LLC (*Attachment F*). Additional maintenance would occur as needed on the electrical equipment, but it is not anticipated the Project will employ any full-time staff.

Decommissioning

The capital investment represented by the Project will create significant value from the materials used to construct the Project. The salvage value of the electronics, semiconductor materials, aluminum, steel, and copper from the decommissioned Project, typically cover most or all the decommissioning cost.

The average cost for decommissioning solar facilities is estimated at $30,000 - $50,000 per megawatt alternating current (MWac). Based on these estimates, the expected total cost of decommissioning would cost approximately $4.5 million for a 90 MWac project. However, when taking salvage value into consideration, the salvage value typically exceeds the decommissioning value.

As further described in the Decommissioning Plan (*Attachment G*), the Applicant proposes to provide financial assurance for 100% of the estimated costs of the decommissioning efforts as required under the Project's Lease Agreement with the Landowner.

The Applicant will nominate a qualified professional with experience in the decommissioning of utility scale solar facilities to prepare a decommissioning plan for the Project which outlines required steps to remove the Project, dispose of or recycle its components, and perform any required site restoration.

Prior to the Applicant staging or storing any materials or commencing construction of the Project, Applicant will procure a solar facilities decommissioning bond for a five-year term. The Decommissioning Bond will be for the Bond Principal Amount and name the Landowner and Umatilla County as the bond obliges.

The Applicant will direct a Qualified Estimator to review and adjust the Solar Facility Decommissioning Plan and the Bond Principal Amount determined by estimated decommissioning costs at five-year intervals to accommodate changes in performance costs and compounding inflationary impact.

The Project Area would be returned to agricultural use following decommissioning of the Project, at the landowner's discretion.

Umatilla County Response: The applicant has identified the proposed project components subject to the Conditional Use Request, which include: photovoltaic solar power generation panels, inverters, mounting infrastructure, electrical collection system, access roads, security fencing, battery storage, and electrical interconnection infrastructure. The applicant has also identified the construction timeline and anticipated activities, operation and maintenance procedures, as well as an estimated cost for decommissioning with a decommissioning plan. Umatilla County finds and concludes a decommissioning bond for the estimated cost of decommissioning, minus scrap value, is required.

Umatilla County Development Code – Review Criteria

The Umatilla County Development Code (UCDC) applicable review criteria and development standards that apply to this CUP are as follows:

A. UCDC Review Criteria
   - 152.060 Conditional uses permitted in an EFU Zone
   - 152.061 Standards for all conditional uses
   - 152.611 New Conditional Uses; Conformance with Requirements; performance Bond
   - 152.615 Additional Conditional Use Permit Restrictions
   - 152.617. Standards for Review: Conditional Uses on EFU Zoned Lands

In addition to the UCDC requirements, provisions in OAR 660-033-0130(5), 660-033-0130(38), and ORS 215.446 directly apply to this application because Umatilla County has yet to amend the UCDC to incorporate certain OAR and ORS language. Applicant addresses OAR 660-033-0130(38) in line with the UCDC in Section 3a and OAR 660-033-0130(5) and ORS 215.446 separately in Section 3b and 3c, respectively.

UCDC 152.060 Conditional uses permitted in an EFU Zone

In an EFU zone the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of this section, the applicable criteria in § 152.061, §§ 152.610 through 152.615, 152.617 and §§ 152.545 through 152.626. A zoning permit is required following the approval of a conditional use pursuant to § 152.025.

(BB) Photovoltaic solar power generation facility as provided in OAR 660-033-0130(38).
Applicant's Response: OAR 660-033-0130(38)(f) states that a '"photovoltaic solar power generation facility' includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components." Under this definition, the Project, including the potential optional battery energy storage system, is considered a "photovoltaic solar power generation facility." The Project is therefore allowed as a conditional use in the EFU zone.

UCDC 152.060(BB) directly applies the current provisions of OAR 660-033-0130(38) (DLCD solar siting standards), and therefore Applicant has applied the DLCD solar siting standards below.

Umatilla County Finding: Umatilla County has not adopted specific siting requirements for photovoltaic solar power generation facilities and their accessory uses, thus, Oregon Administrative Rule (OAR) 660-033-0130(38) applies directly. The criteria within OAR 660-033-0130(38) are addressed below.

Umatilla County finds and concludes a zoning permit is required to finalize approval of the conditional use permit, this is satisfied and imposed as a precedent condition of approval.

OAR 660-033-0130(38) A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:
(a) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.
Applicant's Response: The Project Tract is predominately cultivated; therefore, the Project Area Extent is considered arable land.

Umatilla County Finding: The project tract is currently cultivated in dryland wheat. Umatilla County finds the project tract is cultivated and therefore meets the definition of arable land.

(b) "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.
Applicant's Response: Based on the definition of non-arable soils below (which states non-arable soils are NRCS Class V-VIII, the Applicant is considering "arable soils" to mean soils with a NRCS Class I-IV. As demonstrated in Table 4 of the Soils Analysis, there are 626.48 acres of Class I-IV soils within the Project Area Extent. However, the definition states that arable soils "do not include high-value farmland soils." There are 157.92 acres of arable soils that overlap with high-value farmland soils within the Project Area Extent, therefore, the Project Area Extent has 468.56 acres of arable soils, not including those already designated as HVF. See Soils Analysis (*Attachment H*) for more details.

Umatilla County Finding: The project tract does not have irrigation water rights. The subject tract is primarily composed of Class 2 soils when dry, and is currently cultivated in dryland wheat. Umatilla County finds the subject tract is predominately composed of arable soils. There are also approximately 158 acres of high-value soils as defined in ORS 195.300(10). Umatilla County finds the project tract contains both arable and high-value soils.

(c) "Dual-use development" means developing the same area of land for both a photovoltaic solar power generation facility and for farm use.
Umatilla County Finding: The applicant is proposing to utilize sheep grazing for weed and vegetation management. Sheep grazing is a farm use. Umatilla County finds and concludes the applicant is proposing to utilize dual-use development for both a photovoltaic solar power generation facility and for farm use via sheep grazing.

(d) "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.
Applicant's Response: The Project Tract is predominately cultivated; therefore, the Project Area Extent is not considered nonarable land.

Umatilla County Finding: Umatilla County finds the project tract is predominately cultivated and therefore not considered nonarable land.

(e) "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.
Applicant's Response: The Project Tract is predominately cultivated. Therefore, the soils cannot be considered "nonarable land" and it is not predominately comprised of nonarable soils. See Soils Analysis (*Attachment H*) for more details.

Umatilla County Finding: The Project Tract is predominately cultivated and is therefore not considered nonarable soils.

(f) "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited.

Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

Applicant's Response: The Project will include an assembly of equipment that converts sunlight into electricity and then stores or transfers, that electricity. Therefore, the Project is a photovoltaic solar power generation facility under OAR 660-033-0130(38)(f). The Project may be up to 450 acres of permanent footprint**.**

The Project is within 1,320 feet of Passage Solar. Passage Solar is subject to a Goal 3 exception under Docket No. AC-153-24. Therefore, the calculated acreage for the Project is limited to the Project's permanent footprint only. Further, the County may find that the review and approval of the Project is solely within the County's jurisdiction based on the fact that the Project, combined with Passage Solar, will not permanently occupy more than 240 acres of high-value farmland or 2,560 acres of arable land. Passage Solar's Project Area Extent includes 152.9 acres of HVF and the Project's includes 157.92 acres of HVF (Table 5 of *Attachment H* Soils Analysis). The Applicant has proposed to microsite the Project Area within the broader Project Area Extent ensuring that the total combined HVF impacts do not impact more than 240 acres of HVF. The Applicant will provide final site plan to each respective County jurisdiction demonstrating that the combined acreage will not permanently occupy more than 240 acres of high-value farmland.

Umatilla County Finding: The applicant is requesting approval to site a solar power generation facility with ancillary equipment, maintenance building and potentially battery storage within a footprint not to exceed 450 acres. The applicant also has an adjacent solar generation facility in Morrow County, Passage Solar, which is under the same ownership. Fourmile Solar is within 1,320 feet of Passage Solar, which was also permitted under a Goal 3 Exception within Morrow County. Umatilla County finds both Passage Solar and Fourmile Solar are under common ownership.

(g) For high-value farmland described at ORS 195.300, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless:

(A) The provisions of paragraph (h)(H) are satisfied.

Applicant's Response: As demonstrated in the response to OAR 660-033-0130(38)(k) below, the Applicant is pursuing a Goal 3 exception pursuant to ORS 197.732 and OAR chapter 660, division 4 to exceed 12 acres of high-value farmland impact.

Umatilla County Finding: The applicant's request, if approved, would occupy more than 12 acres of high value farmland. The Goal 3 Exception process has been evaluated as part of this application and has been determined to be warranted. The provisions of (h)(H) are evaluated below.

(h) The following criteria must be satisfied in order to approve a photovoltaic solar power generation facility on high-value farmland described at ORS 195.300(10).

> (A) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

Applicant's Response: For purposes of applying this standard, Applicant defines the "subject property" as the Project Tract. The agricultural operations and accepted farming practices on the majority of the Project Tract are defined as unirrigated agriculture. The Project will not create unnecessary negative impacts on agricultural operations and farm access around the Project will be maintained. As further described in the Landowner Support Letter (*Attachment B*), the Landowners will continue to utilize the adjacent land for agriculture. The Preliminary Site Plan (*Attachment A*) also shows that the Project will not result in small, irregular shaped or isolated pieces of property. Beyond the fenced project footprint, no roads or other facilities will be constructed. The remainder of the Project Tract can continue to be farmed using current accepted farming practices. For these reasons, the Project meets subsection (38)(h)(A).

Umatilla County Finding: The applicant's supporting information dictates support from the current landowner that the adjacent land will continue to be farmed. The solar project will not result in small, irregular shaped or isolated pieces of property due to the construction of roads or other project components. Umatilla County finds and concludes this criterion is satisfied.

> (B) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied. The approved plan shall be attached to the decision as a condition of approval;

Applicant's Response: The Project will not result in unnecessary soil erosion or soil loss that would limit agricultural productivity on the remainder of the Project Tract. During construction limited grading would occur across the Project Area. Grading typically generates fugitive dust emissions, which will be mitigated through the implementation of best management practices such as dust control (i.e. watering trucks) or other fugitive dust-abatement measures, traffic speeds would be limited to 25 miles per hour, and erosion-control measures would be implemented to limit deposition to roadways. All civil work will be conducted in compliance with the Project's Erosion and Sediment Control Plan, required as part of the Project's NPDES Construction Stormwater Permit issued by the Oregon Department of Environmental Quality (DEQ). This document will be drafted once final site plans are completed.

The Applicant will work with Umatilla County officials to ensure all grading results in minimal fugitive dust generation and meets standard code for stormwater and sediment erosion control.

After construction, the areas under the panels will be planted with a native grass seed mix as referenced within the Draft Vegetation and Weed Management Plan. These grasses will help reduce soil erosion. For these reasons, the Project meets subsection (38)(h)(B).

Umatilla County Finding: The applicant has identified measures to mitigate fugitive dust due to construction activities. These include limiting grading, providing watering trucks, limiting traffic speeds to 25 miles per hour and various erosion-control measures that will be developed at the time the Erosion and Sediment Control Plan is drafted. The project will have an Erosion and Sediment Control Plan as required with Oregon DEQ's Stormwater Permit requirements. Umatilla County imposes the condition of approval that the Erosion and Sediment Control Plan be submitted to the County Planning Division. A condition of approval is imposed that the Vegetation and Weed Management Plan be submitted to and approved by the County Weed Supervisor.

Umatilla County finds and concludes the criterion is satisfied via the above conditions of approval.

> (C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of 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;

Applicant's Response: Construction and maintenance of the Project will avoid unnecessary soil compaction that reduces the productivity of agricultural production on the remaining Project Tract. Construction and maintenance will be confined to the Project Area within the Project Area Extent. Additionally, the Applicant will develop an Erosion and Sediment Control Plan once the Site Plan is finalized, outlining further actions and "best management practices" to prevent unnecessary soil compaction and erosion during construction. For these reasons, the Project meets subsection (38)(h)(C).

Umatilla County Finding: Construction and maintenance will be confined to the Project Area (450-acre micro-site boundary) within the Project Area Extent (626-acre boundary). The Applicant will develop an Erosion and Sediment Control Plan once the Site Plan is finalized, outlining further actions and "best management practices" to prevent unnecessary soil compaction and erosion during construction. Umatilla County finds and concludes submittal of the Erosion and Sediment Control Plan is imposed as a condition of approval and satisfies the criterion.

> (D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;

Applicant's Response: The Draft Vegetation and Weed Management Plan (*Attachment E*) provides measures to prevent or reduce the introduction or spread of noxious weeds and other undesirable weed species on the Project site. This plan was drafted in accordance with guidance provided by the Umatilla County Weed Control Supervisor. For these reasons, the Project meets subsection (38)(h)(D).

Umatilla County Finding: The applicant has submitted a draft Vegetation and Weed Management Plan as part of the application package. The applicant provides that they consulted with Umatilla County's Weed Control Supervisor for the development of the plan. Umatilla County finds and concludes that the Vegetation and Weed Management Plan be reviewed and approved by the Umatilla County Weed Control Supervisor is imposed as a condition of approval and satisfies the criterion.

> (E) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

Applicant's Response: OAR 660-033-0020(8)(a) defines high-value farmland as "(A) Irrigated and classified prime, unique, Class I or Class II; or (B) Not irrigated and classified prime, unique, Class I or Class II." As noted in the Soils Analysis (*Attachment H*), the Project Area Extent does not include any soils that fit this definition.

Umatilla County Finding: The project area does not include and prime, unique, or Class I or II soils, regardless of irrigation. Umatilla County finds and concludes this criterion is satisfied.

> (F) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:
>
> (i) Non high-value farmland soils are not available on the subject tract;
>
> (ii) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
>
> (iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils.

Applicant's Response: As shown in Figure 3 of the Soils Analysis (*Attachment H*), the Project Area Extent has HVF soils spread throughout. There are 157.92 acres of HVF soils within the Project Area Extent, therefore, the Project will not impact more than 157.92 acres of HVF. Completely avoiding HVF soils would result in an irregularly shaped layout and reduced Project efficiency. Additionally, it would create small, irregularly shaped patches of HVF incapable of being farmed due to their small size and lack of accessibility.

Umatilla County Finding: The Project Area Extent (626-acre area) has high value soils as demonstrated in the applicant's soil analysis. Within the Project Area Extent, there are approximately 158 acres of high value soils under ORS 195.300(10)(f)(C) due to being within the Columbia Valley American Viticultural Area and meeting the defined slope and aspect. However, high value soils under OAR 660-033-0020(8)(b)-(e) are defined as (in Umatilla

County), irrigated and classified prime, unique, Class I or II; or not irrigated and classified prime, unique, Class I or II; or includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the USDA taken prior to November 4, 1993. Specified perennials are defined as nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa.

Umatilla County finds the project tract does not contain lands growing specified perennials, nor any irrigated or non-irrigated Class I or II soils.

If the applicant were required to avoid all high value soils, this would result in an irregularly shaped layout which would reduce the project's efficiency while also creating small irregularly shaped patches of high value soils which could not be farmed due to their small size and lack of accessibility. Umatilla County finds and concludes this criterion is satisfied.

> (G) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
>
> (i) If fewer than 48-acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.
>
> (ii) When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

Applicant's Response: The Applicant confirmed with Umatilla County on September 10, 2025, there are no other solar projects constructed or permitted within a one-mile study area from the Project Area Extent in Umatilla County. The Applicant accessed the Morrow County Energy Explorer Map on September 25th, 2025, and confirmed only one photovoltaic solar power generation facility (Passage Solar) has been constructed or received land use approvals and obtained building permits within a one-mile study area. The Passage Solar project includes up to 753 acres (CUP-N-364-24). Passage Solar and the Project are both sited on land leased by the same landowner and have been sited in locations desirable to the landowner. The Applicant has consulted with the landowner to ensure the Project will not create unnecessary negative impacts on agricultural operations and farm access around the Project will be maintained. As further described in the Landowner Support Letter (*Attachment B*), the Landowners will continue to utilize the adjacent land for agriculture. The Preliminary Site Plan (*Attachment A*) also shows that the Project will not result in small, irregular shaped or isolated pieces of property, inaccessible to the landowner. Beyond the fenced project footprint, no roads or other facilities

will be constructed. The remainder of the Project Tract can continue to be farmed using current accepted farming practices.

Umatilla County Finding: The western border of the subject properties is also the county line between Umatilla and Morrow. Umatilla County developed a 1-mile study area map centered on the proposed project area. There are no other solar projects that have received land use approvals or been constructed within Umatilla County. Across the county line, in Morrow County, the landowners of the subject properties also own land which has received land use approval from Morrow County under Passage Solar (also an OneEnergy project). Some lands within the study area are also owned by the same landowners as the Fourmile Solar project. The applicant has worked with the landowner to site both Passage Solar and Fourmile Solar so that the projects will not create unnecessary negative impacts to agricultural operations and so that farm access will be maintained. The landowners have indicated that they will continue to farm the surrounding lands.

Other lands within the 1-mile study area are a combination of irrigated a non-irrigated agriculture. The study area is predominately in dryland wheat although there are some pivot circles that appear to be irrigated hay ground. No roads are necessary that would impact adjacent farming operations.

Umatilla County finds and concludes approval of the Fourmile Solar project will not materially alter the stability of the overall land use pattern in the area. This criterion is satisfied.

> (H) A photovoltaic solar power generation facility may be sited on more than 12 acres of high-value farmland described in ORS 195.300(10)(f)(C) without taking an exception pursuant to ORS 197.732 and OAR chapter 660, division 4, provided the land:

Applicant's Response: This section does not apply.

Umatilla County Finding: The applicant has requested a Goal 3 Exception which has been evaluated. Approval of the Goal 3 Exception would result in the 12-acre limitation being non-applicable.

OAR 660-033-0130(38)(i) For arable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 20 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on arable land:

Applicant's Response: The Project will occupy or cover more than 20 acres of arable lands. Applicant is pursuing a Goal 3 exception pursuant to ORS 197.732 and OAR chapter 660, division 4 to exceed 20 acres of arable land.

Umatilla County Finding: The proposed project would occupy more than 20 acres of arable lands through granting of a Goal 3 exception. The criterion does not apply.

> (A) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

Applicant's Response: OAR 660-033-0020(8)(a) defines high-value farmland as "(A) Irrigated and classified prime, unique, Class I or Class II; or (B) Not irrigated and classified prime, unique, Class I or Class II." As noted in the Soils Analysis (*Attachment H*), the Project Area Extent does not include any soils that fit this definition.

Umatilla County Finding: The project area does not include any prime, unique, Class I or II soils as defined in OAR 660-033-0020(8)(a). This criterion is satisfied.

> (B) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:
>
> (i) Nonarable soils are not available on the subject tract;
>
> (ii) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
>
> (iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

Applicant's Response: The Project Tract is composed predominately of arable soils, with nonarable soils limited primarily to ridges and gullies associated with the topographical features located to the north and east of the Project Area Extent. These areas are unsuitable for the Project and would reduce the Project's successful operations because of the steeper terrain and because they are non-contiguous with limited area to fit the Project.

Umatilla County Finding: The project area does not include any prime, unique, Class I or II soils as defined in OAR 660-033-0020(8)(a).

The project area does include arable soils. As the project area extent is cultivated, there are no nonarable soils present within the project area extent. There are ridges and gullies that are located to the north and east of the project area extent and within the project tract. Limiting the siting of the solar generation facility to these areas would significantly reduce the feasibility of a successful project because of the steep terrain and their location being non-contiguous and within a limited area. Umatilla County finds and concludes this criterion is satisfied.

> (C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

Applicant's Response: This standard does not apply. Applicant is pursuing a Goal 3 exception.

Umatilla County Finding: High-value farmland soils are defined in ORS 195.300(10) as: "High-value farmland" means:

(a) High-value farmland as described in ORS 215.710[4] that is land in an exclusive farm use zone or a mixed farm and forest zone, except that the dates specified in ORS 215.710 (2), (4) and (6) are December 6, 2007.

(b) Land west of U.S. Highway 101 that is composed predominantly of the following soils in

[4] ORS 215.710 defines high-value farmland as prime, unique or Class I or II soils.

Class III or IV or composed predominantly of a combination of the soils described in ORS 215.710 (1) and the following soils:

(A) Subclassification IIIw, specifically Ettersburg Silt Loam and Croftland Silty Clay Loam;

(B) Subclassification IIIe, specifically Klooqueth Silty Clay Loam and Winchuck Silt Loam; and

(C) Subclassification IVw, specifically Huffling Silty Clay Loam.

(c) Land that is in an exclusive farm use zone or a mixed farm and forest zone and that on June 28, 2007, is:

(A) Within the place of use for a permit, certificate or decree for the use of water for irrigation issued by the Water Resources Department;

(B) Within the boundaries of a district, as defined in ORS 540.505; or

(C) Within the boundaries of a diking district formed under ORS chapter 551.

(d) Land that contains not less than five acres planted in wine grapes.

(e) Land that is in an exclusive farm use zone and that is at an elevation between 200 and 1,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:

(A) The Southern Oregon viticultural area as described in 27 C.F.R. 9.179;

(B) The Umpqua Valley viticultural area as described in 27 C.F.R. 9.89; or

(C) The Willamette Valley viticultural area as described in 27 C.F.R. 9.90.

(f) Land that is in an exclusive farm use zone and that is no more than 3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:

(A) The portion of the Columbia Gorge viticultural area as described in 27 C.F.R. 9.178 that is within the State of Oregon;

(B) The Rogue Valley viticultural area as described in 27 C.F.R. 9.132;

(C) The portion of the Columbia Valley viticultural area as described in 27 C.F.R. 9.74 that is within the State of Oregon;

(D) The portion of the Walla Walla Valley viticultural area as described in 27 C.F.R. 9.91 that is within the State of Oregon; or

(E) The portion of the Snake River Valley viticultural area as described in 27 C.F.R. 9.208 that is within the State of Oregon.

The Project Tract and therefore the Project Area Extent are both located within the EFU zone and within the Columbia Valley Viticultural Area as described in 27 C.F.R. 9.74 and within the State of Oregon. In addition to being within the Viticultural Area, a property is considered high value when also no more than 3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent.

The applicant's soil analysis (Application Attachment C) identifies that approximately 493.72 acres within the **Project Tract** meet the Columbia Valley Viticultural Area requirements and therefore meet the definition of high-value farmland under ORS 195.300(10)(f)(C). The applicant provided a map depicting these high-value soils, located on page 7 of Attachment C. Of the areas within the Project Tract meeting this definition, the applicant has chosen areas that impact the least amount of contiguous high-value soils.

Umatilla County finds the project would occupy more than 12 acres of high-value farmland as defined in ORS 195.300(10). The applicant is requesting an Exception to Statewide Planning Goal 3 Agricultural Lands. Approval of the Goal 3 Exception would result in the 12-acre limitation not being applicable.

> (D) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
>
> (i) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.
>
> (ii) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

Applicant's Response: The Applicant confirmed with Umatilla County on September 10, 2025, there are no other solar projects constructed or permitted within a one-mile study area from the Project Area Extent in Umatilla County. The Applicant accessed the Morrow County Energy Explorer Map on September 25th, 2025, and confirmed only one photovoltaic solar power generation facility (Passage Solar) has been constructed or received land use approvals and obtained building permits within a one-mile study area. The Passage Solar project includes up to 753 acres (CUP-N-364-24).

Passage Solar and the Project are both sited on land leased by the same landowner and have been sited in locations desirable to the landowner. The Applicant has consulted with the landowner to ensure the Project will not create unnecessary negative impacts on agricultural operations and farm access around the Project will be maintained. As further described in the Landowner Support Letter (*Attachment B*), the Landowners will continue to utilize the adjacent land for agriculture. The Preliminary Site Plan (*Attachment A*) also shows that the Project will not result in small, irregular shaped or isolated pieces of property. Beyond the fenced project footprint, no roads or other facilities will be constructed. The remainder of the Project Tract can continue to be farmed using current accepted farming practices.

Umatilla County Finding: The western border of the subject properties is also the county line between Umatilla and Morrow. Umatilla County developed a 1-mile study area map centered on the proposed project area. There are no other solar projects that have received land use approvals or been constructed within Umatilla County. Across the county line, in Morrow County, the landowners of the subject properties also own land which has received land use approval from

Morrow County under Passage Solar (also an OneEnergy project). Some lands within the study area are also owned by the same landowners as the Fourmile Solar project. The applicant has worked with the landowner to site both Passage Solar and Fourmile Solar so that the projects will not create unnecessary negative impacts to agricultural operations and so that farm access will be maintained. The landowners have indicated that they will continue to farm the surrounding lands.

Other lands within the 1-mile study area are a combination of irrigated a non-irrigated agriculture. The study area is predominately in dryland wheat although there are some pivot circles that appear to be irrigated hay ground. No roads are necessary that would impact adjacent farming operations.

Umatilla County finds and concludes approval of the Fourmile Solar project will not materially alter the stability of the overall land use pattern in the area. This criterion is satisfied.

(E) The requirements of [OAR 660-033-0130(38)](h)(A), (B),F (C) and (D) are satisfied.

Applicant's Response: The Project Tract is primarily used for unirrigated agriculture. The Project is designed to avoid negative impacts on agricultural operations and maintain farm access. Landowners will continue to farm adjacent lands, and the layout has been designed in consultation with the landowner to avoid creating irregular or isolated areas.

Limited grading during construction will follow best management practices to control dust, limit traffic speeds, and prevent erosion. All civil work will comply with the Project's Erosion and Sediment Control Plan under the NPDES Construction Stormwater Permit. No additional roads or facilities will be built beyond the fenced footprint, allowing continued farming on the remainder of the Project Tract. Construction and maintenance will avoid unnecessary soil compaction and preserve agricultural productivity by utilizing BMPs. And the Draft Vegetation and Weed Management Plan (*Attachment E*) measures will prevent and reduce noxious weed spread, following guidance from the Umatilla County Weed Control Supervisor. Overall, the Project is planned to minimize impacts on agriculture while enabling construction and maintenance within the designated Project Area.

The Applicant has reviewed the criteria under subsections OAR 660-033-0130 (38)(h)(A), (B), (C) and (D), and has found that the proposed project will be designed and operated to avoid unnecessary negative impacts on agricultural operations, prevent soil erosion or loss, minimize soil compaction, and control the introduction or spread of noxious and undesirable weeds on the subject property.

Umatilla County Finding: The requirements of OAR 660-033-0130(38)(h) were evaluated above and found to be satisfied. This criterion is met.

(j) For nonarable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 320 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on nonarable land: [. . .]

Applicant's Response: The Project Tract is composed predominately of arable soils, therefore this rule does not apply.

Umatilla County Finding: Umatilla County finds the project area is composed predominately of arable soils. This criterion does not apply.

(k) An exception to the acreage and soil thresholds in subsections (g), (h), (i), and (j) of this section may be taken pursuant to ORS 197.732 and OAR chapter 660, division 4.
Applicant's Response: The Applicant seeks a Goal 3 exception in conjunction with this CUP and the CUP will be conditioned upon the Project obtaining a Goal 3 exception to ensure compliance with this subsection.

Umatilla County Finding: The applicant is requesting approval to site a solar generation facility on more than 12 acres of high-value farmland soils, as described above. The applicant is also requesting the County grant a Goal 3 Exception in compliance with this criterion.

The requirements of a Goal 3 Exception as provided in ORS 197.732 and OAR 660-004 are evaluated above. Umatilla County finds and concludes the administrative rule allows for exceptions to be granted to the acreage and soil thresholds and the request is compliant with this criterion.

(l) The county governing body or its designate shall require as a condition of approval for a photovoltaic solar power generation facility, that the project owner sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).
Applicant's Response: The landowner has agreed to execute the required covenant.

Umatilla County Finding: The applicant has indicated that the landowner has agreed to sign and record in Umatilla County Deed Records a Covenant Not to Sue. However, the OAR requires that the **project owner** sign and record a Covenant Not to Sue; prohibiting the project owner from pursuing a claim for relief or cause of action alleging injury from farm or forest practices.

Umatilla County finds satisfaction of this criterion is achieved with the imposition of a condition of approval that the project owner, OneEnergy, sign and record a Covenant Not to Sue document for each tax lot.

OAR 660-033-0130(38)(m) Nothing in this section shall prevent a county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.
Applicant's Response: Applicant prepared a draft Decommissioning Plan (*Attachment G*) that provides financial assurance for 100% of the estimated costs of the decommissioning efforts. Prior to the Applicant staging or storing any materials or commencing construction of the Project, Applicant will procure a solar facilities decommissioning bond for a five-year term and

adjust the Bond Principal Amount at five-year intervals to accommodate for changes in performance costs and compounding inflationary impact. The Decommissioning Bond will be for the Bond Principal Amount and name Landowner and Umatilla County as the bond obligees.

The financial assurance shall be in the form of a bond from an individual or entity engaged in the construction business, a letter of credit issued by a financial institution, a corporate guarantee, or a cash deposit. The amount of the financial assurance shall be based on a written estimate from a company with experience with such matters which sets forth such company's estimate of the cost of removing the solar facilities, net of their estimated salvage value.

Umatilla County Finding: The applicant has provided a draft Decommissioning Plan that provides financial assurance for 100% of the estimated costs of the decommissioning efforts.

Umatilla County finds the imposition of a condition of approval that the applicant procures a solar facilities decommissioning bond prior to staging or storing of any materials or commencing construction of the project satisfies the criterion. The Decommissioning Bond shall be in the Bond Principal Amount for the estimated cost of decommissioning, minus scrap value, and name the landowner and Umatilla County as the bond obliges.

The condition of approval may be satisfied by submitting an issued Decommissioning Bond in the Bond Principal Amount naming the landowner and Umatilla County as the bond obliges.

Umatilla County Development Code (UCDC) Applicable Criteria

UCDC 152.061 Standards for All Conditional Uses.
The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

Applicant's Response: The Project will be located on private property and will occupy a maximum of 450 acres of the Landowners' approximately 1,622 acres in Umatilla County. The Landowners will continue to utilize land in all surrounding directions for their current farm uses. The Landowners have provided a letter of support (*Attachment B*).

For purposes of this analysis, Applicant considers a ¼ mile from the Project Area Extent as "surrounding lands." Within the defined surrounding lands, there are no forestlands and no accepted forest use practices. The accepted farm use practices on surrounding lands include irrigated and dryland agriculture. Potential impacts from the Project construction on these ongoing operations are likely minimal and temporary, limited to dust, weeds, and traffic during the construction period.

The Applicant has already secured the necessary access easements and is in discussions with the landowners to mitigate the temporary construction traffic and to reduce impacts during high

traffic periods, such as harvest season and during major equipment deliveries to the Project. The Applicant will mitigate temporary dust and erosion impacts to neighboring fields by employing best management practices (BMPs), including dust control, limited grading and soil disturbance, and reduced vehicle speed limits. Such temporary and minimal impacts would not rise to the level of significance within the meaning of UCDC 152.061(A).

During operations, potential impacts would be more limited to weeds given the passive nature of the solar operation. The Applicant proposes to use an adaptive management approach to control the vegetation and weeds within the proposed Project Area. As set out in the Draft Vegetation and Weed Management Plan (*Attachment E*), the Applicant will deploy biological vegetation control through the application of sheep grazing along with mechanical (i.e. mowing) and chemical (i.e. herbicide) control methods, as needed. Additionally, the Applicant will continue to consult the Umatilla County Weed Control Supervisor and ODFW on choosing a low-growing native seed mix or mix that will support sheep grazing within the Project Area that will reduce the likelihood of impacts to surrounding lands and support the Project's management goals and objectives. None of these potential impacts, however, would rise to the level of significance within the meaning of UCDC 152.061(A). None of these potential impacts, however, would rise to the level of significance within the meaning of UCDC 152.061(A).

Tilling, planting, and harvesting patterns will continue unchanged in the surrounding lands, as the Applicant has designed the site in consultation with the landowners, ensuring continued use of the surrounding lands. Given the nature and intensity of the existing farm uses and the isolated nature and minimal impacts associated with the Project's construction and operation, the County may conclude that the Project would not force a significant change in accepted farm practices on surrounding lands and, in turn, would also not significantly increase the cost of such practices.

As discussed above, the Applicant will coordinate with the Umatilla County Weed Control Supervisor to control weeds at the Project, and continue coordination on the Final Vegetation and Weed Management Plan.

The Project will not result in small, irregular shaped or isolated pieces of property. Beyond the fenced project footprint and the underground medium voltage electrical lines, no roads or other facilities will be constructed. The adjacent property will continue to be farmed using common farming practices. For these reasons, the Project will not force any change in accepted farm use practices on surrounding lands or increase the cost of those practices.

Applicant also demonstrates that the Project will not significantly impact accepted farming practices under OAR 660-033-0130(5) below.

Umatilla County Finding: The applicant has worked with the underlying landowner not only with this proposed project, Fourmile Solar, but also on the adjacent project within Morrow County, Passage Solar. The landowner owns other adjacent lands that are currently planted in dryland wheat. The landowner and applicant worked together to identify the preferred site of the Fourmile Solar project in order to minimize impacts to the landowner's farming operations. The result of this is that the project will not create small, irregular shaped or isolated pieces of

farmland. The project will utilize roads previously developed within Morrow County for the Passage Solar project and will not encumber additional land beyond the 450-acre project area.

Neighboring properties (including lands owned by the Rust Family) are primarily dryland wheat with some irrigated farmland. Generally accepted farming practices include tilling, planting, harvesting and weed management. The harvest season can vary between early Spring to late Fall; therefore, traffic impacts will be likely most impactful during this season. The applicant should make every effort to minimize construction traffic impacts with harvest vehicles.

Potential impacts to farmland will be largely during the construction process and would consist of dust, erosion and traffic. The applicant has identified the following measures to mitigate impacts: minimizing traffic by having construction workers carpool to the site, reducing vehicle speed limits, limiting grading and soil disturbances, provide dust and weed control.

The applicant has identified the use of sheep grazing as a method for providing weed control and has submitted a letter of intent from a local sheep grazer (Attachment L). This practice, in addition to complying with the approved Weed Control Plan will reduce impacts from noxious weeds.

Umatilla County finds and concludes approval of the Fourmile Solar project would not force a significant change in generally accepted farm practices, nor significantly increase the cost of accepted farm practices on lands devoted to farm use. This criterion is satisfied.

UCDC 152.611 New or Altered Conditional Uses and Land Use Decisions; Conformance with Requirements; Performance Bonds.
(D) The County may require an applicant to furnish the County with a performance bond or such other form of assurance that the County deems necessary to guarantee development in accordance with the standards established and conditions attached in granting a conditional use or land use decision.
Applicant's Response: Applicant will construct and operate the Project consistent with the conditions of approval contained in the final conditional use permit. Other than the decommissioning bond as described in the Decommissioning Plan (*Attachment G*), the Applicant maintains that no performance bond or other form of financial assurance is necessary to ensure compliance with the County's approval for the Project's construction and operation.

Umatilla County Finding: The applicant has provided a draft Decommissioning Plan that provides financial assurance for 100% of the estimated costs of the decommissioning efforts.

Umatilla County finds the imposition of a condition of approval that the applicant procures a solar facilities decommissioning bond prior to staging or storing of any materials or commencing construction of the project satisfies the criterion. The Decommissioning Bond shall be in the Bond Principal Amount and name the landowner and Umatilla County as the bond obliges.

UCDC 152.615 Additional Conditional Use Permit Restrictions
In addition to the requirements and criteria listed in this subchapter, the Hearings Officer,

Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare or odor;

Applicant's Response: During construction, the Applicant would implement dust control measures using Best Management Practices. Any noise associated with construction would be limited in duration and would typically only occur during daylight hours. There are a few residences near the project, with one being located within 1,000 feet of the Project Area Extent boundary. A GIS viewshed analysis reveals that only the one nearby residence, located approximately 1,000 feet from the Project Area Extent, falls into the 3-mile viewshed of the Project. The Applicant conducted a Forge Solar Glare Analysis (*Attachment I*) to assess potential impact on nearby residences including the single residence identified within the viewshed. Based on the results of the Forge Solar Glare Analysis, no impacts were identified to any nearby residences or structures.

The Applicant conducted outreach to the Federal Aviation Administration ("FAA") and the U.S. Navy during due diligence. The Project was determined to not exceed notice criteria by the FAA Notice Criteria Tool, indicating that no hazard or obstruction was noted (see FAA Notice Criteria Tool Result, *Attachment J*). The Navy, through the Community Planning and Liaison Officer at the Northwest Training Range Complex, also confirmed that the Project will have only minor, mitigable impacts to the Navy's operations (see Navy Correspondence Letter, *Attachment K*).

Umatilla County Finding: Noise and dust would be during the construction process which would only occur during daylight hours. Noise is governed by the County's Noise Ordinance and the applicant has identified best management practices for managing dust, as discussed throughout these findings.

Solar generation facilities do have the potential to produce glare; the applicant's Glare Analysis (*Attachment I*) assessed potential glare impacts on nearby residences. Only one residence was identified within the 3-mile viewshed and based on the Glare Analysis, no impacts were identified. The applicant additionally consulted with the Federal Aviation Administration and US Navy and no conflicts were identified. Both agencies will receive notice of this request. Umatilla County finds this criterion is satisfied.

(B) Establishing a special yard, other open space or lot area or dimension.

Applicant's Response: Given the Project location and orientation on the Project Tract, Applicant maintains that no special yard or other conditions are needed.

Umatilla County Finding: All project components will be located within the 450-acre Project Area, which will have a perimeter fence. The applicant has noted elsewhere that a parking and staging area will be required and located within the 450-acre Project Area, these areas are required to be shown on the final site plan.

(C) Limiting the height, size or location of a building or other structure.

Applicant's Response: If built, the O&M building and Control House would be limited to one story in height. The PV panels are not anticipated to exceed a total height of 14 feet.

Umatilla County Finding: The applicant is requesting approval for an Operation and Maintenance (O&M) building, Control House, battery storage facility and photovoltaic solar panels. Umatilla County finds limiting the height or size of the panels or structures is not necessary. The O&M, control house, and battery storage structures will be required to meet the setback requirements of the EFU zone and must receive Zoning Permit approval, for structures larger than 10-feet by 12-feet and prior to commencing construction of these structures, and is a condition of approval. All ancillary uses and structures of the Fourmile Solar site are required to be sited within the 450-acre micro-sited boundary.

(D) Designating the size, number, location and nature of vehicle access points;

Applicant's Response: The Project does not require any new access points to public roads within Umatilla County. The Project will be accessed via an existing private access route located entirely within Morrow County.

Umatilla County Finding: Access to the Fourmile Solar project will be accessed via an existing private access route located within Morrow County. Umatilla County finds limiting vehicle access points is not required.

(E) Increasing the required street dedication, roadway width or improvements within the street right of way;

Applicant's Response: The Project does not require increasing roadway width or improvements within any street right of way within Umatilla County.

Umatilla County Finding: Access to the Fourmile Solar project will be accessed via an existing private access route located within Morrow County. Umatilla County finds increasing roadway width or improvements is not required.

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;

Applicant's Response: During construction the Project will include an approximately 2.5-acre area, to be used as a temporary parking and equipment laydown area. Upon construction completion, the laydown area will be restored. During operations, the Project will include a designated parking area with enough space to accommodate approximately 3 vehicles. See Preliminary Site Plan (*Attachment A*) depicting the temporary construction parking and equipment laydown area. After construction the temporary laydown area will be restored to pre-construction conditions, except for temporary laydown areas that are within project fence line and will be repurposed for other project operation uses (such as emergency vehicle turnaround areas).

Umatilla County Finding: The applicant will be required to show the designated parking area that will accommodate three vehicles along with the temporary construction parking and equipment laydown area on the Zoning Permit site plan.

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;

Applicant's Response: No lighting of signs will be installed for the Project.

Umatilla County Finding: The applicant is not requesting to site lighted signs. This criterion is not applicable.

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;

Applicant's Response: The Project would limit the number of lighting fixtures within the Project Area and would use motion-activated or timed lighting and down shielded fixtures. Lighting may be needed for security and occasional after-hours work. All lighting installed within the Project Area would meet local or state regulations.

Umatilla County Finding: The applicant proposes the use of motion-activated or timed lighting and down shielded fixtures. Lighting is necessary for security and occasional work after normal daylight areas. Umatilla County finds imposition of a condition of approval that all lighting on the Fourmile Solar site be motion-activated or timed, and utilizing down shielded fixtures.

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.

Applicant's Response: This standard is not applicable because the landowners own the lands surrounding the project and do not require screening or other property protection methods.

Umatilla County Finding: The landowners own and farm adjacent properties. Diking, screening, and landscaping would not be practicable for the continued farming of the tract. Umatilla County finds additional diking, screening and landscaping is not required.

(J) Designating the size, height, location and materials for a fence;

Applicant's Response: The Project will include a security fence at least seven (7) feet in height, designed to allow small-animal ingress and egress in accordance with Oregon Department of Fish and Wildlife (ODFW) recommendations (*Attachment E*). The fence material will be either chain-link or a welded-wire mesh wildlife fence.

Umatilla County Finding: The applicant provides a 7-foot-tall security fence will be installed and designed to allow small-animal ingress and egress to comply with Oregon Department of Fish and Wildlife recommendations. Umatilla County imposes of a condition of approval that the fencing allow small-animal ingress and egress.

(K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other natural.

Applicant's Response: The Applicant would minimize impacts on surrounding habitat and ecosystem functions (e.g., water conveyances, wildlife movement corridors) to the extent practical. Areas with temporary Project impacts would be restored and revegetated using industry-accepted best management practices. All such measures are described in the Draft

Vegetation and Weed Management Plan (*Attachment E*) and were developed in coordination with the Umatilla County Weed Supervisor.

The Applicant has conducted wildlife, wetlands and cultural surveys across the Project Area Extent, and has identified the Project Area Extent to be highly disturbed due to the ongoing agricultural operations. The survey results did not identify any wetlands or waters within the Project Area Extent, nor sensitive or protected wildlife species. The wildlife and habitat surveys concluded that the entire Project Area Extent is made up of Category 6 habitat, including agriculture and pasture disturbed by active agriculture uses.

Umatilla County Finding: Existing vegetation consists of non-irrigated farmland. The applicant conducted wildlife, wetland and cultural surveys which found that the project area extent has already been highly disturbed due to historic farming activities. There are no wetlands or waters within the project area extent; nor sensitive or protected wildlife species. Umatilla County finds and concludes no protection or preservation is necessary.

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter.
Applicant's Response: During construction, sufficient space for storage of vehicles and materials and for personnel passenger vehicle parking will be provided within the temporary laydown area. During operations, adequate space for parking up to 3 vehicles will be provided.

Umatilla County Finding: The applicant has identified a temporary laydown area to accommodate vehicle parking as well as materials. Following construction completion, the applicant has identified a maximum of three parking spaces will be necessary. Umatilla County finds and concludes the imposition of a condition of approval that the zoning permit site plan include both the temporary laydown area and three permanent parking spaces satisfies the criterion.

UCDC 152.060 EFU CONDITIONAL USES PERMITTED
(E) Commercial utility facilities for the purpose of generating power for public use by sale as provided in § 152.617 (I) (C). (For specific criteria for Wind Power Generation see § 152.617 (I) (W))
The applicant is requesting approval for a commercial solar photovoltaic generation facility to generate power for public use by sale. This use is permissible as a Conditional Use Permit, thus the criteria listed in UCDC 152.617(I)(C) are evaluated below.

UCDC 152.617(I) EFU and GF Zone Conditional Uses
(C) Commercial Utility Facilities

County Planning Staff Response: The applicant has identified UCDC 152.060(E) and 152.617(I)(C) as applicable criteria. However, Planning Staff do not believe these criteria are applicable as UCDC 152.060(BB) identifies photovoltaic solar power generation facility specifically as opposed to not having specific solar generation facility standards. UCDC 152.060(BB) is addressed above. Since the applicant has provided responses to UCDC 152.060(E) and 152.617(I)(C), they are addressed below.

Commercial utility facilities for the purposes of generating and distributing power for public use by sale. Such facilities shall include, but are not limited to, electrical substations, power trams, water storage tanks, sewage disposal facilities, water treatment facilities, towers or transmitting facilities for radar and television, and dams. This does not include Wind Power Generation Facility (See specific criteria, § 152.616 (HHH), or local distribution lines for sewer, water, gas, telephone, and power and similar minor facilities. These uses are allowed provided that:

(1) Facility is designed to minimize conflicts with scenic values and adjacent forest, farming and recreational uses as outlined in policies of the Comprehensive Plan;

Applicant's Response: The Project has been designed to minimize conflicts with scenic values, adjacent forest and farming and recreational uses. There are no nearby forested areas within the vicinity of the Project Area. Recreational use on surrounding lands are those of the landowners, and the Applicant has consulted with the landowner on the project design to ensure for the continued enjoyment of the surrounding land.

Under the Umatilla County Comprehensive Plan Chapter 8, Policy 20 states, in relevant part: *"Developments of potentially high visual impacts shall address and mitigate adverse visual effects in their permit application, as outlined in the Development Ordinance standards."*

The Project panels will not exceed 14 feet in height and will be enclosed by a security fence at least seven (7) feet tall. The Project will utilize single-axis tracking technology, allowing the panels to follow the sun from east to west throughout the day. This tracking system also helps reduce glare by maintaining optimal panel angles that absorb, rather than reflect, sunlight. Overall, this design minimizes visual obstruction within the surrounding viewshed and helps ensure that impacts on the area's scenic character remain minimal.

The Project is located in a remote area of Umatilla County, situated on a plateau that is accessible only by a private access road, with few nearby residences. A GIS viewshed analysis reveals that only the one nearby residence, located approximately 1,000 feet from the Project Area Extent, falls into the 3-mile viewshed of the Project. The Applicant conducted a Forge Solar Glare Analysis (*Attachment I*) to assess potential impact on nearby residences including the single residence identified within the viewshed. Based on the results of the Forge Solar Glare Analysis, no impacts were identified to any nearby residences or structures.

Therefore, the Applicant has minimized the conflicts with scenic and aesthetic values through proper siting of the Project.

Under the Umatilla County Comprehensive Plan Chapter 6, Policy 8 states:
"The county shall require appropriate procedures/ standards/policies be met in the Comprehensive Plan and Development Ordinance when reviewing non-farm uses for compatibility with agriculture."

Under ORS 215.283(2), regarding non-farm uses on EFU lands establishes that "Commercial

utility facilities," for the purpose of generating power for public use by sale," includes photovoltaic solar power generation facilities. The Project will be located on private property and will occupy a maximum of 450 acres of the Landowners' approximately 1,622 acres in Umatilla County. As further described in the Landowner Support Letter (*Attachment B*), the Landowners desire to develop their property for the use and will continue to utilize the adjacent land for agriculture. The Preliminary Site Plan (*Attachment A*) also shows that the Project will not result in small, irregular shaped or isolated pieces of property, inaccessible to the landowner. Beyond the fenced project footprint, no roads or other facilities will be constructed. The remainder of the Project Tract can continue to be farmed using current accepted farming practices.

Umatilla County Finding: Oregon Administrative Rules, Revised Statutes and the Umatilla County Development Code allow for the siting of commercial utility facilities, including specifically photovoltaic solar power generation facilities. Compatibility of the proposed non-farm use with agriculture has already been evaluated. Adjacent farming activities are conducted by the underlying landowner whom has indicated that farming activities on the surrounding lands will continue. Additionally, the County has found above that there will be no impacts to other farming operations in the area.

There are no recognized scenic areas in the vicinity of the project area nor areas designated for recreational uses. Umatilla County finds and concludes this criterion is satisfied.

(2) Facility be of a size and design to help reduce noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a recreational residential zone;
Applicant's Response: The Project Area Extent is located in an area with agricultural development and accompanying existing sources of noise. Contributors to the existing noise environment likely include motor vehicle traffic, mobile farming equipment, farming activities such as tilling and harvesting operations, all-terrain vehicles, and natural sounds from farm animals. There is one noise receptor, a private residence, located within 1,000 feet from the Project Area Extent.

Construction of the Facility may cause short-term, unavoidable noise impacts. Noise levels will vary depending on equipment type, condition, and use. Construction will generally occur during daytime hours, Monday through Friday, and standard noise reduction measures will be implemented to minimize impacts. The construction management protocols would include the following noise mitigation measures to minimize noise impacts:

- Maintain all construction tools and equipment in good operating order according to manufacturers' specifications.
- Limit use of major excavating and earth-moving machinery to daytime hours.
- To the extent practicable, schedule construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable.
- Equip any internal combustion engine with a properly operating muffler that is free from rust, holes, and leaks.
- For construction devices that utilize internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines if possible.

Given the limited duration, restricted hours, and mitigation measures, temporary construction noise is anticipated to be less than significant.

During operations, limited noise will be generated by transformers and inverters. The Project is not expected to have significant noise impacts during operations.

Umatilla County Finding: The project will be located within the Exclusive Farm Use zone and would be surrounded by existing commercial agricultural operations. The nearest dwelling is approximately 1,000-feet from the project area extent. Noise impacts will be most significant during the construction of the solar facility. The applicant states that construction would occur during daytime hours, Monday through Friday, and that construction of the facility will adopt protocols that will minimize noise impacts.

Umatilla County finds imposition of the following condition of approval minimizes noise impacts and satisfies the criterion:

> During construction of the solar generation facility, construction tools and equipment shall be maintained in good operating order according to manufacturers' specifications. Major excavating and earth moving machinery shall be limited to daytime hours. Where practical, construction activity shall be scheduled to occur Monday through Friday from 8am to 5pm. All internal combustion engines shall be equipped with a properly operating muffler that is free from rust, holes and leaks and the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines.

(3) Facility be fenced when located adjacent to dwelling(s) or a Mountain Recreational or Forest Residential Zone and landscaping, buffering and/or screening be provided;
Applicant's Response: The Project is not located adjacent to a Mountain Recreational or Forest Residential Zone. However, the Project would be enclosed by a perimeter fence of a minimum seven (7) feet in height. The fence material will be either chain-link or a welded-wire mesh wildlife fence. Access to the Project would be gated and locked with gates 20 feet in width with accessible hardware per fire department requirements.

Umatilla County Finding: The project is not adjacent to dwellings or lands zoned Mountain Residential or Forest Residential. However, the applicant will be fencing the project area for security purposes. This criterion is not applicable.

(4) Facility does not constitute an unnecessary fire hazard and consideration be made of minimum fire safety measures if located in a forested area, which can include, but is not limited to:

> (a) The site be maintained free of litter and debris;
> (b) Use of non-combustible or fire-retardant treated materials for structures and fencing;
> (c) Removal of all combustible materials within 30 feet of structures.

Applicant's Response: Applicant has consulted with the Echo Fire District and has received a letter dated September 23, 2025, outlining the applicable state fire code. The Applicant continue

to coordinate with the Echo Fire District pending a final site plan. Project roads will be sufficiently sized for emergency vehicle access in accordance with 2022 Oregon Fire Code, unless an exception is granted by the local Fire Marshall. Specifically, roads will be all-weather gravel, compacted and 20 feet wide, with an internal turning radius of 28 feet and less than 10 percent grade. Dead-end roads will be provided with turnaround provisions as detailed in the 2022 Oregon Fire Code. Access to the Project will be gated and locked with gates 20 feet in width with accessible hardware per fire department requirements.

Subsection 1205.5 of the 2022 Oregon Fire Code requires a 10-foot non-combustible base or maintained vegetative surface be installed and maintained under and around the installation (see Fire District Approval, *Attachment L*).

Umatilla County Finding: The applicant is in consultation with the local fire district, Echo Rural Fire District. Umatilla County finds imposition of the following conditions of approval satisfies the criterion:

> Construct all project roads so that they adequately serve emergency vehicles. The developer shall provide Echo Rural Fire District access to the locked gate. A letter from Echo Rural Fire District stating that the roads, cul-de-sac turn arounds, and gate are adequate for emergency vehicles satisfies the criterion.
>
> The site shall remain free of litter and debris for the life of the project.
>
> The developer shall remove all combustible materials within 10-feet of structures.

(5) Major transmission towers, poles and similar gear shall consider locations within or adjacent to existing rights-of way in order to take the least amount of timber land out of production and maintain the overall stability and land use patterns of the area, and construction methods consider minimum a soil disturbance to maintain water quality;
Applicant's Response: The Project will not include utility poles, transmission lines or similar gear.

Umatilla County Finding: All transmission lines have been permitted within Morrow County. The project will require tie-in lines; however, the project area is not in timber. This criterion does not apply.

(6) Facility shall not alter accepted timber management operations on adjacent forest land;
Applicant's Response: The Project is not located adjacent to any timber management operations.

Umatilla County Finding: The project is not located on forest land. This criterion does not apply.

(7) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;
Applicant's Response: Wildlife and Habitat Survey Report (*Attachment M*) demonstrates that

there are no sensitive bird nesting sites within half a mile of the Project (the radius of the survey area). The Wildlife and Habitat Survey Report included surveys for wildlife species listed by federal and state agencies as threatened, endangered and sensitive species, and raptor nests. The Wildlife and Habitat Survey concluded that the entire Project Area Extent is made up of Category 6 habitat, including agriculture and pasture. Although this habitat type may provide some value to wildlife, the Wildlife and Habitat Survey Area is entirely disturbed by active agriculture.

During 2023 surveys, Tetra Tech did not observe any special status species. One stick nest suitable for raptor use was identified within the Raptor Nest Survey Area and was occupied by common ravens. Minimal raptor nesting substrate is available within the Raptor Nest Survey Area. Additionally, the Applicant completed wetland surveys throughout the Project Area Extent and it was determined that there are no wetlands present (See *Attachment N*).

During the design process, the Applicant would minimize impacts on surrounding habitat and ecosystem functions (e.g., water conveyances, wildlife movement corridors) to the extent practical. Areas with temporary Project impacts would be restored and revegetated using industry best management practices. All such measures are described in the Draft Vegetation and Weed Management Plan (*Attachment E*) and were developed in coordination with the Umatilla County Weed Supervisor.

Umatilla County Finding: The applicant has provided a wildlife and habitat survey report. The project area extent has been entirely disturbed by agricultural activities and no threatened, endangered or sensitive species were identified to have habitats within the project area extent. One stick nest was observed onsite that was identified as suitable for raptor use and was occupied by common ravens. The applicant also completed wetland surveys and there are no wetlands present within the project area extent. The applicant has identified management practices to minimize impacts on surrounding habitats and ecosystems within the Vegetation and Weed Management Plan. Umatilla County finds and concludes this criterion is satisfied.

(8) Access roads or easements be improved to the County's Transportation Plan standards and follow grades recommended by the Public Works Director;
Applicant's Response: The Project will not have any access roads or easements located in Umatilla County. The only new roads will include maintenance roads constructed within the fenced area. Access for the Project utilizes an existing private access road located in Morrow County, OR. The private access road has an existing permitted approach intersecting OR-207 and is managed by the Oregon Department of Transportation (ODOT). The Applicant has consulted with ODOT and has obtained the required easement with the private landowner to allow for ingress and egress to the Project.

Umatilla County Finding: The applicant provided a Transportation Plan, Applicant's Attachment D, which outlines which transportation assets will be utilized during construction and operation of the Fourmile Solar site. Access will be mainly from an existing private access road located in Morrow County; this private access road intersects with Highway 207 which is managed by the Oregon Department of Transportation (ODOT). The applicant consulted with

ODOT and obtained an easement and approach approval for use of the road. The easement and ODOT approach permit application were submitted as Exhibit 3 to the Planning Commission.

Equipment, materials and labor will utilize Interstate 84 in Umatilla County, followed by travelling south on Oregon 207 to Morrow County, followed by turning onto the private access road. Once on the private road, vehicles will continue north for approximately 4.75 miles until reaching the Fourmile Solar site.

The applicant provided a copy of the easement agreement recorded in Umatilla County as document number 2025-05334. The easement appears to be located entirely on lands located in Morrow County and benefits two tracts of land with the portions in Umatilla County identified as Tax Lots 800 and 900 on Map 2N27 (subject properties). The easement area is described as:

EXHIBIT C
Easement Area

A strip of land on the Grantor Property being approximately two (2) miles in length and approximately twenty feet (20') wide, running approximately ten feet (10') on either side of a center line of the existing driveway, generally overlapping the existing driveway, provided that the Easement Area shall be expanded up to eighty feet (80') wide at the point where the existing driveway meets with the entrance to Lexington Echo Hwy 207, generally overlapping the existing driveway entrance. Said Easement Area is generally depicted as shown in the maps below.

Umatilla County finds the project will utilize Oregon Highway 207 for access until reaching a private access road located within Umatilla County. This access road is also utilized by the applicant's solar generation facility that has received approval in Morrow County, Passage Solar.

Umatilla County finds that both Umatilla County and Morrow County Public Works will be notified of this request. Comments from either department may result in additional conditions of approval. Satisfaction of this condition is pending.

(9) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

Applicant's Response: The Project access roads constructed within the Project Area would be built consistent with the intent and purposes set forth in the 208 Water Quality Program. Additionally, all new access roads will be constructed to the latest Oregon State Fire Code standards, and in consultation with the Echo Fire District and Umatilla Planning Department. Roads would be constructed of an all-weather road surface, have a minimum width of 20 feet, and approved turning radii and turnarounds per fire marshal guidance.

Umatilla County Finding: The applicant acknowledges that access roads need to be built consistent with the intent and purposed in the 208 Water Quality Program, Oregon State Fire Code and Echo Fire District.

Umatilla County finds and concludes satisfaction of the following conditions of approval satisfies the criterion:

Access roads serving the project must be constructed to be consistent with the intents and purposes set forth in the 208 Water Quality Program. Roads shall meet the requirements in the latest Oregon State Fire Code.

Project access roads shall have a minimum improved road surface width of 20-feet with adequate improved turnarounds to serve emergency vehicles. The turnarounds shall be built to the same level as the access road. This condition may be satisfied by submitting photos and receipts to the Planning Division for the road construction.

The applicant shall provide a letter from Echo Fire District verifying the access roads and turnarounds are adequate for emergency vehicles.

(10) Complies with other conditions deemed necessary.
Applicant's Response: The Applicant will comply with all other conditions deemed necessary by the County.

Umatilla County Finding: No other conditions have been deemed necessary. This criterion is satisfied.

OAR 660-033-0130(5)
(5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(c) For purposes of subsection (a) and (b), a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:

(A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;

(B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and

(C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.

(D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.

(E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsections (a) and (b).

(F) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection (a) and (b).

Applicant's Response: Applicant demonstrates under UCDC 152.061 that the Project will not cause a significant increase in accepted farm practices on surrounding farmlands because impacts are temporary and minimal, and limited to dust, weeds, and traffic during the construction period. Applicant demonstrates that the Project also will not result in significant changes to, or the cost of, accepted farming practices on surrounding lands, as required by OAR 660-033-0130(5)(a) and (b) using the methodology prescribed in OAR 660-033-0130(5)(c).

For this analysis, the Applicant defines "surrounding lands" as the area within ¼ mile of the Project Area Extent. No accepted forest use practices occur within this area. Farming practices include both irrigated and dryland agriculture, with dryland wheat and hay production as well as irrigated crops such as grass and canola. The Project landowner owns all land to the west and south of the Project Area, while the lands to the north and east are owned by three other private landowners.

Potential impacts from the Project construction on these ongoing operations are likely minimal and temporary, limited to dust, weeds, and traffic during the construction period. The Applicant has already secured the necessary access easements and is in discussions with the landowners to mitigate the temporary construction traffic and to reduce impacts during high traffic periods, such as harvest season and during major equipment deliveries to the Project. The Applicant will mitigate temporary dust, and erosion impacts to neighboring fields by employing best management practices (BMPs), including dust control, limited grading and soil disturbance, and reduced vehicle speed limits.

Once operational, the Project will require limited maintenance and operations staff associated with vegetation management and equipment maintenance. Traffic impacts resulting from operations will be minimal and confined to the access route defined in the Transportation Plan (*Attachment D*). Additionally, the Applicant has prepared a Draft Vegetation and Weed Management Plan (*Attachment E*) in consultation with the Umatilla County Weed Supervisor.

Implementation of this plan's protocols and procedures will ensure that impacts from weeds and vegetation are minimized on surrounding lands.

The potential impacts to the existing accepted farming practices will be avoided and minimized and will not rise to the level of significant. Applicant will implement the following plans that will ensure potential impacts are appropriately avoided or minimized:

- Vegetation and Weed Management Plan
- Transportation Plan
- Erosion and Sediment Control Plan (ESCP)
- Spill Prevention, Control and Countermeasures Plan (SPCC)
- Emergency Management Plan
- Stormwater Pollution Prevention Plan (SWPPP)
- Inadvertent Discovery Plan
- Decommissioning Plan

The Applicant has considered potential impacts from Project construction as well as Project operation. The Applicant has evaluated potential impacts of the proposed Project, including their combined effect on surrounding agricultural practices. With the use of Best Management Practices and careful project siting, the Project will not cause significant impacts to farming operations on surrounding lands.

Umatilla County Finding: Umatilla County Development Code has codified the requirements of OAR 660-033-0130(5) under UCDC 152.061. UCDC 152.061 was evaluated above and Umatilla County has found that approval of the project will not force a significant change in accepted farm or forest practices or increase the costs of accepted farm practices on surrounding lands devoted to farm use.

Impacts were evaluated within 1-mile of the centroid of the Fourmile Solar Project. There are no forest lands within this area. Farming is typically dryland wheat with some commercial irrigated crops such as hay, grass and canola. A majority of lands within the "impact area" are owned by the landowner of the properties subject to this request. The applicant has consulted with the landowner to identify the ideal site for the project within the landowner's tract, as well as a location that would not impact the landowner's continued commercial farming of the remaining farmland.

Potential impacts are largely during the construction process and are identified as: dust, weeds and traffic. The applicant will be utilizing private access roads located on the subject tract, and will minimize traffic impacts by having construction workers carpool to the site. The applicant has provided a draft Vegetation and Weed Management Plan in consultation with Umatilla County Weed Supervisor to minimize impacts of weeds and vegetation. The applicant will also minimize grading and soil erosion through implementation of several best management practices as well as the following plans:

- Vegetation and Weed Management Plan
- Transportation Plan
- Erosion and Sediment Control Plan (ESCP)

- Spill Prevention, Control and Countermeasures Plan (SPCC)
- Emergency Management Plan
- Stormwater Pollution Prevention Plan (SWPPP)
- Inadvertent Discovery Plan
- Decommissioning Plan

The applicant has adequately identified potential impacts as well as appropriate measures to minimize impacts. Umatilla County finds and concludes this criterion is satisfied.

ORS 215.446
Applicant Response: The Oregon Legislature adopted House Bill (HB) 2329 (2019) and HB 3874 that impose additional siting standards on "mid-tier" sized solar projects. The Project triggers ORS 215.446(1)(c)(A)(i) and (ii) because it has more than 100 acres but not more than 240 acres located on high-value farmland as defined in ORS 195.300 and more than 100 acres but not more than 2,560 acres located on land that is predominantly cultivated.

HB 2329 and HB 3874 are implemented through ORS 215.446, which has not yet been adopted into the UCDC. Accordingly, the Applicant responds to the applicable standards in ORS 215.446 directly.

ORS 215.446 Renewable energy facility; application; standards; notices.
(3) In order to issue a permit, the county shall require that the applicant:

(a)(A) Consult with the State Department of Fish and Wildlife, prior to submitting a final application to the county, regarding fish and wildlife habitat impacts and any mitigation plan that is necessary;

Applicant's Response: A site review for any potential impact to Federal endangered species was completed in September 2025 via the United States Fish & Wildlife Service's (USFWS) Information for Planning and Conservation (IPaC) Trust Resource Report. No critical habitats were found within the Project Area Extent (see *Attachment O*).

The Applicant began consultation for the Project with ODFW on April 10, 2023, which led to ODFW issuing a letter dated April 12, 2023, outlining their recommendations for wildlife and habitat surveys (included in *Attachment M*). Additionally, ODFW reviewed Fourmile Solar's Habitat, Wildlife and Raptor Nest Survey Report and the Botanical Survey Report. ODFW issued an official correspondence on September 10, 2025, concurring that impacts to wildlife habitats have been avoided and minimized, and recommended best management practices during project design and construction to reduce impacts to wildlife and wildlife habitats.

Umatilla County Finding: The applicant began consulting with Oregon Department of Fish and Wildlife (ODFW) on April 10, 2023; ODFW provided their recommendation for wildlife and habitat surveys. The applicant provided both the recommendations from ODFW as well as the wildlife and habitat surveys within the application to Umatilla County.

Application for this land use approval was received on October 22, 2025. Umatilla County finds and concludes the applicant consulted with Oregon Department of Fish and Wildlife prior to submitting a final application to Umatilla County. This criterion is satisfied.

(B) Conduct a habitat assessment of the proposed development site;

Applicant's Response: The Applicant contracted with Tetra Tech, Inc. (Tetra Tech) to complete a Threatened Endangered and Sensitive Species (TESS) survey, raptor nest survey and habitat mapping and botanical surveys for the Project Area Extent in June 2023. The wildlife and habitat surveys followed recommendations and protocols as shared by ODFW on April 12, 2023. The full results of these surveys are found in the Wildlife and Habitat Survey Report (*Attachment M*).

The Project Area Extent includes Category 6 habitat, as defined under OAR 635-415-0025. The report shows that the Project Area Extent is composed entirely of Category 6 habitat. Category 6 habitat is made up of unirrigated wheat fields. Table 2 below details the results of the habitat assessment within the Project Area Extent. The Wildlife and Habitat Surveys identified one nest within or near the survey area, which was occupied by common ravens. Available nest substrate in the Raptor Nest Survey Area is limited to power poles and utility towers.

Table 2: ODFW habitat categories within the Project Area Extent

B. Habitat Type	C. ODFW Habitat Category	D. Acres
E. Cropland	F. 6	G. 626.5
H. Total	I.	J. 626.5

Umatilla County Finding: The applicant completed a Threatened and Endangered and Sensitive Species survey, raptor nest survey, habitat mapping and botanical surveys for the Project Area Extent in 2023 and provided these results within their application. The surveys followed recommendations and protocols outlined by ODFW during the applicant's consultation process.

Survey results determined that the Project Area Extent is composed entirely of Category 6 habitat which is made up of unirrigated wheat fields. Umatilla County finds the applicant conducted several habitat and wildlife surveys. This criterion is satisfied.

(C) Develop a mitigation plan to address significant fish and wildlife habitat impacts consistent with the administrative rules adopted by the State Fish and Wildlife Commission for the purposes of implementing ORS 496.012; and

Applicant's Response: Pursuant to ongoing consultation with ODFW, the Applicant has been advised that a Habitat Mitigation Plan is not required for this project, since only Category 6 Habitat will be impacted. See *Attachment M* for response from ODFW.

Umatilla County Finding: As determined by the numerous wildlife and habitat surveys of the Project Area Extent, the surveyed area is completely categorized as Category 6 habitat which is cropland. ODFW advised the applicant that a Habitat Mitigation Plan is not required. Umatilla County finds and concludes this criterion is satisfied.

> (D) Follow administrative rules adopted by the State Fish and Wildlife Commission and rules adopted by the Land Conservation and Development Commission to implement the Oregon Sage-Grouse Action Plan and Executive Order 15-18.

Applicant's Response: There is no Oregon Sage-Grouse habitat within the Project Area Extent or vicinity.

Umatilla County Finding: The applicant's wildlife and habitat studies found that there are no Oregon Sage-Grouse habitat areas within the Project Area Extent or vicinity. This criterion does not apply.

(b) Demonstrate that the construction and operation of the renewable energy facility, taking into account mitigation, will not result in significant adverse impacts to historic, cultural and archaeological resources that are:

> (A) Listed on the National Register of Historic Places under the National Historic Preservation Act (P.L. 89-665, 54 U.S.C. 300101 et seq.);
> (B) Inventoried in a local comprehensive plan; or
> (C) Evaluated as a significant or important archaeological object or archaeological site, as those terms are defined in ORS 358.905.

Applicant's Response: The Applicant has consulted with the Oregon State Historic Preservation Office (SHPO), the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the Burns Paiute Tribe and the Confederated Tribes of Warm Springs for the Project. CTUIR and SHPO both responded to requests for reviews and based on feedback from these groups, the Applicant hired Tetra Tech to complete a cultural resources survey with support from CTUIR personnel. The findings of the Cultural Resources Survey Report are included under the confidential *Attachment P*. The report was submitted to SHPO, and confirmation of receipt was sent from SHPO on July 23, 2024. The assigned SHPO Case Number is 23-1030 (see *Attachment Q*). Additionally, the Applicant submitted the Cultural Resources Survey Report to the interested tribes on January 25, 2024.

No archaeological or built environment resources were identified in the survey area outlined within the Cultural Resources Survey Report. During the survey a previously recorded Historic Property of Religious or Cultural Significance to Indian Tribes (HPRCSIT) was identified. The HPRCSIT has been determined NRHP-eligible by SHPO. Impacts to the HPRCSIT are being mitigated through a Confidential Mitigation Agreement that has been executed between the Applicant and CTUIR. CTUIR has shared this Confidential Mitigation Agreement with Umatilla County.

Umatilla County Finding: The applicant has consulted with Oregon State Historic Preservation Office (SHPO), the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the Burns Paiute Tribe and the Confederated Tribes of Warm Springs. CTUIR and SHPO responded to the applicant's request for reviews and feedback. The applicant hired Tetra Tech to complete a cultural resource survey in consultation with CTUIR staff. The applicant submitted the confidential Cultural Resources Survey Report to support this application.

The Cultural Resources Survey Report found there are no archaeological or built environment resources identified within the survey area. However, a previously recorded Historic Property of Religious or Cultural Significance to Indian Tribes was identified, and has been determined to be NRHP-eligible by SHPO. The applicant has executed an agreement between the applicant and CTUIR to mitigate impacts to this resource.

Umatilla County finds imposition of a condition of approval that the applicant continues to work with CTUIR for minimization of impacts to the cultural resource satisfies the criterion.

Umatilla County finds imposition of a condition of approval that discovery of archaeological objects during ground disturbance requires ceasing all construction activities and contacting a professional archaeologist to conduct an on-site assessment prior to resuming development activities, pursuant to State law and implementation by State Historic Preservation Office satisfies the criterion.

(c) Demonstrate that the site for a renewable energy facility, taking into account mitigation, can be restored adequately to a useful, nonhazardous condition following permanent cessation of construction or operation of the facility and that the applicant has a reasonable likelihood of obtaining financial assurances in a form and amount satisfactory to the county to secure restoration of the site to a useful, nonhazardous condition.

Applicant's Response: As further described in the Decommissioning Plan (*Attachment G*), the Applicant proposes to provide financial assurance for 100% of the estimated costs of the decommissioning efforts as required under the Project's Lease Agreement with the Landowner. Prior to the Applicant staging or storing any materials or commencing construction of the Project, Applicant will procure a solar facilities decommissioning bond for a five-year term. The Decommissioning Bond will be for the Bond Principal Amount and name Landowner and Umatilla County as the bond obligees.

The Applicant will direct a Qualified Estimator to review and adjust the Solar Facility Decommissioning Plan and the Bond Principal Amount determined by estimated decommissioning costs at five-year intervals to accommodate changes in performance costs and compounding inflationary impact.

The financial assurance shall be in the form of a bond from an individual or entity engaged in the construction business, a letter of credit issued by a financial institution, a corporate guarantee, or a cash deposit. The amount of the financial assurance shall be based on a written estimate from a

company with experience with such matters which sets forth such company's estimate of the cost of removing the solar facilities, net of their estimated salvage value.

Umatilla County Finding: The applicant has provided a Decommissioning Plan, where the applicant commits to provide financial assurance for 100% of the estimated costs of the decommissioning efforts as required under the Project's Lease Agreement with the landowner.

Umatilla County finds imposition of the following condition of approval satisfies the criterion:
Prior to issuance of the final Zoning Permit, applicant shall procure a solar facilities decommissioning bond. The Decommissioning Bond shall be for the Bond Principal Amount which is the cost of decommissioning minus the scrap value, and name the landowner and Umatilla County as the bond obligees. The applicant shall direct a qualified estimator to review and adjust the Solar Facility Decommissioning Plan and the Bond Principal Amount determined by estimated decommissioning costs at five-year intervals to accommodate changes in performance costs and compounding inflationary impact.

(d) Meet the general and specific standards for a renewable energy facility adopted by the Energy Facility Siting Council under ORS 469.470 (2) and 469.501 that the county determines are applicable.
Applicant's Response: None of these standards apply as Umatilla County has not incorporated any of the standards into the UCDC.

Umatilla County Finding: Umatilla County has not adopted standards under ORS 469.470(2) and 469.501. This criterion is not applicable.

(e) Provide the financial assurances described in paragraph (c) of this subsection in the form and at the time specified by the county**.**
Applicant's Response: As further described in the Decommissioning Plan (*Attachment G*), the Applicant proposes to provide financial assurance for 100% of the estimated costs of the decommissioning efforts prior to the Applicant staging or storing any materials or commencing construction of the Project. The Decommissioning Bond will be for the Bond Principal Amount and name Landowner and Umatilla County as the bond obligees.

The Applicant will direct a Qualified Estimator to review and adjust the Solar Facility Decommissioning Plan and the Bond Principal Amount determined by estimated decommissioning costs at five-year intervals to accommodate changes in performance costs and compounding inflationary impact.

Umatilla County Finding: Umatilla County has determined the required financial assurances under (c) above and has imposed a condition of approval that the applicant procure a solar facility bond prior to issuance of the final Zoning Permit authorizing construction of the Fourmile Solar project. This criterion is satisfied.

(f) For a renewable energy facility that is a solar photovoltaic power generation facility using the number of acres described in subsection (4) of this section, provide a decommissioning plan to

accomplish the restoration of the site to a useful, nonhazardous condition as described in paragraph (c) of this subsection. A decommissioning plan provided under this paragraph must include bonding or other security as the financial assurances described in paragraph (c) of this subsection.

Applicant's Response: As further described in the Decommissioning Plan (*Attachment G*), the Applicant proposes to provide financial assurance for 100% of the estimated costs of the decommissioning efforts prior to the Applicant staging or storing any materials or commencing construction of the Project. The Decommissioning Bond will be for the Bond Principal Amount and name Landowner and Umatilla County as the bond obligees.

The Applicant will direct a Qualified Estimator to review and adjust the Solar Facility Decommissioning Plan and the Bond Principal Amount determined by estimated decommissioning costs at five-year intervals to accommodate changes in performance costs and compounding inflationary impact.

Prior to decommissioning, the project owner will schedule a pre-closure meeting with the Umatilla County Planning Department up to one year prior to the planned decommissioning. Before work begins, all necessary permits will be acquired, and coordination will occur with relevant agencies and local departments. The Project will be disconnected from the electric grid in coordination with the utilities, after which decommissioning activities will be completed within 12 months. These activities include disconnecting and removing PV modules, electrical cabling, aluminum racking, steel foundation piles, electric interconnection equipment, inverters, transformers, and concrete foundations, all for salvage, recycling, or proper disposal.

Additionally, fencing will be removed, and soils disturbed during the process will be re-graded to existing contours and reseeded at the landowner's request.

Umatilla County Finding: The applicant has provided a Decommissioning Plan, Applicant's Attachment G. The Decommissioning Plan includes bonding the Fourmile Solar project for 100% of the estimated cost of decommissioning efforts minus the scrap value. The County has already imposed conditions of approval above regarding bonding for decommissioning Fourmile Solar.

The applicant's Decommissioning Plan also includes a pre-closure meeting with County Planning prior to the planned decommissioning. Umatilla County finds a condition of approval requiring the Project Owner to schedule a pre-closure meeting with Umatilla County Planning prior to the planned decommissioning of Fourmile Solar satisfies the criterion.

(4) The requirements in subsection (3)(f) of this section apply to a solar photovoltaic power generation facility using:

(a) More than 160 acres but not more than 240 acres located on high-value farmland as defined in ORS 195.300 (Definitions for ORS 195.300 to 195.336);

Applicant's Response: The Applicant anticipates the Project impacting more than 160 acres but not more than 240 acres of high-value farmland soils as defined under ORS 195.300. Therefore, subsection (3)(f) applies, above.

Umatilla County Finding: Fourmile Solar will be sited on more than 160 acres but not more than 240 acres of high-value farmland. Umatilla County finds (3)(f) apply above and have been satisfied.

(5) Upon receipt of a reasonable cost estimate from the state agency or tribe, the applicant and county may jointly enter into a cost reimbursement agreement administered by the county with:

(a) The State Department of Fish and Wildlife to receive comments under subsection (3)(a) of this section.

(b) The State Historic Preservation Officer or any affected federally recognized Indian tribe to receive comments under subsection (3)(b) of this section.

(c) The State Department of Energy to receive comments under subsection (3)(c) and (d) of this section as well as comments regarding other matters as the county may require.

Applicant's Response: Given the size and scale of the Project, Applicant does not anticipate Umatilla County will need to enter into a cost reimbursement under ORS 215.446(4).

Umatilla County Finding: Umatilla County has not and does not anticipate entering a cost reimbursement agreement with the above agencies. This criterion does not apply.

(6) A county that receives an application for a permit under this section shall, upon receipt of the application, provide notice to persons listed in subsection (6) of this section. The notice must include, at a minimum:

(a) A description of the proposed renewable energy facility;

(b) A description of the lots or parcels subject to the permit application;

(c) The dates, times and locations where public comments or public testimony on the permit application can be submitted; and

(d) The contact information for the governing body of the county and the applicant.

(7) The notice required under subsection (6) of this section must be delivered to:

(a) The State Department of Fish and Wildlife;

(b) The State Department of Energy;

(c) The State Historic Preservation Officer;

(d) The Oregon Department of Aviation;

(e) The United States Department of Defense; and

(f) Federally recognized Indian tribes that may be affected by the application.

Applicant's Response: Applicant will coordinate with Umatilla County to confirm that the notices are issued as required by ORS 215.446(5) and (6).

Umatilla County Finding: Notice of the applicant's request will be provided to comply with notice requirements listed in UCDC 152.770, which also requires the notice requirements listed in (6)(a) through (d). Notice of the request and public hearings will be provided to property owners within 750-feet of the subject properties, posted in the local newspaper, the East Oregonian, and provided to the required agencies listed in (7). Umatilla County finds and concludes this criterion is satisfied.

VII: DECISIONS

GOAL 3 EXCEPTION DECISION: PENDING

BASED ON THE ABOVE STATED FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UMATILLA COUNTY BOARD OF COMMISSIONERS HEREBY APPROVE THE FOURMILE SOLAR GOAL 3 EXCEPTION COMPREHENSIVE PLAN TEXT AMENDMENT, #T-101-25.

DATED this _____ day of _____, 2026.

UMATILLA COUNTY BOARD OF COMMISSIONERS

_____
John M. Shafer, *Commissioner*

_____
Daniel N. Dorran, *Commissioner*

_____
Celinda A. Timmons, *Commissioner*

CONDITIONAL USE PERMIT DECISION: APPROVED

BASED UPON THE ABOVE FINDINGS THE FOURMILE SOLAR CONDITIONAL USE PERMIT REQUEST, #C-1402-25, IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

Precedent Conditions: The following precedent conditions must be fulfilled prior to final approval of this request, signified by the issuance of a Zoning Permit:

1. Receive approval of the Fourmile Solar Goal 3 Exception Comprehensive Plan Text Amendment, #T-101-25.

2. Pay public notice fees to County Planning.

3. The applicant/project owner shall sign and record a Covenant Not to Sue document.

4. Submit verification that the Vegetation and Weed Management Plan has been reviewed and approved by the Umatilla County Weed Supervisor.

5. The Fourmile Solar Project Soil Compaction Relief and Soil Erosion Control Plan shall be attached to the conditional use permit decision.

6. The Fourmile Solar Project Weed Control Plan shall be attached to the conditional use permit decision.

7. Prior to issuance of the final Zoning Permit, applicant shall procure a solar facilities decommissioning bond. The Decommissioning Bond shall be for the Bond Principal Amount which is the estimated cost of decommissioning minus scrap value and name the landowner and Umatilla County as the bond obligees. The applicant shall direct a qualified estimator to review and adjust the Solar Facility Decommissioning Plan and the Bond Principal Amount determined by estimated decommissioning costs at five-year intervals to accommodate changes in performance costs and compounding inflationary impact.

Subsequent Conditions: The subsequent conditions consist of approval conditions and on-going requirements that continue to govern operation of the project.

1. The applicant/project owner shall obtain a County Zoning Permit for **each tax lot** from the Umatilla County Planning Division and show all project features on the project site plan including three vehicle parking spaces prior to commencing construction. The site plan shall also include all proposed accessory structures, the operating and maintenance building, parking area, laydown area and the Battery Energy Storage System structures. The applicant/project owner shall obtain all necessary Federal, State and local permits including, but not limited to, a storm water permit from DEQ, structural review and permits for project elements including proposed perimeter fencing from Oregon State Building Codes. The project site must show compliance with EFU dimensional standards, including setbacks, as depicted in UCDC Section 152.063.

2. The applicant/project owner shall obtain all necessary Federal, State and local permits including, but not limited to, a storm water permit from DEQ, structural review and permits for project elements including proposed perimeter fencing from Oregon State Building Codes. The project site must show compliance with EFU dimensional standards, including setbacks, as depicted in UCDC Section 152.063.

3. Fourmile Solar Project is approved as a 450-acre photovoltaic solar power generation facility and will therefore cover/occupy more than 12-acres of high value farmland as described at ORS 195.300(10). Battery storage is also permitted as part of this request and must be sited within the 450-acre project boundary. The Goal 3 Exception process was followed and approved as part of this Conditional Use Permit.

4. During construction of the solar generation facility, construction tools and equipment shall be maintained in good operating order according to manufacturers' specifications. Major excavating and earth moving machinery shall be limited to daytime hours. Where practical, construction activity shall be scheduled to occur Monday through Friday from 8am to 5pm. All internal combustion engines shall be equipped with a properly operating muffler that is free from rust, holes and leaks and the engine's housing doors are kept

closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines.

5. Construct all project roads so that they adequately serve emergency vehicles. The developer shall provide Echo Rural Fire District access to the locked gate. The applicant shall provide a letter from Echo Fire District verifying the access roads and turnarounds are adequate for emergency vehicles.

6. Access roads serving the project must be constructed to be consistent with the intents and purposes set forth in the 208 Water Quality Program. Roads shall meet the requirements in the latest Oregon State Fire Code. Project access roads shall have a minimum improved road surface width of 20-feet with adequate improved turnarounds to serve emergency vehicles. The turnarounds shall be built to the same level as the access road. This condition may be satisfied by submitting photos and receipts to the Planning Division for the road construction.

7. The site shall remain free of litter and debris for the life of the project.

8. The developer shall remove all combustible materials within 10-feet of structures.

9. The applicant/project owner shall improve three parking spaces within the project area.

10. The applicant/project owner shall follow and implement the Soil Compaction Relief and Soil Erosion Control Plans including control of water runoff from the project area.

11. The applicant/project owner shall implement dust controls and control soil loss from the project site.

12. The applicant/project owner shall implement reseeding of disturbed areas and implement and follow the Fourmile Solar Project Weed Control Plan.

13. The applicant/project owner shall install a wire perimeter fence around the project site. Fencing shall allow small-animal ingress and egress.

14. All lighting on the Fourmile Solar site be motion-activated or timed, and utilizing down shielded fixtures.

15. The applicant/project owner shall maintain enforcement of a surety bond for the decommissioning and rehabilitation of the project area for the life of the project.

16. The applicant/project owner will comply with the Oregon State Historic Preservation Office requirements for notification regarding the discovery, and the treatment of cultural resources.

17. The applicant shall continue to work with CTUIR for minimization of impacts to the cultural resource.

18. Discovery of archaeological objects during ground disturbance requires ceasing all construction activities and contacting a professional archaeologist to conduct an on-site assessment prior to resuming development activities, pursuant to State law and implementation by State Historic Preservation Office satisfies the criterion.

19. The Project Owner shall schedule a pre-closure meeting with Umatilla County Planning Division prior to the planned decommissioning of Fourmile Solar.

20. During decommissioning the applicant/project owner shall maintain erosion controls, weed controls and revegetation plans to avoid impacts to surrounding lands.

21. The applicant/project owner is responsible to decommission the project site by recycling the solar project components and disposing of solar project materials, not able to be recycled, in an approved DEQ disposal site.

DATED this _____ day of _____, 2026.

UMATILLA COUNTY PLANNING COMMISSION

_____
Samuel Tucker, *Planning Commission Chair*

Proposed One Energy - Fourmile Solar Goal 3 Exception Language to be added to the Umatilla County Comprehensive Plan

Chapter 6. Agriculture

Findings	Recommended Policy
21. The Rust property located at Township 2N, Range 27E, Sections 2, 3, 10 and 14, Tax Lots 800 and 900 was acknowledged as agricultural land (Statewide Planning Goal 3). The property consists of 626 acres of gently-sloping, arable agricultural land that has no water rights. However, because the land is located within the Columbia Valley American Viticulture Area, by law, it is considered high-value farmland under Oregon Revised Statute - ORS 195.300(10)(f)(C). Under the statewide rules for solar development on agricultural lands, the County is required to adopt an exception to Goal 3 in order to permit a solar power generation facility to be built on more than 12 acres of high-value farmland. Oregon Administrative Rule OAR 660-033-0130(38)(f) provides: *For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.* The Rust property is proven to provide a good solar resource with relatively flat topography, long sun exposure, and close proximity to existing transmission infrastructure. There is an approved solar facility located on adjacent land in Morrow County (CUP-N-364-24/AC-153-24/ LUD-N-069-24) that will provide transmission infrastructure to interconnect any solar development on the Rust property to the regional grid.	The Rust property, as described, is recognized as a Goal 3 exception property for up to 450 acres of solar development, battery storage and ancillary components and may be developed under the provisions of the Umatilla County Development Code. (Ord. 2026-__ , passed _____, 2026).

@oneenergyinc

2003 WESTERN AVE.
SUITE 225
SEATTLE, WA 98121
206.922.7072

oneenergy
renewables
.com

20 October 2025

Umatilla County Planning Department
P.O. Box 40
216 SE 4th Street,
Pendelton, OR 97801

UMATILLA COUNTY PLANNING STAFF:

Fourmile Solar OR, LLC, a subsidiary of OneEnergy Development, LLC, ("OneEnergy") is pleased to submit the enclosed permit application materials for Fourmile Solar, a solar photovoltaic energy generation facility located on private lands within Umatilla County. The Project Area Extent is located across Tax Lot Numbers 02N27000000800 and 02N27000000900. The project requires a Conditional Use Permit and a Goal 3 Exception, and this submission constitutes our concurrent filing for both approvals.

Enclosed please find the following:

1) Land Use Request Application
2) Comprehensive Plan Map/Text, Zoning Map/Text-Supplemental Application
3) Conditional Use Permit Narrative
4) Goal 3 Exception Request Narrative

A hardcopy submission follows our electronic submission of the same on October 20, 2025.

We look forward to continuing the discussion around this project with the Umatilla County Planning Department, Planning Commissioners and County Commissioners. Please reach out if you have any questions or comments.

Thank you,

TANNER GILLESPIE
ASSOCIATE DIRECTOR, PROJECT DEVELOPMENT
D | 971-351-5951

tanner
@oneenergy
renewables
.com

UMATILLA COUNTY
est. 1862

Umatilla County Department of Community Development Planning Division

LAND USE REQUEST APPLICATION

Return Application Materials to:

Department of Community Development – Planning Division
216 SE 4th ST, Room 104
Pendleton, OR 97801
Planning@umatillacounty.gov

Voice: (541) 278-6252
Fax: (541) 278-5480
www.umatillacounty.gov

Revision Date: November 6, 2023
Please obtain the most current version of this application and other supplemental applications before submitting.

LAND USE REQUEST APPLICATION REVIEW PROCESS

1. **Pre-Application Meeting:**
The applicant(s) will meet with the Planning Department staff to review the proposed development/request. Applicable information will be discussed in relation to the proposal. The applicant(s) will then submit all applicable materials to the Planning Department at their convenience.

2. **Determination of Completeness**
The Planning Department staff will review applicable regulations in regards to the type of application. Once the application is determined to be complete the 120 or 150-day clock will begin, which is the maximum amount of time the County has, by law, to process the application.

3. **Administrative Review**
Planning staff reviews applications that fall within the administrative review process. A public notice is sent to the surrounding property owners and affected public agencies. The public notice includes a description of the request and the analysis (preliminary findings) of how the request conforms to the standards set forth in the Umatilla County Development Code. The Planning Director approves administrative decisions. Applications processed through administrative review may be directed to a public hearing at the discretion of the Planning Director, or by the request of a notified property owner or public agency. Decisions made at a public hearing are made by the Planning Commission.

4. **Consideration by Planning Commission**
Public notices are sent to the adjacent property owners for comments of an application that will be heard before the County Planning Commission. The application will then go before the Umatilla County Planning Commission in an Open Record Public Hearing. Public comment is received and a decision is rendered on the application or a recommendation is made to the Board of Commissioners depending upon the type of application being processed.

5. **Consideration by the Board of Commissioners**
The Board of Commissioners hears legislative type of applications (amendments) or appeals. Public hearings are held with testimony being taken for the application or appeal. The Board of Commissioners makes a final decision.

6. **Provision for Appeals**
An appeal is provided for if the applicant/person with standing desires to challenge a decision of the decision-making body (Planning Director, Planning Commission or Board of Commissioners). After a decision is made by any of the decision-making bodies the appeal must be filed within 15 days of the decision. Failure to appeal the decision during that timeframe specified precludes any further appeal on the matter.

Contact Information for Agencies and Offices

State Offices

Department of Environmental Quality, DEQ
Pendleton Office, On-Site Program, 541-276-4063

Department of Fish and Wildlife, ODFW
Pendleton Office, 541-276-2344

Department of Forestry, ODF
Pendleton Office, 541-276-3491

Department of Geology and Mineral Industries, DOGAMI, Albany office, 541-967-2039

Division of State Lands, DSL
Bend Office, 541-388-6112

Office of Energy
Salem Office, 503-373-1034

Oregon Department of Transportation, ODOT
Pendleton Office, 541-276-1241
La Grande Office, 541-963-1574

Oregon Water Resource Department, OWRD (Watermaster) Pendleton office, 541-278-5456

State Building Codes
Pendleton Office, 541-276-7814

State Historic Preservation Office, SHPO
Salem Office, 503-378-4068

County Offices

County Assessor, 541-278-6219

County Surveyor, 541-278-5460

County Public Works, 541-278-5424

County Records, 541-278-6236

County Tax Office, 541-278-6213

County Environmental Health, 541-278-5432

County GIS, 541-278-6232

Fire Districts/Departments

East Umatilla County Fire District
541-566-2311

Echo Fire District
Merle Gehrke, 541-376-8118 or 541-376-8550

Meacham Volunteer Fire Department
Rollin Reynolds, 541-983-2588

Milton-Freewater Rural Fire Department
Rick Saager, 541-938-7146 or 541-938-7222

Pendleton Fire District; Lower McKay, McKay Creek, Rieth & Riverside, 541-276-1442

Pilot Rock Fire District
Brian Hemphill, 541-443-5121

Umatilla County Fire District #1
(Formerly Hermiston Rural Fire District, and Stanfield Rural Fire District)
541-567-8822

Umatilla Rural Fire District
541-922-3718

Irrigation Districts

Hermiston Irrigation District
541-567-3024

Hudson Bay Improvement District (also serving the Walla Walla River
Jon Brough, 541-520-2856

Stanfield Irrigation District
Ray Kopacz, 541-449-3272

West Extension Irrigation
Bev Bridgewater, 541-922-3814

Westland Irrigation District
Mike Wick, 541-667-2030

Umatilla County Department of Community Development
Land Use Request Application

This application must be submitted to the Umatilla County Department of Community Development, 216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252, and must be accompanied by a non-refundable application fee. Acceptance of the application and fee does not guarantee approval or a Determination of Completeness.

PLEASE COMPLETE THIS APPLICATION PRINTING CLEARLY WITH A BLACK INK PEN

Section 1: Type of Application(s) to Submit

Complete the applicable Supplemental Application that corresponds with the application you are submitting.

Amendment: ☐ Comprehensive Plan Text/Map, ☐ Zoning Text/Map

Conditional Use ☐ (*briefly describe*) _____

Land Division ☐ Type I, ☐ Type II, ☐ Type III, ☐ Type IV

Land Use Decision ☐ Farm Dwelling, ☐ Non-Farm Dwelling, ☐ Lot of Record Dwelling

(OTHER LUD, briefly describe) _____

Pre-Application ☐ Dwellings on resource land *(specify)* _____

Variance ☐ Lot Size, ☐ Setbacks, ☐ Other *(specify)* _____

Section 2: Contact Information

Name of Applicant: _____

Address: _____

City, State, Zip: _____

Telephone Number & Email Address: _____

The APPLICANT is the … ☐ Legal Owner, ☐ Contract Purchaser, ☐ Agent, ☐ Realtor

Name of Current Property Owner(s):
If Property Owner is not the applicant. _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Section 3: Property Information

Complete for all land use request applications.

1. Location of Property (Provide directions you would give someone to get to the property):

2. Account Number(s) of Property:
   Account # _____
   Account # _____

3. Map Number(s) of Property:
   Township _____ **Range** _____ **Section** _____ **Tax Lot** _____
   Township _____ **Range** _____ **Section** _____ **Tax Lot** _____
   Use separate sheet of paper for ENTIRE Legal Description and mark it "Exhibit A".

4. Has the Property or dwelling received a Rural Address? If so, what is it?
   ☐ Yes _____
   ☐ No

5. Current size of the Property:
   Note: A "TRACT OF LAND" is contiguous property within the same ownership. A Tract is viewed differently at times in terms of land use.
   Acres _____
   Acres _____

6. Current Zoning Designation:
   There are some 22 zoning designations in Umatilla County.
   ☐ EFU
   ☐ GF
   ☐ Other Zone _____

7. Comprehensive Plan Designation:
   A Comprehensive Plan Designation is different than a Zoning Designation in that it distinguishes land that should be developed for various uses, where zoning actually specifies the uses. There can be multiple zoning designations within a Comprehensive Plan Designation.
   ☐ Agri-business
   ☐ Commercial
   ☐ Grazing/Forest
   ☐ Industrial
   ☐ Multi-Use
   ☐ North/South Agriculture
   ☐ Orchard District
   ☐ Rural Residential
   ☐ Special Agriculture
   ☐ West County Irrigation District

8. Buildings on the Property:

9. Current Use of the Property. If the use is farming, explain the types of crops grown.

10. Surrounding Uses of the Property. If the use is farming, explain the type of crops grown.

11. Does the Property reside in a Floodplain? If so, a Floodplain Development Permit will need to be completed prior to construction.

☐ No, the Property is not in a floodplain.
☐ Yes, the Property is in a floodplain:

Zone _____

Community Number _____

Panel Number _____

12. If the Property is in a Floodplain, then is it also located in a wetland as listed on the National Wetlands Inventory maps?

☐ Yes, provide documentation.
☐ No, the Property is not in a wetlands

13. How is ACCESS provided to the Property? (i.e. provide name of road that directly serves the Property.) What type of surface does the roadway have?

Name of Road or Lane

_____

☐ Paved, ☐ Gravel, ☐ Dirt

14. Will the Property need an Access Permit onto a County Road or State Highway? If so contact the County Public Works Department, 541-278-5424, or ODOT, 541-276-1241.

☐ Yes, if so please contact the proper authority and provide that documentation
☐ No, one already exists (provide a copy)

15. EASEMENTS: Are there any easements on the Property that provide the MAIN ACCESS for the Property OR adjacent properties? Are there any other easements on the property? Attach easement documentation.

Attach easement documentation:
☐ Access easements exist
☐ Utility line easements exist
☐ Irrigation easements exist
☐ Other easements exist: _____
☐ No, other easements exist.

16. Which Rural Fire District/Department covers your Property with fire protection?

Fire Services:
☐ East Umatilla
☐ Echo Rural
☐ Pendleton FD
☐ Pilot Rock FD
☐ Umatilla Rural
☐ Umatilla Dist. #1

Private Companies:
☐ Meacham
☐ Milton-Freewater (subscriber)
☐ Tribal

☐ Not in a RFD

☐ Other, _____

17. Is the Property within an Irrigation District? If the property is served by an Irrigation District, a confirmation letter from that office discussing any concerns of the proposed development must be submitted with this application.

Irrigation District:
☐ Hermiston
☐ Stanfield
☐ West Extension
☐ Westland

☐ Hudson Bay or Walla Walla River Irrigation

☐ Not in an ID

☐ Other, _____

18. Describe the soils on the Property by listing the map name and land capability. Visit http://websoilsurvey.nrcs.usda.gov or contact NRCS at (541) 278-8049.

Map Unit	*Description*	*Class*

19. What type of water use(s) exist on the Property? If there are none currently, will there be water uses developed in the future?

☐ No current water uses exist
☐ Water Uses to be developed:

_____

☐ Yes, there are water uses
- ☐ Domestic Well
- ☐ Irrigation Well
- ☐ Stock Well

Other: _____

20. Are there Water Rights on the Property? If there are Water Rights, the water permit, certificate and/or other documentation from the Oregon Water Resources Department shall be included with this application.

☐ No current water rights exist
☐ Will apply for Water Rights
☐ Yes, there are water rights, please provide documentation (permit #, etc.)
- ☐ Surface Water Right(s),

#_____

_____

- ☐ Ground Water Right(s),

#_____

_____

21. Will the water rights require a change of use? Explain.

☐ No, the proposed use does not require a change with OWRD

_____

☐ Yes, the proposed use does require a change with OWRD

_____

22. What are the water needs of the proposed development? Provide an explanation that shows how the determination was obtained that shows daily usage of water for the development.

Please see response provided below.

Expected Water Usage:
- ☐ Exempt Domestic Well (<15,000 gal daily)
- ☐ Exempt Commercial Well (<5,000 gal daily)
- ☐ Water Right required, estimated number of gallons to be used daily: _____ gallons
- ☐ Sourced from off-site valid water right and/or certificate

23. What is the source of your water supply for the proposed development? Please explain your response on a separate sheet of paper.

Please see response provided below.

Water Source:
- ☐ Surface Water, explanation attached
- ☐ Alluvial Groundwater, explanation attached
- ☐ Basalt Groundwater, explanation attached
- ☐ No water is necessary for the development

24. Who is the provider of the utilities for the Property?

Water ☐ well, or _____

Sewer ☐ septic, or _____

Telephone _____

Electrical _____

Garbage Disposal _____

25. Provide a description of your proposal *(attach a description if necessary):*

Section 4: Required Application Materials

26. These materials are to be submitted with the application: The proceeding page is to be used as a base for the site plan. This drawing DOES NOT take the place of any maps required to be submitted by a Licensed Surveyor. This site plan will show what is or will be on the property. Additional material may be requested.

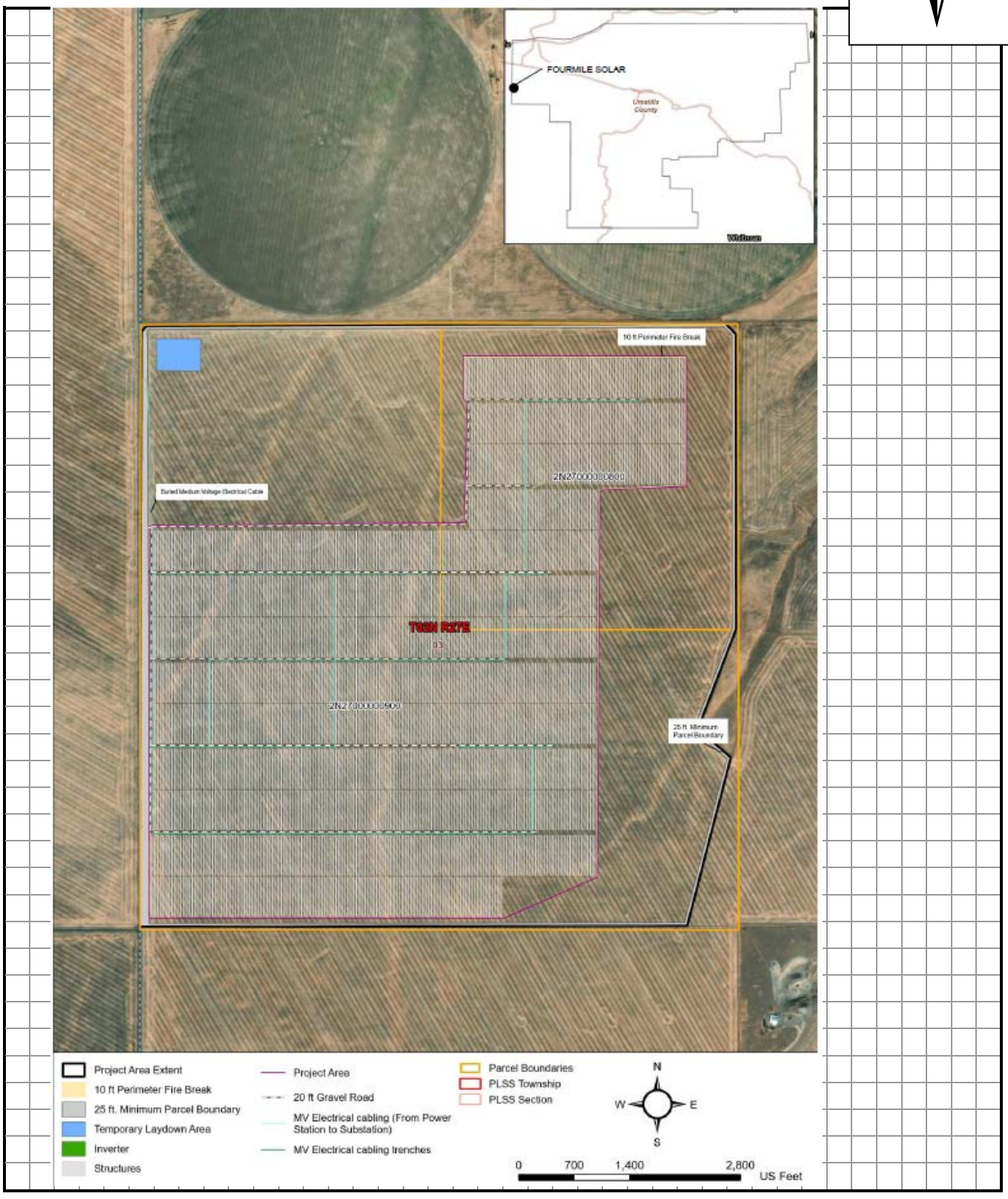
☒	**Materials to be submitted for ALL types of Applications:**
☐	a) Completed Application form.
☐	b) Applicable Application fees.
	c) Site Plan Marked Exhibit B (see next page) to include:
☐	• Scale of drawing
☐	• Site area showing property boundaries and dimensions
☐	• Proposed and existing structures with dimensions to nearest Property lines
☐	• Location of existing wells
☐	• Location of existing septic systems (i.e. tanks, drain fields)
☐	• Widths and names of roads adjacent to the site as well as existing roads, which provide direct access to the property.
☐	• Existing access points (driveways, lanes, etc.)
☐	• Easements and rights-of-ways
☐	• Existing utility lines (above and below ground)
☐	• Approximate location of any unusual topographical features.
☐	• Major geographic features
☐	• Location of all creeks, streams, ponds, springs and other drainage ways
☐	d) VICINITY MAP – Assessor's map of the Property.
☐	e) Property ASSESSOR'S REPORT showing property details.
☐	**f) The DEED(S) of the Property in question.**
☐	g) **OVERLAY MAP** showing potential re-division of the parcels (if the parcels are large enough to be re-divided). Within the Hermiston Urban Growth Boundary, a formal "Shadow Plat" may be required.
☐	h) **SUPPLEMENTAL APPLICATION** for the land use request will also be required to be submitted with this basic application form. Submit a Supplemental Application if applying for any of the following:

- Amendment to Comprehensive Plan/Map or Zoning Text/Map
- Conditional Use
- Land Division
- Land Use Decision
- Variance

Contact County Assessor

Exhibit B, "Site Plan"

Please include the details listed under item (c)
found in Section 4 (on preceding page)



Section 5: Certification

(Please provide legible signatures.)

APPLICANT: I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

Dorothy Sosnowski (Oct 20, 2025 16:22:04 PDT)

Signature of Applicant — Date

Dorothy Sosnowski, Authorized Signatory of Fourmile Solar OR, LLC

Printed Name of Applicant

PROPERTY OWNER(S): ALL property owners to this land use request are to sign, date and print their names verifying that the applicant is authorized to submit the specified land use request. If there are multiple parcels that are part of this land use request, please indicate which parcel you own. This page can be copied if there are more property owners than this space allows. Attach additional page if necessary.

Legal Owner(s) Timothy M. Rust and Shannon L. Rust

Mailing Address 77252 Mader Rust Lane — City, State, Zip Echo, OR 97826

Parcel Map # 2N27E800 and 2N27E900

X Timothy M. Rust, Trustee — X Shannon L. Rust, trustee

Signature of Legal Owner — ***Signature of Legal Owner***

10/20/2025 — 10/20/2025

Date — Date

* * * * * *

Legal Owner(s) Clarkston Development Company

Mailing Address 1836 NW Boulevard — City, State, Zip Coeur d'Alene, ID 83814

Parcel Map # 2N27E800 and 2N27E900

X Robert H. Hamilton, President

Signature of Legal Owner — ***Signature of Legal Owner***

Oct 20, 2025

Date — Date

ADDITIONAL PERSON(S) TO SEND NOTICE

Is there anyone else besides the property owner and adjacent property owners who would like to receive notice of this application during its' review period and notice of decision? (Realtor, Prospective Buyer, Attorney, etc.) Provide name and mailing address:

Name: _____ Address: _____

Response to Question 22/23:

Project activities are not expected to impact aquifers. The Applicant may source water from on-site or off-site sources during operations, dependent on the use. During construction the Applicant will source water from a nearby off-site provider. Water will be obtained from a source with existing water rights (i.e., a municipal water source or vendor with a valid water right).

During construction, the Applicant may use up to 50,000 gallons/day. This estimate is based on past work on similarly sized facilities within the region. Generally, construction water use is associated with dust mitigation and varies based on weather.

During operations, the Applicant would use up to 5,000 gallons/day. During operations water use is limited to stock water or emergency uses in case of fire. The Applicant may install an Exempt Commercial Well for permitted uses. Currently, there is no on-site water source.

EXHIBIT A: PROPERTY LEGAL DESCRIPTION

Legal Description: Section 3, Township 2 North, Range 27 East

Map Numbers of Property: 2N27000000800 and 2N27000000900

EXHIBIT C: Vicinity Map

This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

Cancelled Tax Lots

300	2101
501	2201
1201	2202
1601	2300
1603-1605	2500
1800	3001-3004
1900	3006
1901	3007
1904-1907	
2001	

T2N R27E WM
UMATILLA COUNTY
SCALE 1" =2,000'

2N 27

See Map 3N 27

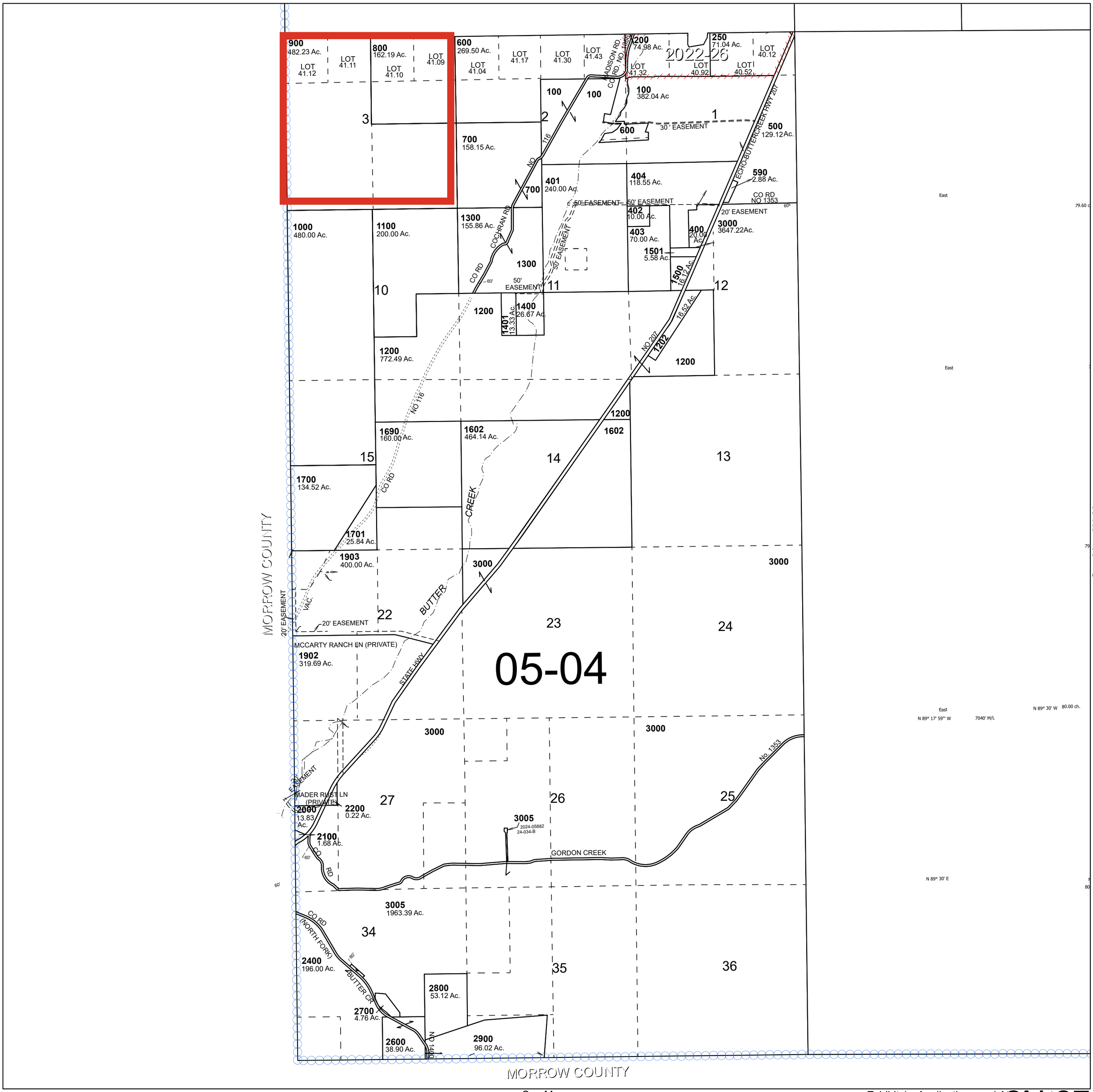


EXHIBIT D: PROPERTY ASSESSOR'S REPORT

Umatilla County
2024 Real Property Assessment Report
Account 106940

Map	2N2700-00-00800 U3	**Tax Status**	Assessable
Code - Tax ID	0504 - 106940	**Account Status**	Active
		Subtype	NORMAL
Legal Descr	See Record		
Mailing	RUST SHANNON (TRS) ETAL 77252 MADER RUST LN ECHO OR 97826-9034	**Deed Reference #**	2021-7180021
		Sales Date/Price	03-05-2021 / $0
		Appraiser	

Property Class	550	**MA**	**SA**	**NH**
RMV Class	550	02	91	000

Site	Situs Address	City

Value Summary

Code Area		RMV	MAV	AV		RMV Exception	CPR %
0504	Land	79,150			Land	0	
	Impr	0			Impr	0	
Code Area Total		79,150	32,990	36,250		0	
Grand Total		79,150	32,990	36,250		0	

Land Breakdown

Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0504	1	☑		EFU	Farm Use Zoned	100	129.75 AC	3-5	79,150
					Code Area Total		129.75 AC		79,150

Improvement Breakdown

Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV

Exemptions / Special Assessments / Notations

Notations

- POTENTIAL ADDL TAX LIABILITY ADDED 2005

Umatilla County
2024 Real Property Assessment Report
Account 106943

Map	2N2700-00-00900 U3	**Tax Status**	Assessable
Code - Tax ID	0504 - 106943	**Account Status**	Active
		Subtype	NORMAL
Legal Descr	See Record		
Mailing	RUST SHANNON (TRS) ETAL 77252 MADER RUST LN ECHO OR 97826-9034	**Deed Reference #**	2021-7180021
		Sales Date/Price	03-05-2021 / $0
		Appraiser	

Property Class	550	**MA**	**SA**	**NH**
RMV Class	550	02	91	000

Site	Situs Address	City

Value Summary

Code Area		RMV	MAV	AV		RMV Exception	CPR %
0504	Land	232,910			Land	0	
	Impr	0			Impr	0	
Code Area Total		232,910	93,880	106,063		0	
Grand Total		232,910	93,880	106,063		0	

Land Breakdown

Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0504	1	☑		EFU	Farm Use Zoned	100	359.20 AC	3-5	219,110
	2	☑		EFU	Farm Use Zoned	100	19.20 AC	4-5	10,560
	3	☑		EFU	Farm Use Zoned	100	6.40 AC	5-5	3,140
	4	☑		EFU	Farm Use Zoned	100	0.98 AC	7-5	100
					Code Area Total		385.78 AC		232,910

Improvement Breakdown

Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV

Exemptions / Special Assessments / Notations

Notations

- POTENTIAL ADDL TAX LIABILITY ADDED 2005

EXHIBIT E: PROPERTY DEED

10b
3/E

State of Oregon
County of Umatilla

Instrument received
and recorded on
3/25/2021 10:29:47 AM

in the record of instrument
code type DE

Instrument number 2021-7180021
Fee $106.00

Office of County Records

Steve Churchill

Records Officer
1129612 P3

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
Intermountain Legal Group
132 SW 5th Avenue, Suite 150
Meridian ID 83642

Umatilla County
Received: 3/25/2021

1129612

GRANTOR'S NAME:
Jon Farquharson, Trustee of the
Frank and LaVonne Mader Living Trust
dated September 15, 2008

GRANTEE'S NAME:
Shannon Rust, Trustee of the Shannon Rust Share of the
Frank and LaVonne Mader Living Trust
dated September 15, 2008

SEND TAX STATEMENTS TO:
Shannon Rust
77252 Mader Rust Lane
Echo OR 97826

PROPERTY ADDRESS: 77226 MADER RUST LANE, ECHO OR 97826

(SPACE ABOVE LINE FOR RECORDER'S USE)

QUITCLAIM DEED

For no Consideration, **JON FARQUHARSON, TRUSTEE OF THE FRANK AND LAVONNE MADER LIVING TRUST DATED SEPTEMBER 15, 2008, AND ANY AMENDMENTS THERETO,** Grantor, hereby quitclaims to:

SHANNON RUST, TRUSTEE OF THE SHANNON RUST SHARE OF THE FRANK AND LAVONNE MADER LIVING TRUST DATED SEPTEMBER 15, 2008, AND ANY AMENDMENT THERETO, Grantee, of all that real property situated in the County of Umatilla, State of Oregon, described as follows:

See legal description on Exhibit A, attached hereto and incorporated herein by this reference.

Tax Account Nos: 106937, 106940, 106943, 106946, 106949, 107062

Witness the hand of said Grantor this 5TH day of MARCH, 2021.

Jon Farquharson Trustee

JON FARQUHARSON, TRUSTEE OF THE
FRANK AND LAVONNE MADER LIVING TRUST
DATED SEPTEMBER 15, 2008,
AND ANY AMENDMENTS THERETO, GRANTOR

STATE OF OREGON)
) ss.
COUNTY OF WASCO)

On this 5TH day of MARCH, 2021, before me personally appeared **JON FARQUHARSON, TRUSTEE OF THE FRANK AND LAVONNE MADER LIVING TRUST DATED SEPTEMBER 15, 2008,** personally known to me (or proved to me on the basis of satisfactory evidence) to be the individual whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed for the purposes therein contained, as Trustee of the Frank and LaVonne Mader Living Trust dated September 15, 2008.

WITNESS MY HAND AND OFFICIAL SEAL.

Damon Rolla Hulit
Notary Public
My commission expires on 3-19-22

[Seal]

OFFICIAL STAMP
DAMON ROLLA HULIT
NOTARY PUBLIC - OREGON
COMMISSION NO. 972244
MY COMMISSION EXPIRES MARCH 19, 2022

Exhibit A

Township 2 North, Range 27, E.W.M.

Section 2: Southwest Quarter.

Section 3: All.

Section 10: North Half.
Southwest Quarter.
Northwest Quarter of the Southeast Quarter.

Section 15: West Half.

Excepting therefrom that tract of land conveyed to Michael McCarty, etux, by Deed recorded in Book 342, Page 488, Deed Records.

Excepting therefrom any portion lying within the County Road right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Amendments

Comprehensive Plan Map/Text, Zoning Map/Text
Supplemental Application & Information Packet

UMATILLA COUNTY
est. 1862
Community Development

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252
Email: planning@umatillacounty.gov

Note: Please complete the Land Use Request Application as well.

PROCESSING THE APPLICATION

The typical application process is approximately 3 to 6 months long.

Applications for map amendments are processed as quasi-judicial land use decisions. Planning staff have 30 days to review the application for completeness. Once the application is deemed complete, planning staff will provide the required 35-day notice to the Oregon Department of Land Conservation and Development (DLCD). The proposed amendment is then placed on the next available County Planning Commission agenda for a public hearing.

As applicable, applicant(s), owners(s), surrounding property owners, affected government agencies, and utility companies are given 10-day notice in which to make written comments or prepare to attend the public hearing.

PUBLIC HEARING

The amendment process involves two public hearings. At the first hearing, the County Planning Commission hears public testimony and makes a recommendation to the Board of County Commissioners who makes a final decision at the second hearing.

ADDITIONAL ITEMS

1. Copy of Umatilla County Comprehensive Plan Map or Zoning Map with changes indicated.
2. A description addressing how the proposed amendment complies with the Umatilla County Development Code and Comprehensive Plan, Oregon Administrative Rules, Statewide Planning Goals and Oregon Revised Statutes.
3. Other items deemed necessary by planning staff.

FEES

Comprehensive Plan Map, Comprehensive Plan Text, Development Code Text and Zone Map Amendment - $2,000 each type of application (cumulative)

Cost of the notices will be invoiced afterwards and must be paid prior to final approval.

It is the responsibility of the applicant to submit a complete application with all necessary attachments. Planning staff can refuse an incomplete application.

Version: August 19, 2024
H:\shared\Forms_Master\Application Forms & Supplemental Packets\Supplemental Packet_Amendments_AUG 2024.doc

Amendments to Map and/or Text

1. Which document is being proposed to be added to, deleted from, or otherwise modified?	☐ Comprehensive Plan Map Amendment ☐ Comprehensive Plan Text Amendment (includes amendment to the Mineral and Aggregate Significant Site Inventory) ☐ Development Code Text Amendment ☐ Zoning Map Amendment
2. If amendments to the Comprehensive Plan Map are being proposed, what is the current designation and what is being proposed?	Current Designation: _____ Proposed Designation: _____
3. If amendments to the Zoning Map are being proposed, what is the current zoning and what is being proposed?	Current Zoning: _____ Proposed Zoning: _____
4. If modifying the Development Code text, please provide a copy of the proposed language as an attachment.	☐ Yes, the proposed development code text is attached. ☐ No, the new development code text has not yet been drafted.
5. What is the current use of the property?	
6. Will a Goal Exception be necessary in order to accomplish the desired land use?	☐ Yes, an Exception is part of this application (see OAR 660, Division 4). ☐ No, an Exception is not necessary.

7. Describe the desired land use(s):

8. Explain how the Amendment will comply with the Comprehensive Plan text and map.

9. **Transportation** - Explain how the Amendment will comply with the Oregon Transportation Planning Rule (TPR) - OAR 660, Division 12, the County TSP and UCDC §152.019, Traffic Impact Analysis (TIA).

Fourmile Solar

GOAL 3 EXCEPTION REQUEST

October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

Fourmile Solar
Goal 3 Exception Request
Umatilla County, Oregon

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I. OVERVIEW

Applicant:

Fourmile Solar OR, LLC,
a wholly-owned subsidiary of OneEnergy Development, LLC
2003 Western Ave, Suite 225
Seattle, WA 98121

Applicant Contact:

Elaine Albrich
Davis Wright Tremaine, LLP
560 SW 10th Ave, Suite 700
Portland, OR 97205

Property Owners:

Timothy and Shannon Rust Living Trust
77252 Mader Rust Lane
Echo, OR 97826

Shannon Rust Share
Frank and LaVonne Mader Living Trust
77252 Mader Rust Lane
Echo, OR 97826

Clarkston Development Company
1836 NW Boulevard
Coeur d'Alene, ID 83814

Proposed Action:

Obtain a Goal 3 exception to construct and operate Fourmile Solar, a solar photovoltaic (PV) energy generation facility sized up to 90 megawatts alternating-current (MWac) with optional battery energy storage systems (BESS) on land zoned Exclusive Farm Use (EFU) (the Project). The Project will be sited on up to 450 acres (Project Area) within the Project Area Extent (defined below). Applicant is concurrently seeking a Conditional Use Permit for the Project.

Project Tract:

The Project Area would be situated within the Project Area Extent (defined below) on a tract that is comprised of six tax lots located in Township 02 North, Range 27 East, Sections 2, 3, 10 and 15 as listed below in Table 1 (Project Tract).

Table 1: Tax Parcels in Project Tract

Tax Lot	Acres
02N27000000700	158
02N27000000800	163
02N27000000900	486
02N27000001000	483
02N27000001100	201
02N27000001700	131
TOTAL	1,622

Project Area Extent: The Project Area would be located on the Project Tract within a micrositing boundary of 626 acres (Project Area Extent). The Project Area Extent is located across portions of two tax lots: 02N2700000800 and 02N2700000900, wholly within the 1,622-acre Project Tract.

Table 2: Tax Parcels in Project Area Extent

Tax Lot	Acres
02N27000000800	163
02N27000000900	486

II. PROJECT DESCRIPTION AND LOCATION

Applicant is a wholly-owned subsidiary of OneEnergy Development, LLC (OneEnergy). OneEnergy has been in business for more than 14 years and develops, owns, and operates solar and energy storage projects across the United States, with over 200 projects in development and more than 500 MW operating or under construction. OneEnergy focuses on a local, hands-on approach to making clean, affordable energy more accessible.

The Project is a solar photovoltaic (PV) energy generation facility sized up to 90 megawatts alternating-current (MWac) with optional battery energy storage systems (BESS) on land zoned Exclusive Farm Use (EFU). The Project will be sited on up to 450 acres (Project Area) within a larger micrositing boundary of 628 acres (Project Area Extent. The Project Area Extent is located within the 1,622 acre Project Tract.

Figure 3: Project Area Definitions

The Applicant requests that the County allow the Applicant flexibility to microsite the precise location of Project components within the Project Area Extent and provide an updated site plan prior to construction.

This gives the Applicant the ability to refine the spacing of solar modules, associated access roads, collector lines, staging areas and above-ground facilities within the Project Area Extent as design is finalized. The requested flexibility to microsite the final Project site plan within the Project Area Extent also allows the Applicant to minimize potential impacts and deliver the most effective and efficient Project consistent with the landowners' needs. In total, the Project will not exceed 450 acres, regardless of the MW capacity.

The Project requires a Conditional Use Permit (CUP) under UCDC152.060 and a Goal 3 exception under OAR 660-033-0130(38) because the Project will occupy more than 12 acres of Columbia Valley AVA soils considered high-value farmland (HVF) under ORS 195.300(10)(f)(C) and more than 20 acres of arable land. There are no irrigated soils within the Project Area Extent or Project Area itself.

The Project would be located on private land between the Naval Weapons Systems Training Facility Boardman (or commonly, the Boardman Bombing Range) and Highway 207, approximately 7.5 miles south of the intersection of I-82 and I-84 and approximately 11 miles southwest of Echo, OR (see Figures 1 and 2). The Project would interconnect to the Passage Solar Facility (Passage Solar), which is located in Morrow County, directly west of the Project Tract (see Figures 1 and 2).

The Landowners for the Project Tract is privately-owned by Timothy M. Rust and Shannon L. Rust, The Shannon Rust Share of the Frank & LaVonne Mader Living Trust and Clarkston Development Company. Applicant has a executed a site control agreement with the Landowner. The Landowner has provided a letter of support for the Project, which is enclosed as ***Attachment A***.

The Project Area Extent historically consisted of undeveloped/vacant lands and agricultural areas from the early 1900s to 1950s. Agricultural cultivation increased between the 1960s and 1980s and continues today. Currently the Project Area Extent is cultivated for dryland agriculture. No tree cutting or clearing will be required. No wetlands or floodplains will be affected. The Project Area Extent is considered Category 6 habitat by ODFW, which does not require any mitigation, so the impacts to habitat are limited.

The Project will be located directly adjacent to the proposed Passage Solar Facility, located in Morrow County on Tax Lots 02N27000000100 and 03N27000001200. The Passage Solar Facility, including its associated 115 kV transmission line, received a conditional use permit and a Goal 3 exception from Morrow County in 2024 (CUP-N-364-24/AC-153-24/ LUD-N-069-24) ("Passage Solar"). The Project will interconnect to Passage Solar by constructing a medium voltage electrical line approximately 200 feet in length, connecting to Passage Solar's collector substation. Once connected to the Passage Solar collector substation power generated from the Project will utilize the Passage Solar electrical infrastructure via a shared facilities agreement and connect to the electrical grid at the Umatilla Electric Cooperative's Oregon Trail Substation.

The main access point for the Project is via an existing private access road located in Morrow County. The private access road has an existing permitted approach intersecting Lexington-Echo Highway OR-207 and is managed by the Oregon Department of Transportation (ODOT). The Applicant has consulted with ODOT and has obtained the required easement with the private landowner to allow for ingress and egress to the Project. The Project is not anticipated to use public roads within Umatilla County other than OR-207.

Figure 1: Vicinity Map

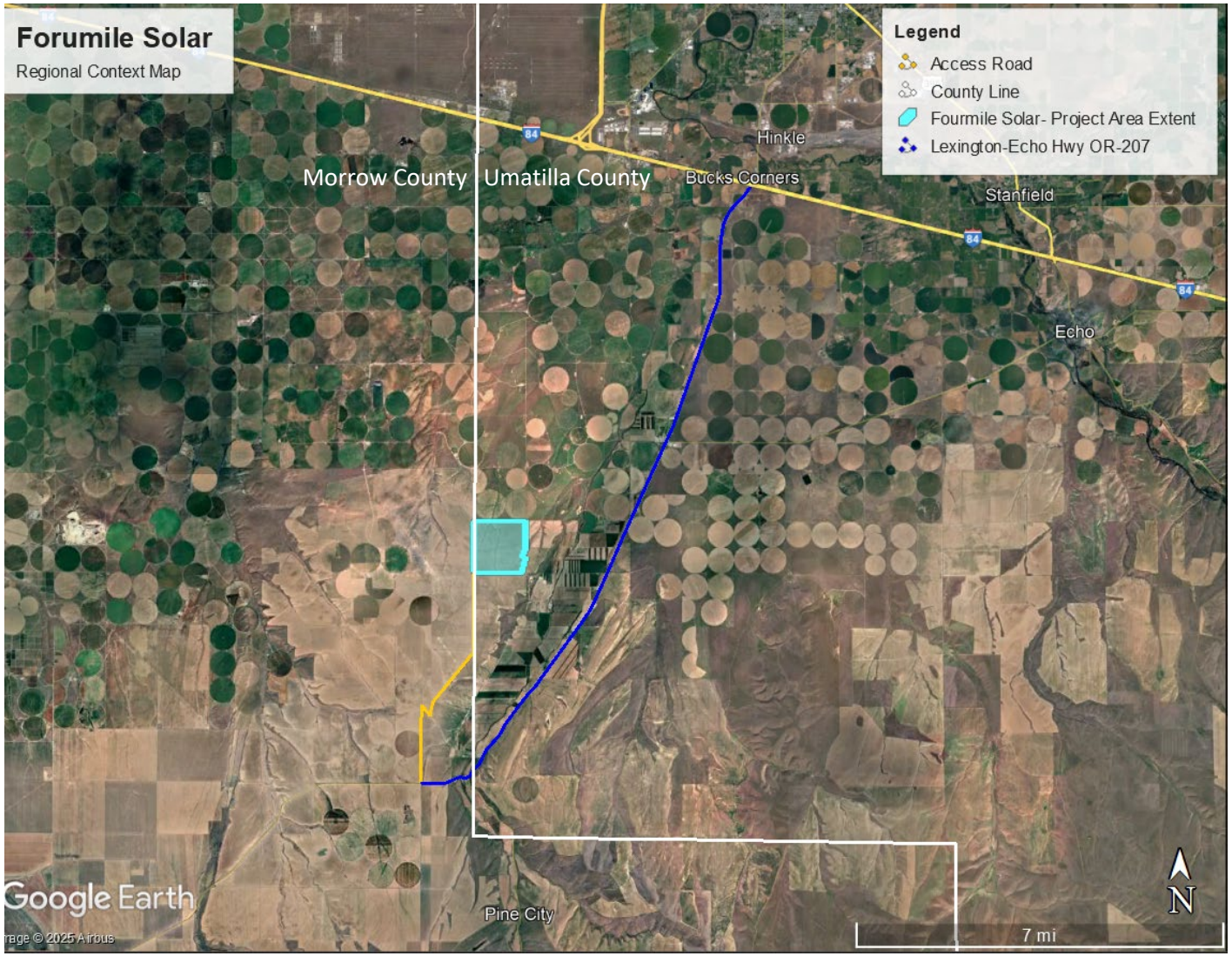

Figure 2: Project Location

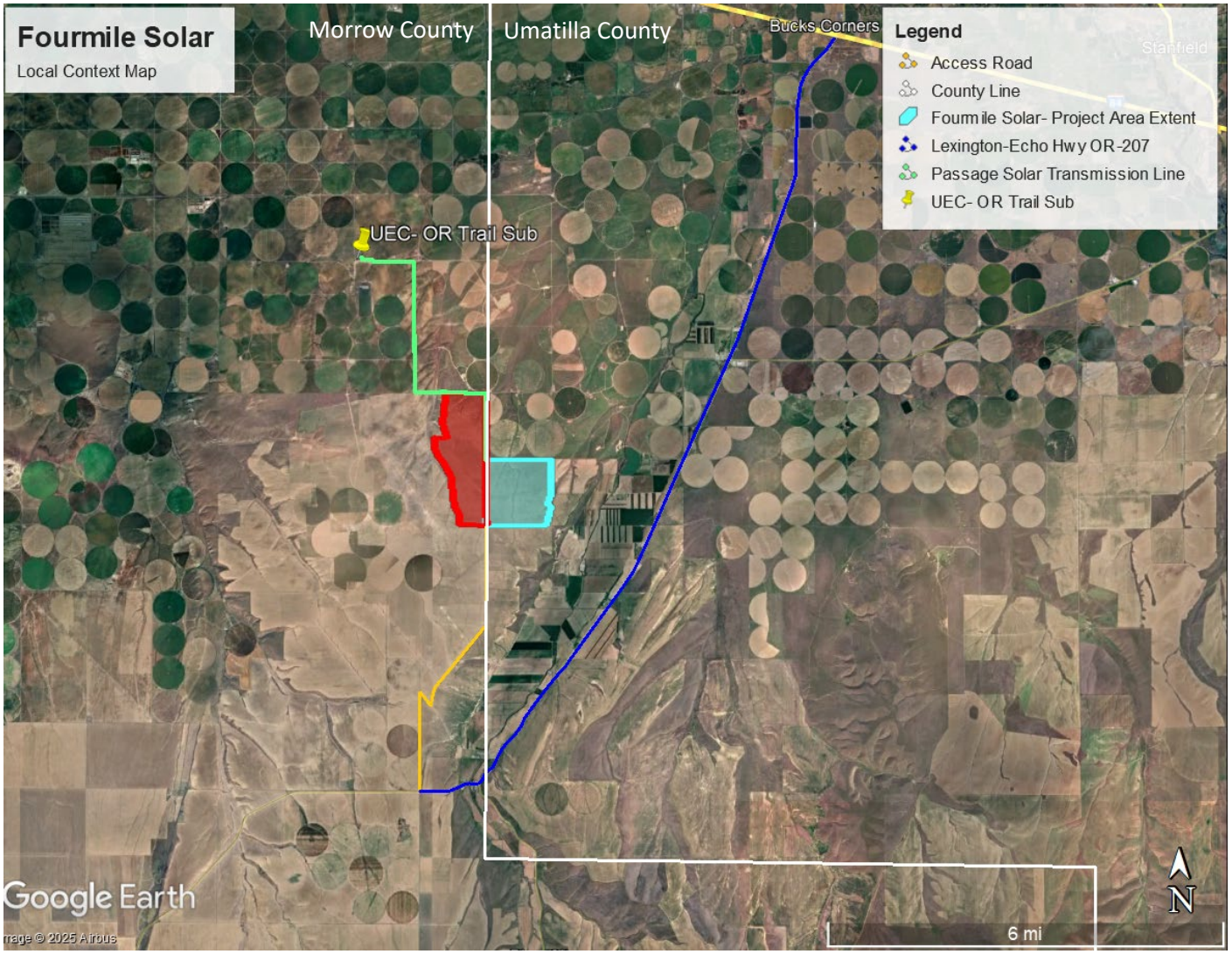

Figure 2: Local Context Map

A. Project Siting Characteristics

The Applicant selected this location in Umatilla County after consideration of many suitability characteristics, including but not limited to: the high solar energy resource, the underlying topography and land traits, access to electrical infrastructure, compatible zoning criteria, and low impacts to land use and habitat.

As shown in Figure 4, the northern portion of Umatilla County has some of the highest solar energy resource areas in Oregon. This higher resource means that each solar panel can produce more electricity on an annual basis than one sited in a lower resource area.

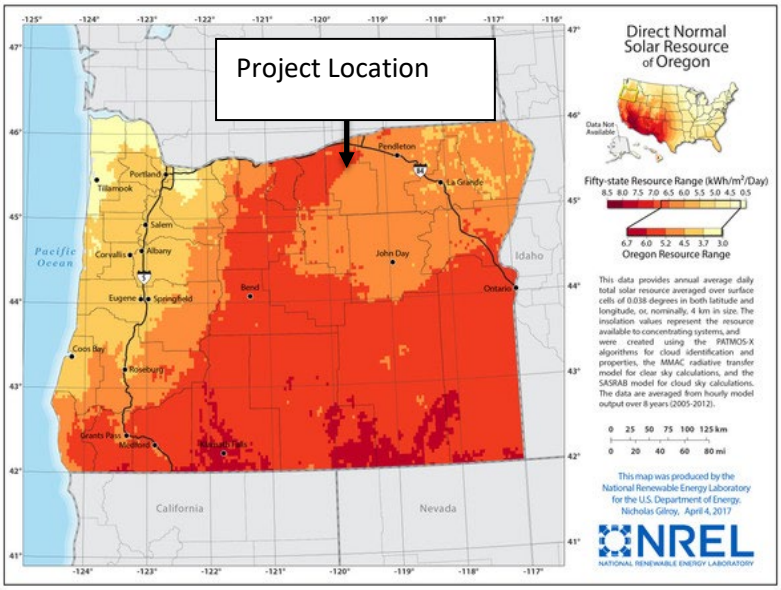

Figure 4: Solar Resource Map, National Renewable Energy Lab

While the solar resource is superior east of the Cascade Mountains, often times there is limited existing electrical infrastructure with the available interconnection capacity to connect a project of this size, which creates a limiting factor for where solar energy projects could be located. The Project Area is located directly adjacent to Passage Solar and as described above, the Project would take advantage of shared infrastructure to interconnect to the Passage Solar collector station located approximately 200 feet from the Project Area. Passage Solar has sufficient electrical capacity to support the additional generation without cost-prohibitive upgrades to the grid (more information on interconnection is provided in the CUP Narrative). This combination of a good solar resource and direct access to low-cost interconnection constitutes a unique resource upon which the Project is dependent.

As further described in the Alternatives Analysis (***Attachment B***) associated with this Goal 3 exception request, Applicant considered multiple locations and ultimately

selected this site for several reasons. It has direct access to the existing electrical infrastructure. It is predominately located on disturbed habitat due to past agricultural activity. The site has robust access routes already built. The topography is relatively flat. The landowner desires to develop their property for the use. And finally, the zoning allows the Project subject to the County's review and approval.

III. GOAL 3 EXCEPTION

A. Introduction

If a photovoltaic solar power generation facility is built on more than 12 acres of high-value farmland or 20 acres of arable land, the County is required to adopt an exception to Statewide Planning Goal 3 (Agricultural Lands) subject to OAR 660-033-0130(38) (DLCD solar siting standards) and the exception test set forth in ORS 197.732 and OAR chapter 660, division 4.

Specifically, the DLCD solar siting standards provide:

> ***OAR 660-033-0130(38)(g): For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless * * ****
>
> ***OAR 660-033-0130(38)(i): For arable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 20 acres.***
>
> ***OAR 660-033-0130(38)(k): An exception to the acreage and soil thresholds in subsections (g), (h), (i), and (j) of this section may be taken pursuant to ORS 197.732 and OAR chapter 660, division 4.***

As summarized in the Soils Analysis (***Attachment C***), the entire Project Tract is predominately cultivated and therefore considered arable land under OAR 660-033-0130(38)(a). The Project will use, occupy, or cover up to 450 acres of land within a portion of the Project Tract and therefore triggers a Goal 3 exception under OAR 660-033-0130(38)(i). The Project also triggers a Goal 3 exception under OAR 660-033-0130(38)(g) because it will use more than 12 acres of Columbia Valley AVA soils which are considered high-value farmland (HVF) under ORS 195.300(10)(f)(C). There are no irrigated soils within the Project Area Extent or the Project Area itself.

B. Legal Framework for Goal 3 Exception

The DLCD siting standards provide that the County may take an exception to the acreage and soil acreage thresholds pursuant to ORS 197.732 and OAR chapter 660,

division 4. ORS 197.732 and OAR 660-004-0020(2) work together to prescribe the exception test that Applicant must meet to justify the requested Goal 3 exception.

There are four elements to the Goal 3 exception test that Applicant must meet.

1. **Reasons warrant the requested Goal 3 exception.**

First, Applicant must justify that **reasons** warrant the requested Goal 3 exception.

ORS 197.732(2)(c)(A) provides:

Reasons justify why the state policy embodied in the applicable goals should not apply;

OAR 660-004-0020(2)(a) and OAR 660-004-0022(1) and (3) implement ORS 197.732(2)(c)(A) and provide additional considerations for demonstrating reasons to warrant a goal exception.

OAR 660-004-0020(2)(a) provides:

(2) The four standards in Goal 2 Part II(c) required to be addressed when taking an exception to a goal are described in subsections (a) through (d) of this section, including general requirements applicable to each of the factors:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply." The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land;

OAR 660-004-0022(1) provides:

(1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-014-0030 or 660-014-0040, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either:

(a) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the

use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(b) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

OAR 660-004-0022(3) provides:

(3) Rural Industrial Development: A local government may consider a photovoltaic solar power generation facility as defined in OAR 660-033-0130(38)(f) to be a rural industrial use. For the siting of rural industrial development on resource land outside an urban growth boundary, appropriate reasons and facts may include, but are not limited to, the following:

(a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports;

(b) The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or

(c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages that support the decision.

2. **Other non-exception areas cannot accommodate the proposed use.**

Second, Applicant must perform an **alternatives analysis**.

ORS 197.732(2)(c)(B) provides:

Areas that do not require a new exception cannot reasonably accommodate the use;

OAR 660-004-0020(2)(b)(A)-(C) implements ORS 197.732(2)()(B) and specifies the elements of the required alternatives analysis and considerations in response to public comments.

OAR 660-004-0020(2)(b) provides:

(b) "Areas that do not require a new exception cannot reasonably accommodate the use". The exception must meet the following requirements:

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) The "alternative areas" standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.

3. **The EESE consequences have been considered for the proposed site.**

Third, Applicant must consider the **long-term environmental, economic, social and energy consequences (EESE)** for the proposed site and address measures to reduce adverse impacts.

ORS 197.732(2)(c)(C) provides:

The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

OAR 660-004-0020(2)(c) implements ORS 197.732(2)(c)(C) and specifies the level of analysis required to evaluate the EESE consequences.

OAR 660-004-0020(2)(c) provides:

(c) "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site." The exception shall describe: the characteristics of each alternative area considered by

the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to a description of: the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts to be addressed include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

4. **The proposed use is compatible with adjacent uses.**

Fourth, Applicant must show that the Project is **compatible** with adjacent uses.

ORS 197.732(2)(c)(D) provides:

The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

OAR 660-004-0020(2)(d) implements ORS 197.732(2)(c)(D) and specifies the required considerations for the compatibility analysis.

OAR 660-004-0020(2)(d) provides:

(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

IV. GOAL 3 EXCEPTION ANALYSIS

A. Reasons

Applicant demonstrates that the Project warrants a Goal 3 exception using two reasons allowed by rule – the "Rural Industrial Use" reason and the "Other Reasons" reason. Because the "Rural Industrial Use" reason specifically applies to solar photovoltaic power generation facilities, Applicant addresses it first and presents it as Applicant's primary reason for justifying the Goal 3 exception request.

1. Rural Industrial Use Reason Test

The Project qualifies as a rural industrial use and meets the requirements of OAR 660-022(3)(a)-(c). Therefore, Applicant has demonstrated that the rural industrial use reason provides an adequate "reason" to justify the requested Goal 3 exception.

> **OAR 660-004-0022(3) provides:**
>
> ***Rural Industrial Development: For the siting of industrial development on resource land outside an urban growth boundary, appropriate reasons and facts may include, but are not limited to, the following:***
>
> ***(a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports;***

The proposed facility is significantly dependent on the unique characteristics of agricultural lands that make them suitable for solar energy development. Agricultural lands often provide large, contiguous tracts with flat topography, minimal tree cover, and consistent exposure to sunlight, that are conditions that maximize the efficiency of photovoltaic solar facilities. In this case, the Project Area Extent consists of dryland agricultural fields without irrigation infrastructure, minimizing disruption to productive farm use while supporting renewable energy generation.

As detailed in the Alternatives Analysis (***Attachment B***), the Project also benefits from the nearby electrical infrastructure, which reduces the need for costly upgrades and limits additional land disturbance. Agricultural lands, particularly in this area, are generally more compatible with solar development because they involve fewer conflicting land uses and have fewer sensitive receptors such as residences or public spaces nearby. This reduces potential impacts to neighboring uses and makes agricultural land more suitable for siting the photovoltaic solar facilities. Together, these features, including ample acreage, unobstructed solar resource, low-conflict land use, and viable interconnection—demonstrate why agricultural lands can serve as

appropriate resource lands for solar facilities. Accordingly, the Project is significantly dependent on these characteristics, and subpart (a) is satisfied.

> ***(b) The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or***

The use is dependent on rural land because ground-mounted PV would be incompatible in densely populated areas where there is insufficient land supply for a 450-acre project. Urban lands are characterized by residential, commercial, and industrial uses, along with higher population densities, public infrastructure, and competing demands for land that are incompatible with the scale and operation of a photovoltaic solar facility. Accordingly, subpart (b) of the test is met.

> ***(c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages that support the decision.***

The proposed facility provides a significant comparative advantage due to its location near existing electrical infrastructure and the approved Passage Solar facility, which will serve as the Project's point of interconnection. By utilizing the nearby UEC transmission system and shared facilities with Passage Solar, the Project avoids the need for extensive new transmission lines. The electrical connection to the adjacent Passage Solar will be approximately 200 feet, reducing both cost and land disturbance. The Project will also be microsited within the Project Area Extent to maximize efficiency while minimizing its permanent footprint to high value farmland soils, thereby limiting impacts to agricultural uses and surrounding resource lands.

In addition to these locational advantages, the Project supports the diversification of Umatilla County's economy by introducing a long-term renewable energy that complements existing agricultural activity. Unlike irrigated farming, photovoltaic solar facilities require minimal water and can coexist with grazing or other low-impact agricultural practices. The Applicant proposes to incorporate managed sheep grazing throughout the Project Area, providing continued agricultural production while generating additional economic value through wool and meat production. This approach ensures that the land remains agriculturally and economically productive while supporting clean energy.

The Project also creates broader countywide economic benefits. Construction and long-term operations will provide jobs in engineering, electrical work, land management, and

maintenance, thereby expanding the local employment base beyond traditional farming. The availability of reliable renewable electricity strengthens the region's attractiveness to industries that prioritize clean energy sources, further enhancing Umatilla County's competitive economic position. Taken together, these factors demonstrate that the Project's location provides a significant comparative advantage, minimizes the loss of productive agricultural resources, and contributes positively to the county economy. Accordingly, subpart (c) is satisfied.

2. "Other Reasons" Reason Test

Applicant demonstrates under OAR 660-004-0022(1) that other reasons also justify the requested Goal 3 exception.

OAR 660-004-0022(1) provides:

(1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-014-0030 or 660-014-0040, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

(a) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this paragraph must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(b) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

Applicant demonstrates that the Project satisfies OAR 660-004-0022(1) and (1)(b) to provide a second justifiable reason for the Goal 3 exception request.

a. First Prong of the "Other Reasons Test"

Requirements of Other Goals Justify an Exception to Goal 3

Statewide Planning Goals are implemented at the local level via the County's comprehensive plan. The County's comprehensive plan is acknowledged as being consistent with the Statewide Planning Goals. Therefore, for purposes of analyzing the Project under OAR 660-004-0022(1), the Applicant demonstrates why the requirements contained in the County's goals and policies implementing Goal 5(Natural Resources), Goal 9 (Economic Development), and Goal 13 (Energy Conservation) evidence a need for the proposed Project and justify removing up to 450 acres of the Project Area Extent from cultivation.

Chapter 8. Open Space, Scenic and Historic Areas, and Natural Resources (Goal 5)

Energy Sources

Of the three major commercial components of Oregon's present energy picture- electricity, petroleum, and natural gas- only electricity is generated in the county.

Findings

37. Areas specifically set aside for natural resource exploitation, future development of reservoirs, energy generation and transmission facilities and industry will lower the cost of eventual use, as compared to allowing incompatible development on the same lands before such eventual use.

42. *Alternative energy resources should be explored more fully in Umatilla County.*

Policies

37. The County shall ensure compatible interim uses provided through Development Ordinance standards, and where applicable consider agriculturally designated land as open space for appropriate and eventual resource or energy facilities use.

42(a). *Encourage development of alternative sources of energy.*

42(b). The County will develop a file of alternative energy literature which will be available to the public.

42(c). The County will refer people to agencies or private sources of energy conservation or development information when such information is not locally available.

42(d). *With the availability and/or addition of adequate information on wind, solar and other alternate energy resources, the County shall complete the Goal 5 analysis process for those resources (OAR 660-16-000).*

Chapter 8 of the County's Comprehensive Plan make direct and frequent reference to the benefits of developing solar energy and in fact, encourage the development of renewable energy sites. The Project enables the County to advance many of its policies found here. Policies 37 and 42(a)-(d) could not be clearer in supporting a Goal 3 exception for the Project in order to advance Goal 5.

Chapter 12. Economy of the County (Goal 9)

Future conservation and development opportunities rely heavily and directly upon allocation of available land and water. Devoting these resources mainly to agricultural production presumes additional, yet uncertain, water sources, commits the area to an inelastic market, restricts diversification of the local economy, and returns less personal income to the local population. Consequently, this plan recognizes the limited advantages to irrigated agriculture and advocates careful future evaluation before allocating water resources to any segment of the economy.

Finding

1. Predominately a resource based economy, the County experiences fluctuations in market demand, production supply, and seasonal unemployment and under employment.

3. Specified industry site requirements may vary presently designated industrial lands.

7. Comparative advantages over neighboring jurisdictions exist in availability of labor, reasonably priced lands, access to energy sources, and excellent transportation systems.

9. Changing markets, resource demands, and technology will directly affect economic development considerations.

11. Local products do not receive full preferential demand in national/international markets.

Policies

1. Encourage diversification within existing and potential resource-based industries.

3. To encourage industrial diversification, modify from pre-designated industrial areas as appropriate.

7. Cooperate with development oriented entities in promoting advantageous aspects of the area.

9. Recognize the need for and periodically review/update economic policies and projects.
11. Encourage efforts to gain preferential recognition for this area's products.

Chapter 12 of the County's Comprehensive Plan specifically addresses the need for economic diversity in order to address changing markets due to resource demands and new technologies. The Chapter further encourages diversifying resource-based industries, and promoting advantageous aspects of the area such as solar resources and existing electrical infrastructure. The County's plan is forward-thinking and broad in order to allow the County to adapt to changing markets and demands.

In the case of solar energy production, the County's farmers who for generations have cultivated the land for its agricultural products. Just like with wheat (the traditional crop grown in this part of Umatilla County), a farmer can produce and harvest solar energy via a solar land lease which generates a profit from the occupied acreage. The Project will create solar generation capacity of up to 90 MW, resulting in approximately 140,000 MWh of renewable electricity each year. That is enough to power over 12,000 average households and results in an annual emissions reduction of over 50,000 metric tons CO2e based off data from the US Environmental Protection Agency.

The state's mandated Renewable Portfolio Standard, discussed below under state policies, has created new *demand* for renewable energy created in Oregon. This demand must be accompanied by new *supply* of renewable energy, thus the birth of a *"new market*". Umatilla County's high insolation rate, abundance of sunny days, and robust electrical infrastructure make it an ideal location for efficiently producing renewable energy as a *"local product".*

Furthermore, a solar development in Umatilla County would reduce the county's heavy reliance on agriculture by adding a long-term, stable energy sector to the local economy. Instead of tying land and water almost exclusively to farming, solar projects use far less water and can coexist with grazing or other low-impact land uses. The reliable supply of renewable electricity makes the area more attractive for new industries that prioritize clean energy, such as data centers, food processing facilities, or manufacturing. In addition, solar construction and maintenance create a different type of job base—engineering, electrical work, land management, and operations—that expands beyond traditional agricultural employment. This diversification helps buffer the community against fluctuations in crop prices or water shortages and positions Umatilla County as a hub for both clean energy production and the industries that seek to benefit from it.

Chapter 16. Energy Conservation (Goal 13)

The era of inexpensive and unlimited energy has come to an end. Since support and service systems transporting energy are essential to land development, and most urban patterns are dependent upon non-renewable energy sources,

conservation measures are needed in order to maintain improve the present standards of living.

Energy conservation policies in the Comprehensive Plan therefore become a desirable objective. Rapid growth in Umatilla County necessitates a comprehensive, realistic approach to future land use patterns that relate to energy utilization and conservation.

Finding

1. Escalating cost of depleting non-renewable energy sources make renewable energy source alternatives (e.g. solar wind) increasingly more economical, and help conserve existing energy supplies.

Policy

1. *Encourage rehabilitation /weatherization of older structures and the utilization of locally feasible renewable energy resources through use of tax and permit incentives.*

The goals, findings, and policies of Umatilla County's Energy Conservation Chapter make direct and frequent reference to the benefits of developing solar energy and in fact, encourage the development of renewable energy sites.

Because modern land development and urban patterns rely on energy systems that are currently dependent on limited and expensive energy sources, conservation and renewable generation are necessary to maintain and improve present standards of living. With rapid growth occurring in Umatilla County, a comprehensive and realistic approach to land use that prioritizes energy efficiency and conservation is essential. This solar project ensures that local growth is supported by sustainable, reliable energy.

By utilizing Umatilla County's strong solar resource, the facility reduces reliance on imported fuels, conserves existing energy supplies, and advances statewide and county commitments to renewable energy development. Lastly, this facility demonstrates the county's leadership in energy innovation.

In sum, under this first prong of the Other Reasons test, Applicant demonstrates that the Project is justified by the policies and needs identified in the County Comprehensive Plan. Chapter 8, Policy 37, specifically recognizes the potential for agricultural lands to accommodate future energy facility uses. Chapter 12 emphasizes the importance of economic diversification and supporting emerging industries, while Chapter 16 highlights the County's commitment to providing clean and affordable energy. Together, these policies establish a clear basis for siting the proposed photovoltaic solar facility, and they support the conclusion that the Project is appropriately justified under this Goal 3 exception.

b. Second Prong of Other Reasons Test

The Project Requires Specific Site Characteristics and High Solar Resource Value

Under the second prong of the Other Reasons Test, the Project must demonstrate that it has "special features or qualities that necessitates" its location on the proposed exception area (up to 450 acres within the Project Area Extent).

The Project depends on unique siting characteristics, including high solar resource. Umatilla County offers some of the highest solar resources in Oregon, with abundant sunshine and long daylight hours that maximize energy generation. The region's relatively dry climate and low cloud cover provide consistent solar availability throughout the year. These conditions make it an ideal location for photovoltaic solar generation development.

The Project also requires contiguous, vacant land to allow for efficient development and minimize land use conflicts. It must also be near a viable interconnection point, either through a substation or a transmission line capable of accommodating the Project, without cost prohibitive upgrades. The Project site satisfies these conditions by being located adjacent to the Passage Solar collector substation and existing 115-kV transmission infrastructure.

As further described in the Alternatives Analysis (***Attachment B***) the Project requires specific site characteristics. This includes access routes, relatively flat topography, limited critical resources, a landowner that desires to develop their property for the use, and zoning criteria that allows photovoltaic solar power generation facilities to be developed. Specifically, access to existing roads, slopes of 10 percent or less, and land that avoids sensitive resources such as floodplains, critical habitat, and wetlands or waters are key siting factors for the proposed use. The Project Area Extent meets each of these criteria, whereas alternative parcels would be unlikely to do so without incurring significant regulatory, environmental, and economic burdens. Further, use is dependent on rural land because ground-mounted PV would be incompatible in densely populated areas where there is insufficient land supply for a 550-acre project.

Together, these unique siting characteristics—sufficient contiguous acreage, proximity to feasible interconnection, avoidance of environmental constraints, and compatibility with zoning and access—demonstrate that the Project Area Extent has the "special features or qualities" outlined under OAR 660-004-0022(1)(b).

c. Conclusions for "Reasons" Analysis

When the County finds that reasons justify a requested goal exception, the County must limit the uses and activities to only those that are justified in the exception. See OAR 660-004-0018(4)(a). Consistent with OAR 660-004-0018(4)(a), the exception is limited to the development and operation of a solar energy generation facility and its

directly related components on approximately 450 acres within the 1,622-acre Project Tract. Beyond the fenced project footprint and the electrical connection to Passage Solar, no roads or other facilities will be constructed. No water or sewer will be installed on-site, and the optional O&M building will utilize portable toilets if constructed. Furthermore, the Applicant has limited the proposed use by siting the Project adjacent to proposed and existing electrical infrastructure further minimizing and limiting impacts from the Project.

B. Alternatives Analysis

The Applicant has prepared a Goal 3 Alternatives Analysis (***Attachment B***) that reviewed and analyzed potential alternative sites within Umatilla County that would not require a goal exception. It is appropriate to consider multiple factors when determining whether there is alternate land that could "reasonably accommodate" solar development. It is not simply whether the zoning would allow the development without a Goal 3 exception. The feasibility and practicality of developing such lands for a successful solar facility must be considered in addition to the consideration of access to existing electrical and solar resources. These considerations led to the development of nine (9) siting criteria or siting factors that help inform whether a project could "reasonably" be accommodated on other land.

The Alternatives Analysis applied the following siting criteria: a minimum of 600 contiguous acres of vacant land located in an area that allows solar development; proximity within one mile of a 115-kV transmission line or substation with available capacity; direct or convenient site access; slopes of less than 10 percent; minimal presence of sensitive environmental features; a willing landowner; compatibility with surrounding land uses; and the ability to secure necessary permits within one year to meet the Project's commercial operation schedule.

The Alternatives Analysis shows that there are no sites in Umatilla County that meet the Project's defined siting criteria and would not require a goal exception.

Applicant presents findings demonstrating that OAR 660-004-0020(2)(b) is met.

660-004-0020(2)(b)

"Areas that do not require a new exception cannot reasonably accommodate the use." The exception must meet the following requirements:

> ***(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;***

The Alternatives Analysis includes a map showing the alternative sites considered in addition to the proposed exception site.

(B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

The Alternative Analysis demonstrates why the Project cannot be reasonably accommodated on nonresource lands, on lands irrevocably committed or included in existing unincorporated communities, or on lands inside an urban growth boundary (UGB), as required by OAR 660-004-0020(2)(b)(B).

First, the Alternatives Analysis began by looking at the definition of “resource land” as defined under OAR 660-004-0005(2), which is considered land subject to one or more of the statewide goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d). This includes Agricultural Lands (subpart a), Forest Lands (subpart b), Estuarine Resources (subpart e), Coastal Shorelands (subpart f), and Beaches and Dunes (subpart g). Per OAR 660-033-0020(1)(c), Agricultural Land does not include land within acknowledged UGBs. Therefore, non-resource land in Umatilla County would include land within a UGB or land not located on Agricultural Lands or Forest Lands.

The analysis next inventoried vacant parcels of 600 acres or more within Umatilla County UGBs that intersect a 1-mile buffer around existing transmission lines or substations with available capacity. The analysis covered UGBs for eleven cities. No qualifying vacant areas were found, indicating the proposed use cannot reasonably be accommodated within any UGB in Umatilla County.

Additionally, an analysis was conducted to identify vacant areas of 600 acres or more outside UGBs, excluding Agricultural and Forest Lands, that intersect the Gen-tie Line Buffer Area as described in the Alternatives Analysis. The study focused on zoning

districts that permit photovoltaic solar energy facilities, including DI (subareas 1 and 3), LRLI, RLI, and UDR zones. Of these, only the DI and UDR zones were found to have the potential to meet the 600-acre minimum requirement.

As described further in the Alternatives Analysis, only one group of contiguous parcels was identified as having a minimum 600 acres within the DI and UDR zones, and intersecting with the Gen-tie Line Buffer. The alternative site was identified as the former Umatilla Army Chemical Depot as potentially meeting the minimum criteria set forth in the Alternatives Analysis.

Further review by the Applicant determined that the Depot Industrial (DI) zone is highly constrained for solar development due to existing facilities, infrastructure, and land use restrictions that conflict with the Project's requirements. The Umatilla Depot Refuge (UDR) zone is also unsuitable, as it contains historic roads and bunkers from the former Army Depot that render the site unbuildable for the proposed Project.

Based on the findings set forth in the Alternatives Analysis, there are no sites in Umatilla County that meet the Project's defined siting criteria and would not require a goal exception.

> ***(C) The "alternative areas" standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.***

As documented above and further described in the Alternatives Analysis, the Applicant analyzed the entirety of Umatilla County and alternative sites identified. Based on the various criteria set forth in the Alternatives Analysis, there are no sites in Umatilla County that meet the Project's defined siting criteria and would not require a goal exception.

C. EESE Analysis

Applicant evaluated the long-term consequences for environmental, economic, social, and energy for the proposed use at the proposed exception site to demonstrate that adverse impacts are not significantly more adverse than another site requiring a goal exception.

1. Environmental

The Applicant has performed desktop and field surveys and does not anticipate any unmitigated adverse impacts on soils, wetlands, protected areas, water resources, threatened and endangered species, scenic resources, historic, cultural, archaeological resources, or public services as a result of this Goal 3 exception request.

Wetlands and Water

As demonstrated in the Wetland Delineation Report (***Attachment D***) and the FEMA Map (***Attachment E***), the Project is located outside any wetlands and is outside any floodplain. The applicant has also prepared a Draft Vegetation and Weed Management Plan (***Attachment F***) that outlines actions to prevent, control and mitigate erosion and surface runoff during construction as well as operation, therefore impacts to waters and wetlands have a low potential to occur.

Wildlife and Habitat

A site review for any potential impact to Federal endangered species was completed in September 2025 via the United States Fish & Wildlife Service's (USFWS) Information for Planning and Conservation (IPaC) Trust Resource Report. No critical habitats were found within the Project Area Extent (see ***Attachment G***).

In consultation with the Oregon Department of Fish and Wildlife (ODFW), the Applicant contracted with Tetra Tech, Inc. (Tetra Tech) to complete a Threatened Endangered and Sensitive Species (TESS) survey, raptor nest survey, habitat mapping and botanical surveys for the Project Area Extent in 2023. The results of these surveys are found in the Wildlife and Habitat Survey Report (***Attachment H***).

The report shows that the Project Area Extent is composed entirely of Category 6 habitat. Please see the Wildlife and Habitat Survey Report for a detailed description of the habitat types, including a map. Table 2 below is a summary of the type and acreage of habitat identified within the Project Area Extent. Pursuant to ongoing consultation with ODFW, the Applicant has been advised that a Habitat Mitigation Plan is not required for this project, since no quality habitat will be impacted (See ***Attachment H*** for ODFW correspondence).

Table 2: ODFW habitat categories within the Project Area Extent

Habitat Type	ODFW Habitat Category	Acres
Agriculture, Pasture, and Mixed Environs	6	626.5
Total		**626.5**

Historic, Cultural and Archaeological

The Applicant has consulted with the Oregon State Historic Preservation Office (SHPO), and engaged the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the Burns Paiute Tribe and the Confederated Tribes of Warm Springs for the

Project. CTUIR and SHPO both responded to requests for reviews and based on feedback from these groups, the Applicant hired Tetra Tech to complete a cultural resources survey with support from CTUIR personnel. The findings of the Cultural Resources Survey Report are included under the ***confidential Attachment I***. The report was submitted to SHPO, and confirmation of receipt was sent from SHPO on July 23, 2024. Additionally, the Applicant submitted the Cultural Resources Survey Report to the interested tribes on January 25, 2024. The assigned SHPO Case Number is 23-1030 (see ***Attachment J)***.

The report was shared with CTUIR, the Burns Paiute Tribe, and the Confederated Tribes of Warm Springs. The cultural resources survey identified no archeological or built environment resources within the Survey Area identified in the Cultural Resources Report. Based on recommendations from Tetra Tech, the Applicant will develop an Inadvertent Discovery Plan (IDP) in coordination with SHPO and interested tribes, and implement the IDP during construction.

Additionally, the cultural resources survey identified a historic property of religious and cultural significance (HPRCSIT) to the CTUIR. Impacts to the HPRCSIT have been identified by CTUIR and are addressed under a Confidential Mitigation Agreement between the Applicant and CTUIR. CTUIR has shared the Confidential Cultural Mitigation Agreement with Umatilla County.

Soils and Stormwater

The Project must adhere to the solar siting standards in OAR 660-033-0130(38), which require a project-specific Soil Erosion and Sediment Control plan, and a Vegetation and Weed Management plan. The Applicant has prepared a Draft Vegetation and Weed Management Plan (***Attachment F***) in consultation with the Umatilla County Weed Supervisor. In addition, the Applicant will prepare a separate Soil Erosion and Sediment Control Plan in consultation with the Oregon Department of Environmental Quality (DEQ) prior to construction as part of the National Pollutant Discharge Elimination System (NPDES) permit. The Applicant will use best management practices for erosion control during and after construction. The Soil Erosion and Sediment Control Plan will also provide for permanent and temporary drainage and erosion control facilities as necessary to allow stormwater passage without damage to adjacent lands and without increasing sedimentation to nearby waters.

Due to the relatively low presence of habitat, water, and other environmental resources present on the site, analysis shows that other sites that would also require a Goal 3 exception would either have the same or greater environmental impacts from the development of a solar project. See ***Attachment B***, Alternatives Analysis.

2. Socioeconomic

The Project will not have any adverse socioeconomic consequences. Economically, the Project will contribute additional income to the local tax base and to the landowners in the form of recurring lease payments. Additionally, the Applicant proposes to incorporate sheep grazing throughout the Project Area, enabling the land contribute to

the agricultural economy while also supporting a local business. This approach provides direct payments to the grazing operator and generates broader economic benefits through the production of wool and meat, enhancing agricultural diversity and reinforcing the connection between renewable energy and traditional farming practices.

The economic impact on the tax base is expected to bring in an estimated $12 million to $16 million over the life of the project and create additional jobs during construction as well as during the operational lifetime of the Project. Additionally, the Project will foster traditional rural lifestyles and opportunities by offering the landowners a long-term, predictable annual revenue stream to supplement their production across the Project Tract and enable long-term security for the operational staff such as the grazing operator.

Furthermore, the Project would reduce the county's heavy reliance on agriculture by adding a long-term, stable energy sector to the local economy. The reliable supply of renewable electricity makes the area more attractive for new industries that prioritize clean energy, such as data centers, food processing facilities, or manufacturing. In addition, solar construction and maintenance create a different type of job base—engineering, electrical work, land management, and operations—that expands beyond traditional agricultural employment. This diversification helps buffer the community against fluctuations in crop prices or water shortages and positions Umatilla County as a hub for both clean energy production and the industries that seek to benefit from it.

3. Energy

The Project will create solar generation capacity of up to 90 MW, resulting in approximately 140,000 MWh of renewable electricity each year. That is enough to power over 12,000 average households and results in an annual emissions reduction of over 50,000 metric tons CO2. Thus, the energy impacts of removing the Project Area from Goal 3 protection will be positive. The renewable, emissions-free energy produced by the Project will help the region meet increasing energy demands with affordable and reliable clean energy for decades to come.

Another benefit is that the Project will support HB 2021, an Oregon law passed in 2021, which sets 100% clean energy targets for the State. The Project's electricity generation would contribute towards the requirements of Oregon retail electricity providers to provide electricity that does not emit greenhouse gas into the atmosphere.

The Applicant does not anticipate any unmitigated adverse impacts on soils, wetlands, protected areas, water resources, threatened and endangered species, scenic resources, historic, cultural, archaeological resources, public services or the local economy as a result of this Goal 3 exception request.

The proposed Project, currently used for dryland wheat production, is uniquely suited for development of a solar facility compared to other potential areas. The property is composed of non-irrigated, lower-value agricultural land, avoiding impacts to high-value farmland and preserving more productive resource lands for continued agricultural use. The site contains minimal environmental constraints, with limited habitat value and no significant wetlands, thereby reducing ecological impacts. The Project has been sited on the proposed Project Area Extent, due to its rural character and isolated nature. The Project is located away from nearby residences, further minimizing potential conflicts with nearby land uses and receptors. Together, these factors demonstrate that the proposed site results in fewer negative environmental, economic, and social impacts than would typically occur if the project were sited on higher-value resource lands or within more developed areas that would otherwise require a goal exception.

The Project will comply with OAR siting standards, using best management practices for erosion, stormwater, and vegetation control. Economically, the Project provides $12–16 million in new tax revenue, lease payments to landowners, construction and operations jobs, and supports agricultural diversity through integrated sheep grazing. The facility will generate up to 90 MW of clean solar power, enough for 12,000 households. By diversifying the local economy and contributing to Oregon's HB 2021 clean energy goals, the Project produces lasting environmental, economic, and energy benefits.

D. Compatibility Analysis

660-004-0020(2)(d) provides:

The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

The Project is compatible with adjacent land uses, which include agricultural uses, energy generation (wind energy), and rural residential.

Beyond the fenced project footprint and underground electrical connection to Passage Solar, no roads or other facilities will be constructed. The Preliminary Site Plan (***Attachment K***) also shows that the Project will not result in small, irregular shaped or isolated pieces of property. Furthermore, the Project will not negatively impact the Property Owner's current operations or reduce the quality of the surrounding farm lands. As noted in the Landowner Support Letter (***Attachment A***), the Property Owner

will continue to farm the remainder of their existing cultivated land.

The adjacent parcels will also continue to be farmed and/or used for common agricultural practices, energy generation, and rural residential. The Project will be unoccupied and will not cause any change or increase in the cost of accepted agricultural practices on surrounding lands. Plowing and harvesting patterns on adjacent properties can continue unchanged.

The Project will not result in unnecessary soil erosion or soil loss that would limit agricultural productivity on adjacent lands. During construction limited grading would occur across the Project Area and the Applicant will mitigate dust emissions through the implementation of best management practices such as dust control, traffic speeds would be limited to 25 miles per hour, and erosion-control measures would be implemented to limit deposition. All civil work will be conducted in compliance with the Project's Erosion and Sediment Control Plan, required as part of the Project's NPDES Construction Stormwater Permit issued by the Oregon Department of Environmental Quality (DEQ). This document will be drafted once final site plans are completed.

The Applicant will work with Umatilla County officials to ensure all grading results in minimal fugitive dust generation and meets standard code for stormwater and sediment erosion control.

The Applicant has consulted with the Umatilla County Weed Control Supervisor to develop the Draft Vegetation and Weed Management Plan (***Attachment F***). This will prevent the spread of noxious weeds and reduce further impacts to nearby agricultural operations. The Draft Vegetation and Weed Management plan also proposes to utilize sheep grazing within the Project Area, further reducing the amount of herbicide use on-site and enhancing the soils through natural fertilization, enabling plant diversity, improving water infiltration, and increasing soil health. Through the adaptive management principles outlined in the Draft Vegetation and Weed Management, the Applicant will support returning the land to agriculture production at the end of its useful life. The Applicant has entered into a Letter of Intent with Krebs Solar Grazing, LLC (see ***Attachment L***).

There are few residences near the project, with one being located within 1,000 feet of the Project Area Extent boundary. A GIS viewshed analysis reveals that only one nearby residence, located approximately 1,000 feet from the Project Area Extent, falls into the 3-mile viewshed of the Project. The Applicant conducted a Forge Solar Glare Analysis (***Attachment M***) to assess potential impact on nearby residences. Based on the results of the Forge Solar Glare Analysis, no impacts were identified to any nearby residences.

IV. UCDC Comprehensive Plan Amendment

§ 152.751 COMPLIANCE WITH COMPREHENSIVE PLAN.

An amendment to the text of this chapter or to a zoning map shall comply with the provisions of the County Comprehensive Plan Text and Comprehensive Land Use Map. Proposed amendments shall also comply with the applicable provisions of the Oregon Transportation Planning Rule, Oregon Administrative Rule (OAR) 660, Division 12 and the Umatilla County Transportation Plan, and are subject to the requirements of § 152.019, Traffic Impact Analysis. Any deviation from this section shall be preceded by an amendment to the Comprehensive Plan Text or to the Comprehensive Land Use Map. However, if the existing use of the property is allowed outright in the requested zone, compliance with the Comprehensive Plan is not necessary.

Applicant demonstrates that the requested Goal 3 exception is consistent with UCDC comprehensive plan goals and policies in Section III above and in the concurrently filed Conditional Use Permit application. Applicant maintains that compliance with the Transportation Planning Rule is not needed because Applicant is not proposing a zone change, only an exception that will retain the EFU zoning and Agricultural designation. For these reasons, the County may find that the comprehensive plan amendment satisfies UCDC 152.751.

V. CONCLUSION AND REQUEST FOR EXCEPTION

The Applicant has provided substantial evidence to demonstrate that the County may find that a Goal 3 exception is justified for up to 450 acres within the Project Area Extent. There are compelling reasons that justify removing the Project Area from Goal 3 protection, which include: 1) there is a demonstrated need for the Project based on the policies of the Umatilla County Comprehensive Plan Chapters 8, 12 and 16 (State Goals 5, 9 and 13) and 2) the location provides a comparative advantage for the renewable energy development which will benefit the county economy and cause only minimal loss of resource lands. Other areas that do not require a new exception and that could otherwise reasonably accommodate the use are not available. The Project does not create any significant adverse economic, social, environmental, or energy consequences. Solar development on the Project Area Extent is compatible with adjacent land uses. For these reasons and those set forth in the record, the Applicant respectfully requests approval of the Goal 3 exception request.

VI. ATTACHMENTS

A. Landowner Support Letter
B. Alternatives Analysis
C. Soils Analysis
D. Wetlands and Waters Report
E. FEMA FIRM Map
F. Draft Vegetation and Weed Management Plan
G. USFWS IPaC Report
H. Wildlife and Habitat Survey Report
I. CONFIDENTIAL – Cultural Resources Survey Report
J. SHPO Submission
K. Preliminary Site Plan
L. Letter Of Intent - Krebs Solar Grazing
M. Forge Solar Glare Analysis

Attachment A

LANDOWNER SUPPORT LETTER

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

Timothy and Shannon Rust
77252 Mader Rust Lane
Echo, OR 97826

October 1, 2025

Community Development
216 SE 4th Street, Room 104
Pendleton, OR 97801

RE: Fourmile Solar Project

Dear Umatilla County,

The Fourmile Solar project is a proposed photovoltaic solar power generation facility with optional battery storage in Umatilla County on land owned by Timothy M. Rust and Shannon L. Rust, Trustees of the Timothy and Shannon Rust Living Trust dated August 18, 2015, The Shannon Rust Share of the Frank & LaVonne Mader Living Trust and Clarkston Development Company. The Project is located on tax parcels 2N27000000800 and 2N27000000900 on portions of Township 2 North, Range 27 East Section 3. As the landowners, we support the project and provide the following information in support of Fourmile Solar OR, LLC's application for a Conditional Use Permit and Goal 3 Exception.

This property has been owned for 45 years by our family. My folks who made the purchase of this property in 1979 are no longer living. Tim & I are the 2nd generation to live on & operate this farm. The 3rd generation (our daughter & her husband) are now running the operation...producing crops & making improvements to make it sustainable for the 4th generation who are now growing up on the property.

We have chosen to lease our land to construct the Fourmile Solar project at the proposed site, which will be a higher and better use of this portion of our land while we continue to cultivate our more productive farmland. The annual lease payments from the project will provide long-term, predictable revenue while diversifying the income generated by our landholdings. Moreover, the project will not adversely impact or increase the cost of farming practices near the project. We do not anticipate any changes to our ongoing operations nor those of our neighbors resulting from the construction or operation of the proposed project.

Sincerely,

Timothy and Shannon Rust and Clarkston Development Company

The legal landowners of the proposed Project, hereby give authorization to Fourmile Solar OR, LLC to submit for a Conditional Use Permit, Land Use Permit and Goal 3 Exception for Fourmile Solar.

Timothy and Shannon Rust Living Trust dated August 18, 2015

By: Timothy M. Rust, Trustee

Name/Title: Timothy M. Rust, Trustee

Date: 10/7/2025

By: Shannon L. Rust, Trustee

Name/Title: Shannon L. Rust, Trustee

Date: 10-7-2025

Shannon Rust Share of Frank and LaVonne Mader Living Trust

By: Shannon Rust, Trustee

Name/Title: Shannon L. Rust, Trustee

Date: 10-7-2025

Clarkston Development Company

By: _____

Name/Title: _____

Date: _____

The legal landowners of the proposed Project, hereby give authorization to Fourmile Solar OR, LLC to submit for a Conditional Use Permit, Land Use Permit and Goal 3 Exception for Fourmile Solar.

Timothy and Shannon Rust Living Trust dated August 18, 2015

By: _____

Name/Title: Timothy M. Rust, Trustee

Date: _____

By: _____

Name/Title: Shannon L. Rust, Trustee

Date: _____

Shannon Rust Share of Frank and LaVonne Mader Living Trust

By: _____

Name/Title: Shannon L. Rust, Trustee

Date: _____

Clarkston Development Company

By: Robert H. Tomlinson Pres.

Name/Title: ROBERT H. TOMLINSON

Date: 10/9/2025

Attachment B

ALTERNATIVES ANALYSIS

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

Goal 3 Alternatives Analysis

Fourmile Solar Project
Umatilla County, Oregon

Submitted to

Umatilla County Planning Department

Applicant

Fourmile Solar OR, LLC,

a wholly-owned subsidiary of OneEnergy Development, LLC

2003 Western Avenue, Ste. 223

Seattle, WA 98121

Prepared by

Tetra Tech Inc.

TETRA TECH

1750 SW Harbor Way, Suite 400

Portland, OR 97201

October 2025

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1.0 Executive Summary

Fourmile Solar OR, LLC (Applicant), a wholly-owned subsidiary of OneEnergy Development, LLC (OneEnergy), proposes to develop Fourmile Solar, a solar PV project sized up to 90 MWac with an optional battery energy storage system located in Umatilla County, Oregon (Project).

The Project would be located on private land between the Naval Weapons Systems Training Facility Boardman (or commonly, the Boardman Bombing Range) and Highway 207, approximately 7.5 miles south of the intersection of I-82 and I-84 and approximately 11 miles southwest of Echo, OR (see Figures 1 and 2). The Project would interconnect to the Passage Solar Facility (Passage Solar), which is located in Morrow County, directly west of the Project.

The Project would be sited on property zoned exclusive farm use (EFU) under the Umatilla County Development Code (UCDC). The Project requires a Conditional Use Permit (CUP) under UCDC152.060 and a Goal 3 exception under OAR 660-033-0130(38) because the Project will occupy more than 12 acres of High-Value Farmland (HVF)and more than 20 acres of arable land. The Applicant is concurrently filing the CUP permit application and the Goal 3 exception request. The landowner supports the Project and has given the Applicant authorization to apply for all necessary permits on its behalf.

The Project Parcels are privately-owned by Timothy and Shannon Rust Living Trust, the Shannon Rust Share of the Frank and LaVonne Mader Living Trust, and the Clarkston Development Company. Coordinates for the center of the Project are 45°41'41.8" north latitude and 119° 26'30.1" west longitude. The Project will lease approximately 626 acres of the approximately 1,622-acre Project Tract. The Project Area, which will not exceed 450 acres, will be located within the 626-acre micrositing boundary (Project Area Extent). See Figure 1.

The Project will interconnect to Passage Solar by constructing a buried medium voltage cable approximately 200 feet in length, connecting to Passage Solar's collector substation. Once connected to the Passage Solar collector substation power generated from the Project will utilize the Passage Solar electrical infrastructure via a shared facilities agreement and connect to the electrical grid at the Umatilla Electric Cooperative's Oregon Trail Substation.

Applicant seeks an exception to Statewide Planning Goal 3 (Agriculture), per Oregon Revised Statutes (ORS) 197.732 and Oregon Administrative Rule (OAR) Chapter 660, Division 4. Under ORS 197.732(1)(b), "exception" means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan. Furthermore, OAR 660-004-0000(2) specifies that the documentation of an exception must be set forth in a local government's comprehensive plan and such documentation must support a conclusion that the standards for an exception have been met. OAR 660-004-0020 Goal 2, Part II(c), Exception Requirements specifies the process and standards for an exception. Compliance with OAR 660-004-0020 is discussed in the Project's Comprehensive Plan Amendment Application (under separate cover). Under OAR 660-004-0020(2)(b), the applicant must show that "areas that do not require a new exception cannot reasonably

accommodate the use" and subparts (A) and (B) under this provision require an alternative analysis to show why the particular site is justified.

This report describes the alternative analysis that was conducted in response to the requirements under OAR 660-004-0020(2)(b)(A) and (B). The alternatives analysis study area includes the entire area of Umatilla County. Applicant identified siting criteria that include the minimum requirements necessary to reasonably accommodate the proposed Project. The siting criteria were then applied to the entire area of Umatilla County in an investigation to find alternatives sites that do not require a new goal exception. The results of the analysis show that there are no sites within Umatilla County that meet the Project's defined siting criteria and would not require a new goal exception. Thus, there are no sites within the alternatives analysis study area that can reasonably accommodate the Project without a goal exception.

2.0 Analysis Approach and Siting Criteria

Before Umatilla County can grant the requested goal exception, the Applicant must demonstrate that "areas that do not require a new exception cannot reasonably accommodate the use" (OAR 660-004-0020(2)(b)). Furthermore, the following subsections of OAR 660-004-0020(2)(b) must be met:

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:

i. Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

ii. Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?

iii. Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

iv. Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) The "alternative areas" standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.

Based on OAR 660-004-0020(2)(b)(B), "economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas." Additionally, OAR 660-004-0020(2)(b)(C) allows that the alternative area analysis "may be met by a broad review of similar types of areas rather than a review of specific alternative sites," and that "detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described…. by another party during the local exceptions proceeding."

The alternative analysis study area includes the entire area of Umatilla County to allow for a broad review of similar types of areas that could accommodate the proposed use, but not require a new exception. In consideration of both physical and economic factors, the alternatives analysis employs the following assumptions regarding the minimum siting criteria that must be met for a reasonable alternative:

1. Requires the proposed use be sited on vacant land (to accommodate the ground-mounted photovoltaic solar array design) and be located within a Umatilla County land use district that allows for solar facility development either outright or conditionally. This includes the following districts[1]: Exclusive Farm Use (EFU), Grazing/Farm (GF), Depot Industrial (DI), Rural Light Industrial (RLI), Limited Rural Light Industrial (LRLI), and Umatilla Depot Refuge (UDR).
2. Requires a minimum of 600 acres of contiguous vacant land (to accommodate up to a 90-MW solar project).
    a. Ground-mounted solar photovoltaic projects typically require 5 to 7 acres per MW.
    b. The Project lease area is composed of just over 626 acres of vacant land over two adjacent parcels all owned by Timothy and Shannon Rust Living Trust, the Shannon Rust Share of the Frank and LaVonne Mader Living Trust, and the Clarkston Development Company. Alternative sites can include more than one parcel as long as they are adjacent and owned by a single landowner (similar to the Project lease area).

[1] The Umatilla County Comprehensive Plan identifies a "Grazing/Forest"

3. Requires an alternative site to be sited within 1 mile of a reliable existing transmission line or existing substation with available capacity.

    a. The Project proposes to interconnect to the northwest grid at a proposed transmission line that serves the adjacent Passage Solar Facility. The Project will interconnect to Passage Solar by constructing a buried medium voltage cable approximately 200 feet in length, connecting to Passage Solar's collector substation. Once connected to the Passage Solar collector substation power generated from the Project will utilize the Passage Solar electrical infrastructure via a shared facilities agreement and connect to the Umatilla Electric Cooperative's Oregon Trail Substation.

    b. For the Project to be financially viable, alternative sites must provide similar interconnection opportunity, such as available capacity and distance to existing electrical infrastructure. Distance from existing electrical infrastructure increases costs due to length of gen-tie lines. If existing electrical infrastructure does not have available capacity, then costs to interconnect increase due to costs to upgrade the existing system.

    c. The Project can only directly connect (via a wiretap) into a transmission line with a minimum of 115-kilovolts (kV) capacity due to the Project's voltage requirements. Transmission lines with higher capacity than 115k -kV (i.e. 230 kV) were also excluded from the siting criteria due to the infrastructure investment necessary to directly connect (via a wiretap) to transmission lines with voltage higher than 115-kV.

    d. Additionally, the Project can only connect into a substation that can currently accommodate a 115-kV transmission line due to the infrastructure investment necessary to connect to a substation that currently only accepts voltages lower than 115-kV.

    e. Therefore, all lands within 1 mile of all existing 115-kV lines and substations in Umatilla County were initially evaluated in this analysis.

    f. Available information regarding available capacity of existing transmission lines and substations was also evaluated as part of this analysis.

4. Requires alternative sites to be located adjacent to an existing road to allow for direct or near direct access to the Project site and avoid the construction of new access roads.

5. Requires alternative sites to have a grade of 10 percent or less to reduce grading/ground disturbance, and the costs and environmental impacts associated with larger amounts of grading/ground disturbance.

6. Requires alternative sites to have a minimum of 600 acres available outside of any sensitive environmental features, including Federal Emergency Management Agency (FEMA)-designated 100-year floodplains, U.S. Fish and Wildlife Service (USFWS)-designated critical

habitat, Oregon Department of Fish and Wildlife (ODFW)-designated big game winter ranges, and any National Hydrography Dataset (NHD) or National Wetland Inventory (NWI)-mapped wetlands or waters (USGS 2022, USFWS 2025, ODFW 2012, .

a. The Project is proposed on a site that avoids the FEMA floodplains, USFWS critical habitat, ODFW designated big-winter ranges, and NHD/NWI wetlands and waters. Thus, minimizing impacts to resources protected by the state and county.

b. An alternative site that may impact these resources would present regulatory and economic challenges (i.e. costs for mitigation) that are not required by the proposed site. Therefore, an alternative site that requires impacts to one or more of these environmental features does not reasonably accommodate the proposed use.

7. Requires alternative sites be located where there is a solar resource available without obstruction (e.g., not blocked for large periods of the day by adjacent buildings or trees); and

8. Requires alternative sites to be available to lease and/or be owned by a landowner willing to develop a photovoltaic solar facility on their parcel, and that the proposed use be compatible with surrounding neighbors and land uses.

9. Requires alternative sites to be permittable within 1 year or less to meet the Project's Commercial Operation Date.

Using the analysis tools in ArcMap (a geospatial processing program) and publicly available data sets, a series of analyses were performed to evaluate whether there are alternative areas in Umatilla County that can reasonably meet on balance, the siting factors identified and thus reasonably accommodate the Project without requiring a new exception from a Statewide Planning Goal 3.

The first step in the analysis was to identify and map existing 115-kV transmission lines or existing substations that can accommodate a 115-kV transmission line. Locations of existing transmission lines and substations in Umatilla County was obtained from U.S. Energy Information Administration and Homeland Infrastructure Foundation (EIA 2025 and HIFLD 2022) data.[2] Figure 2 shows the location of the transmission lines and substations in Umatilla County with compatible voltage for the Project.

A Gen-tie Line Buffer Area was developed in ArcMap that included all land in Umatilla County within a 1-mile buffer of the compatible transmission lines and substations. A Non-buildable Areas layer was created to exclude areas that have slopes over 10 percent or are constrained by sensitive environmental features (e.g., areas within winter game range, within the 100-year flood plain, within a wetland, etc.). Both layers are identified in Figure 3.

[2] Transmission line and substation spatial data is limited in its availability, comprehensiveness, and accuracy.

The following analysis investigates all parcels in Umatilla County located within or intersecting with the Gen-tie Line Buffer Area that have 600 acres or more land not constrained by the Non-Buildable Area layer. These parcels/alternative sites were then evaluated for locations that would meet the remaining siting criteria (vacant land, permissive zoning designation, etc.) and would not require a Goal 3 exception.

Figure 1. Regional Context Map

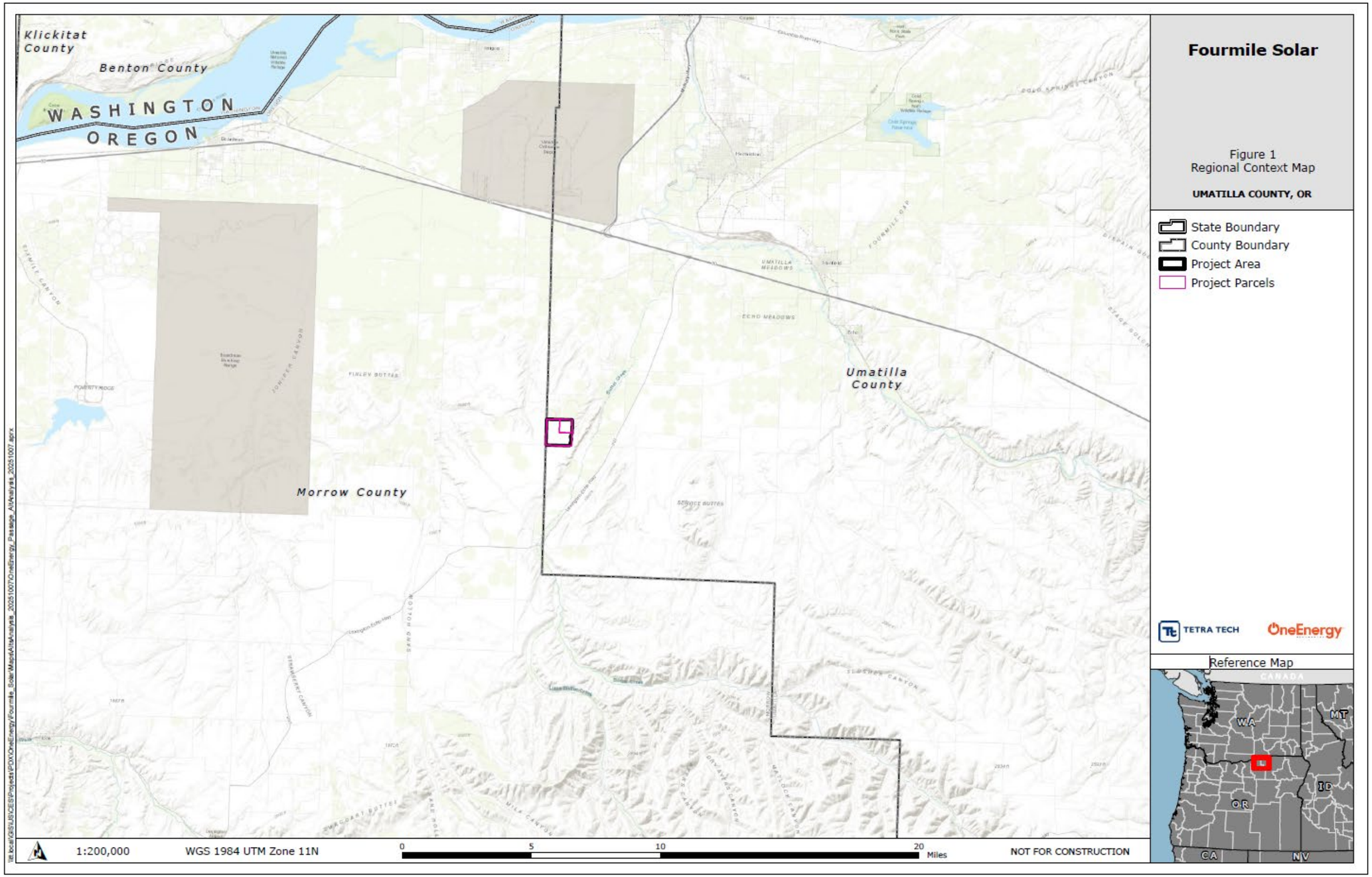


Figure 2. Initial Identification of Transmission Lines and Substations with Compatible Infrastructure for Interconnection

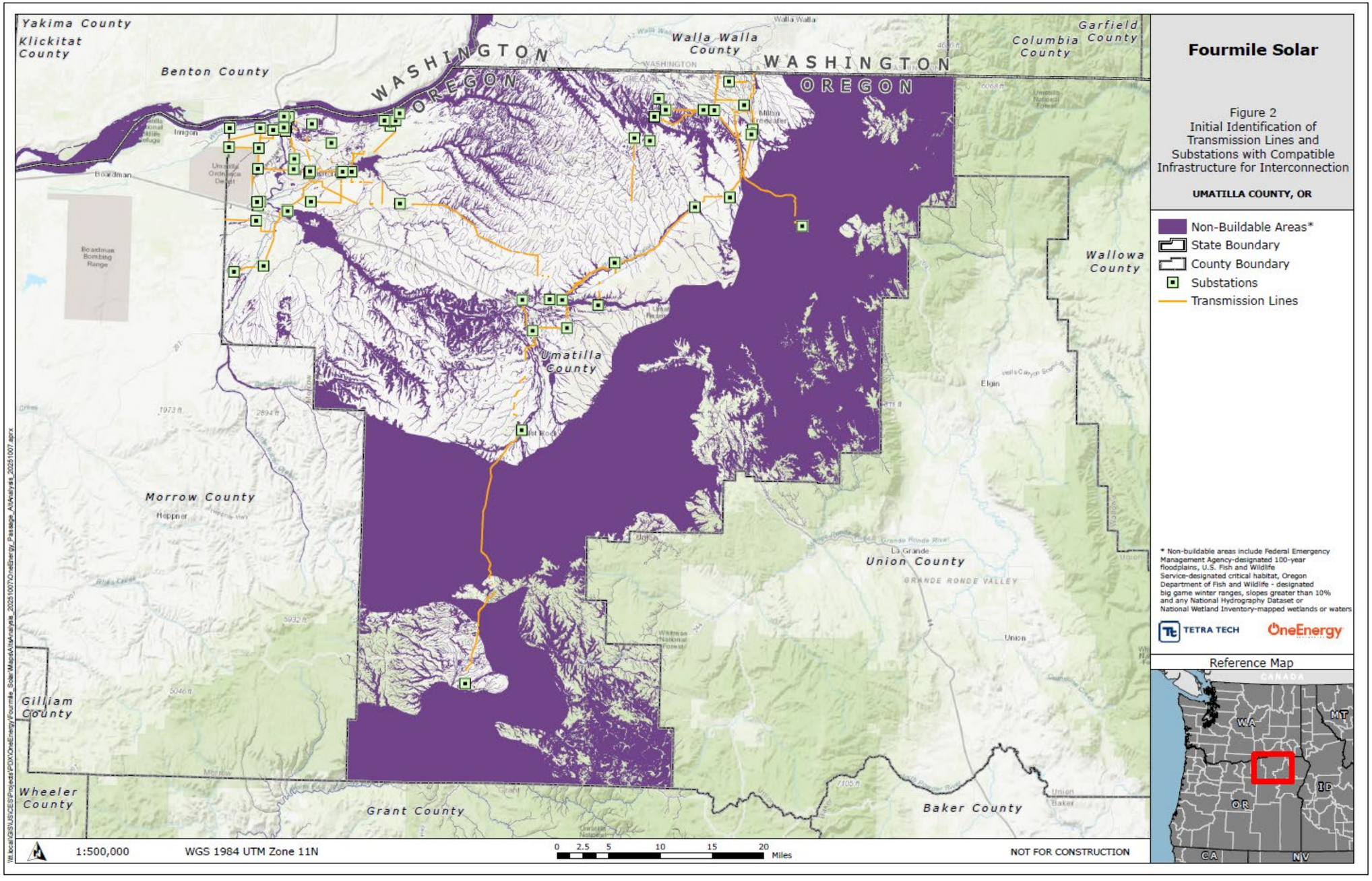
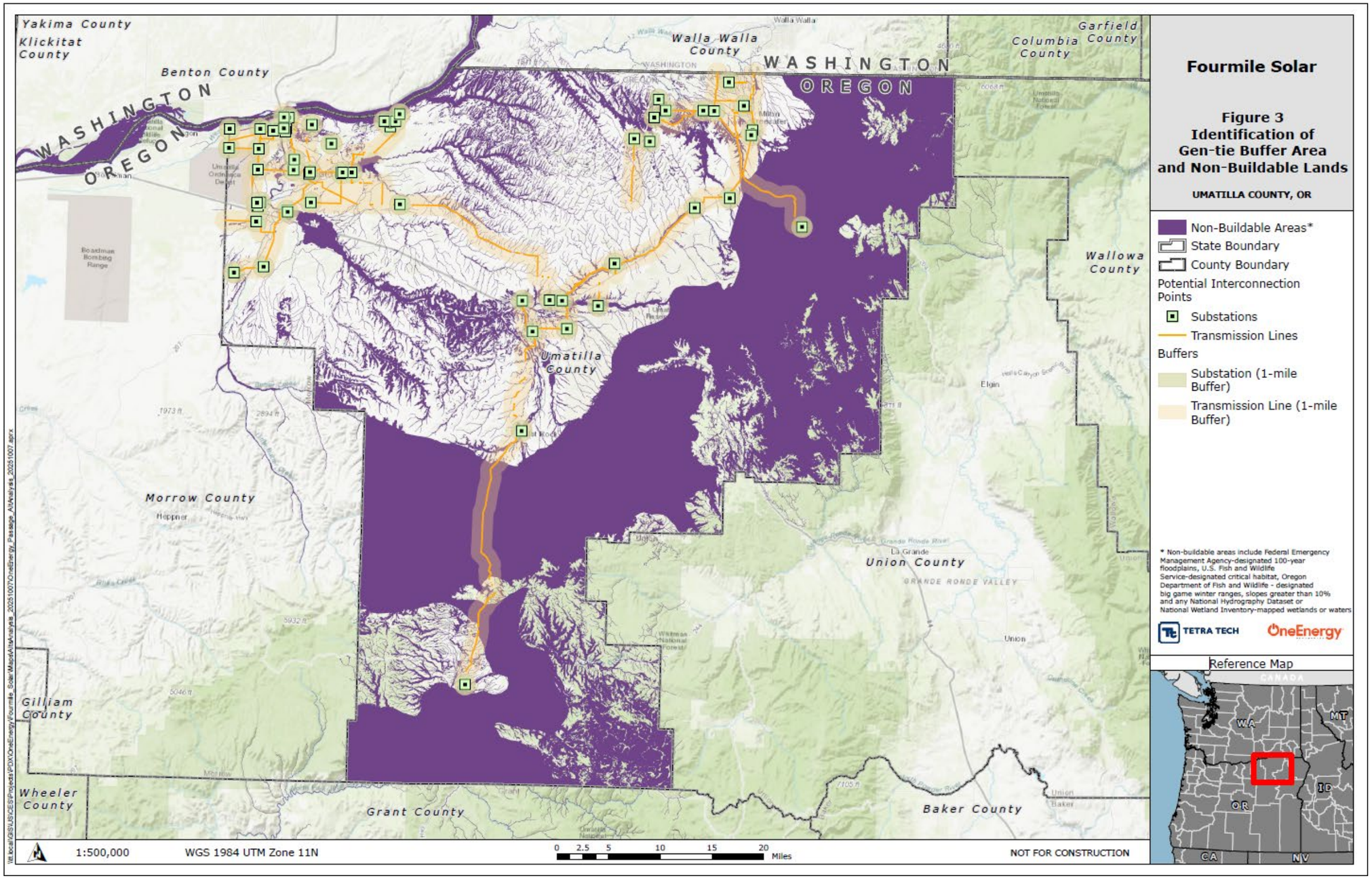


Figure 3. Identification of Gen-tie Buffer Area and Non-Buildable Lands



3.0 Analysis/Results

3.1 Non-Resource Lands

If the Project were located on non-resource land, it would avoid the need for a Goal 3 exception. OAR 660-004-0020(2)(b)(B)(i) and (iii) asks the applicant:

- "Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not?"
- "Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?"

"Resource Land" is defined under OAR 660-004-0005(2) as land subject to one or more of the statewide goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d). This includes Agricultural Lands (subpart a), Forest Lands (subpart b), Estuarine Resources (subpart e), Coastal Shorelands (subpart f), and Beaches and Dunes (subpart g). Per OAR 660-033-0020(1)(c), Agricultural Land does not include land within acknowledged urban growth boundaries (UGB). Therefore, non-resource land in Umatilla County would include land within a UGB or land not located on Agricultural Lands or Forest Lands.

3.1.1 Land Within an Urban Growth Boundary

Using ArcMap, a query was made to find all 600-acre or larger vacant areas located within a UGB and intersect with the Gen-tie Line Buffer Area (i.e., within 1-mile of an existing 115-kV transmission line or existing substation with available capacity). There are eleven UGBs in Umatilla County associated with the cities of Adams, Athena, Echo, Helix, Hermiston, Milton-Freewater, Pendleton, Pilot Rock, Stanfield, Umatilla and Weston, as shown on Figure 4. No areas were identified within a UGB in Umatilla County that met the minimum acreage requirement and contained vacant land. Therefore, the proposed use cannot reasonably be accommodated within an urban growth boundary in Umatilla County.

3.1.2 Land Not Located on Agricultural Lands or Forest Lands

"Agricultural Land" is defined under OAR 660-033-0020(1)(a) as including:

> (A) Lands classified by the U.S Natural Resource Conservation Service (NRCS) as predominately Class I-VI soils in Eastern Oregon;

(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a)[3], taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and

(C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.

"Forest Lands" are defined under OAR 660-006-0005(7) as "those lands acknowledged as forest lands, or, in the case of a plan amendment, forest lands shall include: (a) Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and (b) Other forested lands that maintain soil, air, water and fish and wildlife resources."

A query was made to find vacant areas (including multiple contiguous parcels owned by the same landowner) 600 acres or more in size located outside a UGB, not within Agricultural Lands or Forest Lands, and intersecting with the Gen-tie Line Buffer Area. To simplify this query, the analysis investigated lands based on their zoning designation, assuming that all lands located within the EFU or GF zones would qualify as Agricultural Lands or Forest Lands. However, per the Project's siting criteria, the alternative site must also be located within a zoning district that allows photovoltaic solar energy facilities as a use. This includes the DI [subareas 1 and 3], LRLI, RLI and UDR zones. See total acreages within Umatilla County of each of these zones in Table 1 below. Only the DI and UDR zones have the potential to meet the 600-acre minimum threshold.

Table 1. Acreage in Umatilla County of DI, LRLI, RLI and UDR Zones

Zone	Total Acreage
DI [subareas 1, 2 & 3]	1,396
LRLI	34
RLI	358
UDR	5,589

[3] "Farm use" under ORS 215.203(2)(a) means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (Lands not eligible for special assessment) (3) or 321.824 (Lands not eligible for special assessment) (3).

Figure 5 shows the non-resource lands with compatible zoning in Umatilla County (i.e. DI, RLI, LRLI and UDR zones) overlaid by the UGBs and the Gen-tie Line Buffer. Only one group of contiguous parcels was identified as having a minimum 600 acres outside the Non-Buildable layer, being within the DI and UDR zones, and intersecting with the Gen-tie Line Buffer. No other areas with a zoning of DI, LRLI, RLI or UDR contained a minimum of 600 acres of contiguous land.

The one alternative site was identified in the DI and UDR zones at the former Umatilla Army Chemical Depot as potentially meeting the minimum acreage, intersecting with the Gen-tie Line Buffer Area, and not being constrained by the Non-Buildable layer. This site is primarily owned by Columbia Development Authority (CDA), except for one parcel owned by the United State Department of Army, see Table 2 below.

Table 2. Alternative Site Parcels, Zoning and Ownership

Parcel Number	Umatilla County Zoning	Depot Plan District Zoning Districts	Ownership
5N27000000903	UDR	Wildlife Habitat	CDA
5N27000000902	UDR	Wildlife Habitat	CDA
5N27000000901	UDR	Wildlife Habitat	CDA
5N27000000900	UDR	Wildlife Habitat	CDA
4N27000000226	UDR	Wildlife Habitat	CDA
4N27000000225	UDR, DI [subarea 3]	Wildlife Habitat, Depot Industrial 3	CDA
4N27000000224	UDR, DI [subarea 1]	Wildlife Habitat, Depot Industrial 1	CDA
4N27000000223	UDR	Wildlife Habitat	CDA
4N27000000222	UDR, UDM	Wildlife Habitat, Military	CDA
4N27000000221	UDR, DI [subarea 1]	Wildlife Habitat, Depot Industrial 1	CDA
4N27000000220	DI [subarea 3]	Depot Industrial 3	CDA
4N27000000200	UDR, DI [subareas 1, 2 & 3]	Wildlife Habitat, Depot Industrial 1, 2 & 3	CDA
4N27250000100	DI [subarea 3]	Depot Industrial 3	United States Dept of Army

See Figure 5 for a map of these parcels and their associated Umatilla County zoning. See also Figure 6 for a map of the Depot Plan District Zoning Districts that correspond to the Umatilla County zones.

Although this site is zoned UDR and DI (which conditionally allows for solar development) it is constrained by the following:

- In the DI zone, the Project is prohibited in subarea 2.[4] Additionally, much of subarea 1[5] is already developed or is restricted from development (DAODCS 2020). Subarea 3 is encumbered with an airplane landing strip and an intergovernmental agreement[6] between Oregon Department of Transportation (ODOT), CDA and the State of Oregon, pursuant to House Bill 2017, indicates roadway construction within subarea 3 will be completed by December 31, 2027 (State of Oregon 2022). CDA meeting minutes from May 20, 2025, state that all economic development opportunities on CDA properties are on hold pending resolution to real estate ownership amongst CDA partners (CDA 2025a, pg. 2). This indicates an inability of the alternate site to be permittable within 1 year or less to meet the Project's Commercial Operation Date.
- The UDR zoned area is mostly occupied by historic roads and bunkers used as part of the Army Depot. Commercial solar power generation is listed as a conditional use in the UDR zone; however, in the Umatilla County Development Code and the Umatilla Chemical Depot Redevelopment Plan (UMADRA 2010), the purpose of the land within the UDR zone is described as being a wildlife refuge and habitat. Further, on the current CDA Map (CDA 2025b) the land is labeled "Wildlife Habitat". Avoiding the areas of this alternative site that are either constrained by existing infrastructure (i.e. not vacant) or are within the historic igloos area (i.e. portions of the UDR zone) would result in inefficient project layouts resulting in increased costs during construction and operation.
- The Applicant coordinated with CDA in 2023 to explore the possibility of developing solar within the former Umatilla Army Chemical Depot site (Both DI and UDR zones). CDA indicated that it was not interested in solar development within the Depot Industrial zoned areas of the Umatilla Army Depot site as the redevelopment plan intended for those area to be used for light and heavy industrial uses (Debbie Pedro, personal communication, Aug.. 22, 2023). Therefore, OneEnergy considers CDA as a non-willing landowner uninterested in negotiating a lease for solar development further disqualifying it as a feasible alternative site.

Based on the results of this analysis, the proposed use cannot reasonably be accommodated on non-resource lands in Umatilla County and meet the siting criteria.

[4] Pursuant to UCDC 152.238(A)(4).
[5] Subarea 1 was the site of the Umatilla Chemical Agent Disposal Facility (UMCDF, aka Demil Site). The UMCDF was the 276-acre multi-furnace incineration facility that disposed of chemical agent munitions stored at Umatilla Chemical Depot (UMCD) by the Chemical Material Agency (CMA) (DAODCS 2020).
[6] Miscellaneous Contracts & Agreements No. 73000-00003436, A162-G043020 (State of Oregon 2022).

Figure 4. Non-Resource Land

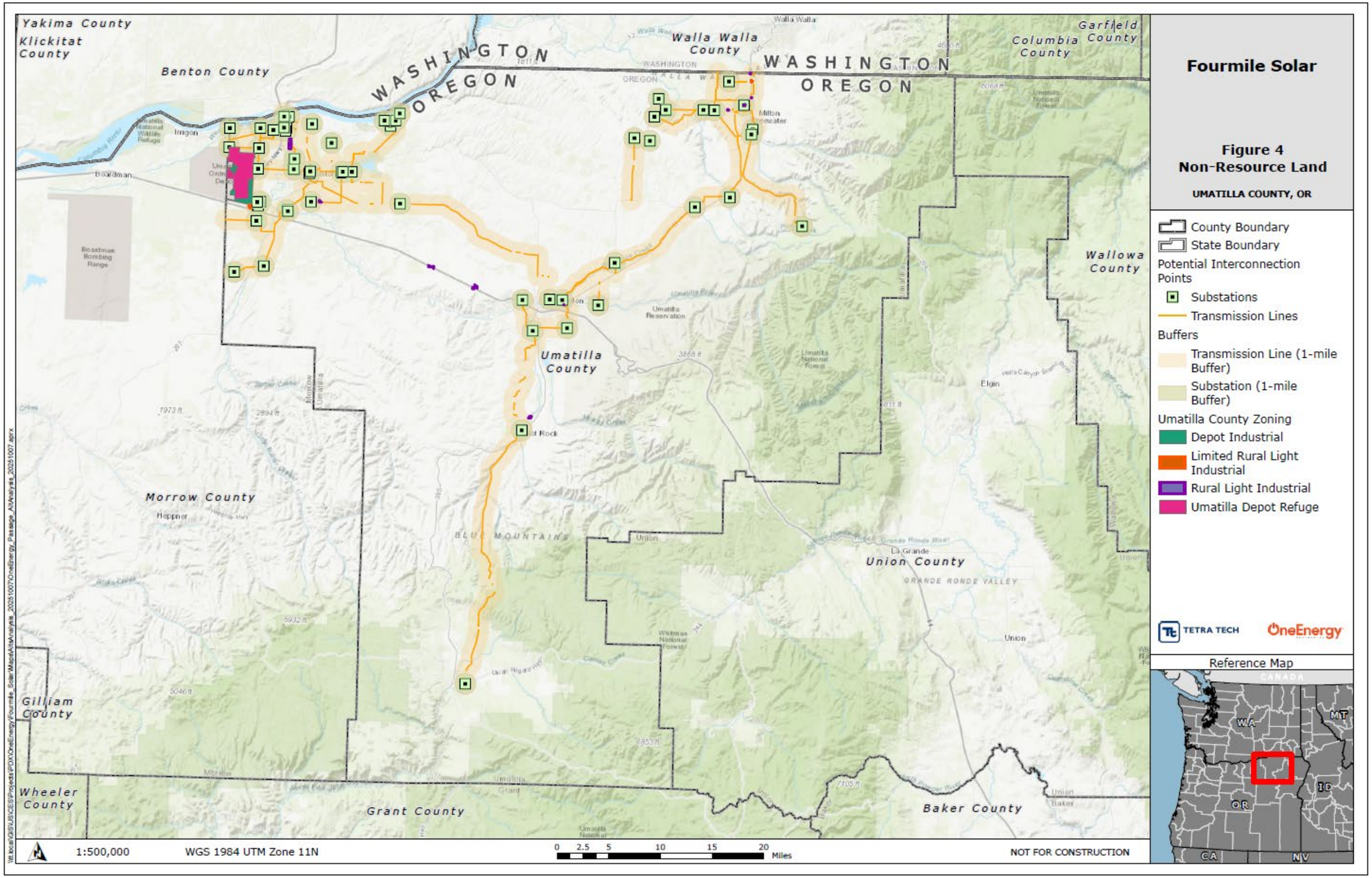


Figure 5. Possible Non-Resource Land Alternative Site in Umatilla Depot Area

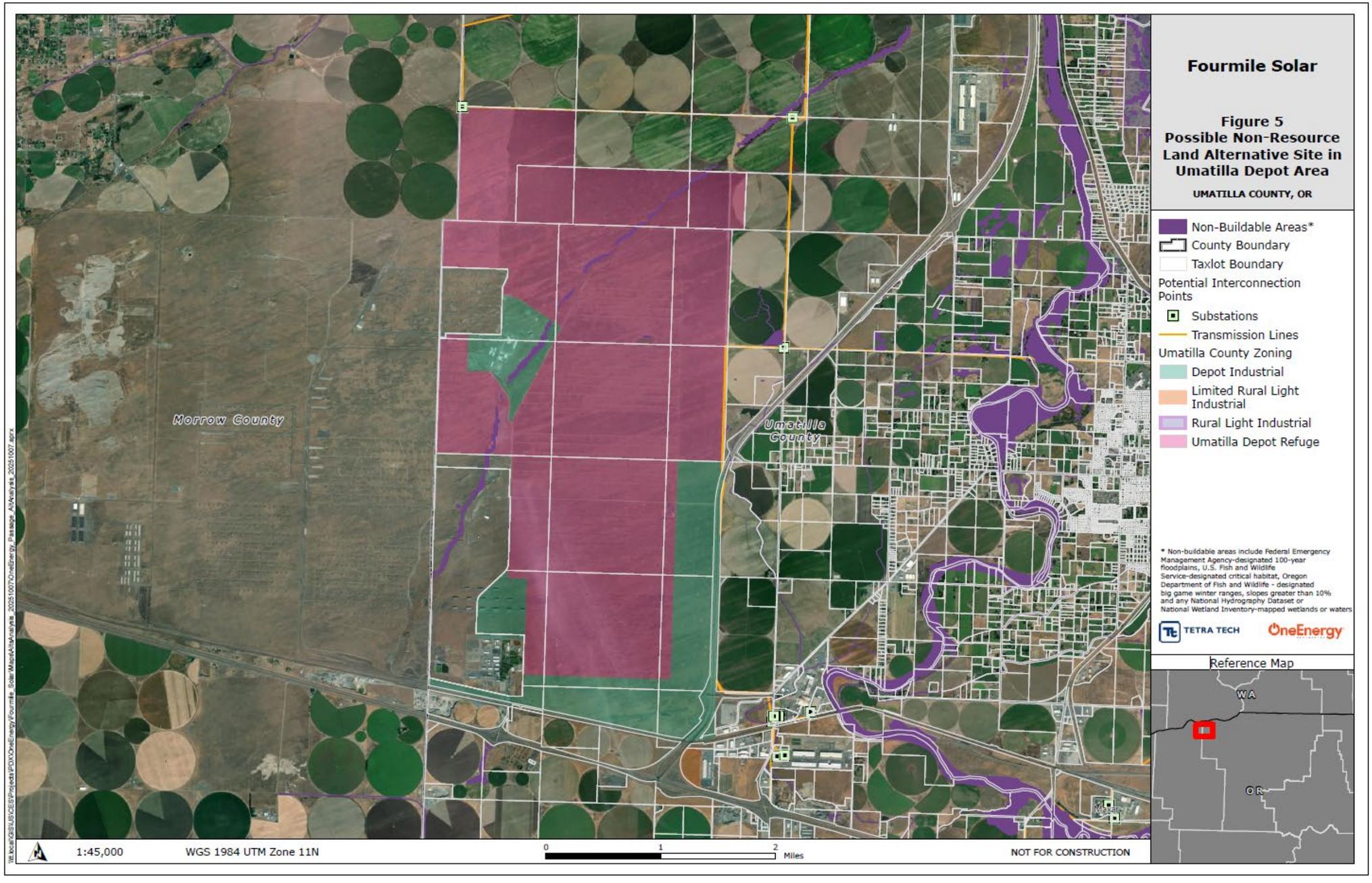
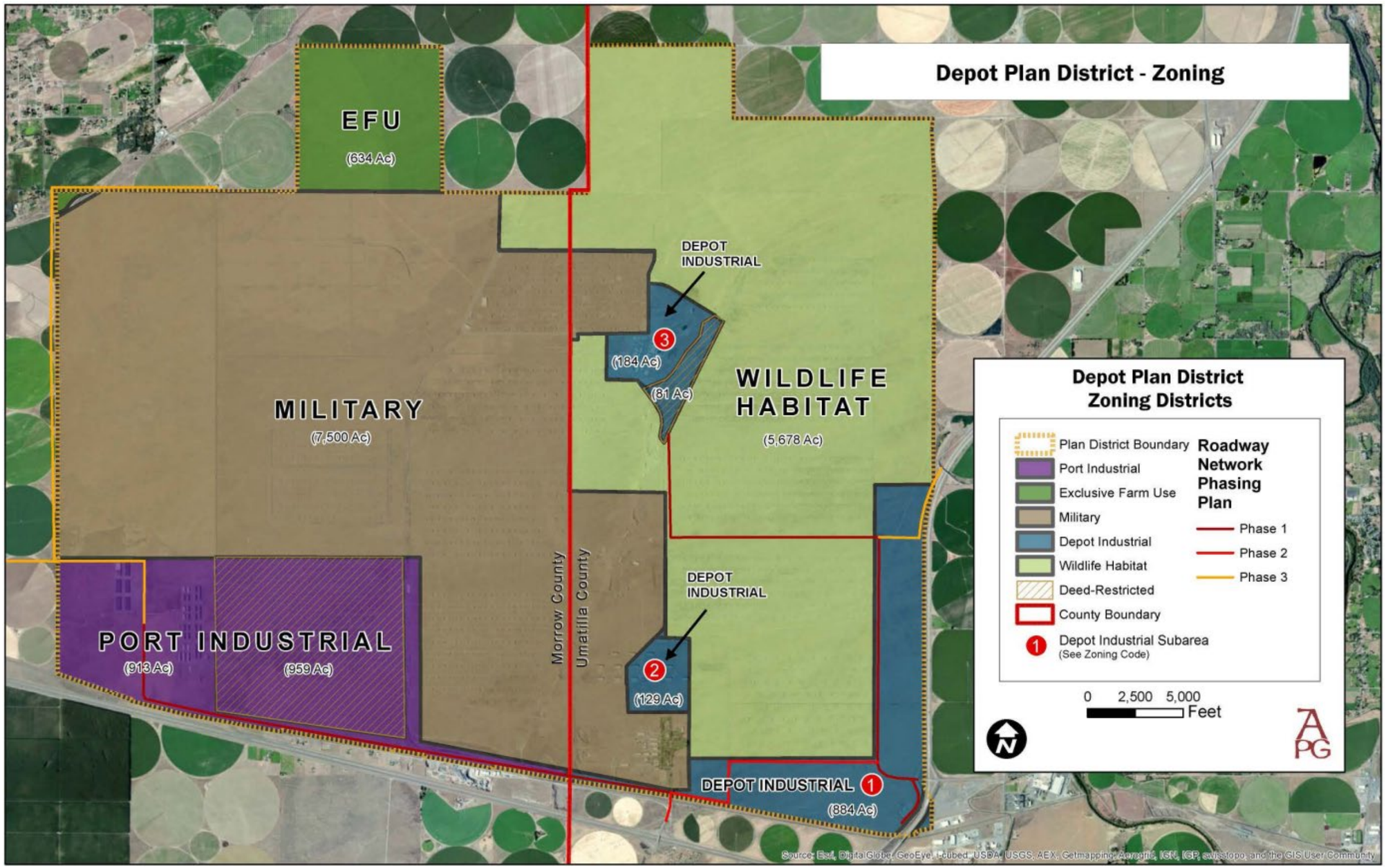


Figure 6. Depot Plan District - Zoning



Source: CDA 2025

3.2 Resource Lands Not Requiring a Goal 3 Exception

The next step of the analysis was to evaluate whether the Project could be sited within resource land without requiring an exception. Per OAR 660-033-0130(38), the following restrictions are placed on photovoltaic solar power generation facilities cited in agricultural lands:

> *(g) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless:*
>
> *….*
>
> *(i) For arable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 20 acres…*
>
> *….*
>
> *(j) For nonarable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 320 acres…..*

Per OAR 660-033-0130(38)(k), an exception to the acreage and soil thresholds cited in subsections (g), (i), and (j) above may be taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

As the Project would require over 600 acres, it would require an exception from Goal 3 even if it were sited primarily on non-arable lands. Therefore, all alternative sites located on agricultural/resource lands, regardless of the underlying high-value farmland designations or soil classifications (arable or non-arable), would require a Goal 3 exception.

4.0 Conclusion

The results of the analysis show that there are no sites within Umatilla County that meet the Project's defined siting criteria and would not require a new goal exception. Thus, there are no sites within the alternatives analysis study area that can reasonably accommodate the Project without a goal exception.

5.0 References

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EXHIBIT A: COLUMBIA DEVELOPMENT AUTHORITY CORRESPONDENCE

Outlook

Re: OneEnergy- Depot Questions

From CDA Assistant <columbiadaassistant@gmail.com>
Date Tue 8/22/2023 4:41 PM
To Tanner Gillespie <tanner@oneenergyrenewables.com>
Cc columbiadadirector@gmail.com <columbiadadirector@gmail.com>; gregorysmithandcompany@gmail.com <gregorysmithandcompany@gmail.com>; cdaemilyc@gmail.com <cdaemilyc@gmail.com>; Bill Eddie <bill@oneenergyrenewables.com>; Nathan Stottler <nathan@oneenergyrenewables.com>

Caution! This message was sent from outside your organization. Allow sender | Block sender

Hi Tanner,

The area's in blue which are the depot industrial areas are not suited for solar, industrial and heavy industrial is what is slated there. We will allow for solar in the wildlife habitat area if it is allowed by Umatilla County, but may require a zoning change and between the igloos.

Debbie Pedro
Director of Economic Development Coordination/Assistant to the Director
Columbia Development Authority
Two Marine Dr.
P.O. Box 200
Boardman, OR 97818
Office: 541-481-3693
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Before printing this email, please consider the impact on the environment and your responsibility to make Oregon a great place to live.

On Tue, Aug 22, 2023 at 11:23 AM Tanner Gillespie <tanner@oneenergyrenewables.com> wrote:

> CDA, thank you for the call yesterday with Bill and me.
>
> As mentioned on the call yesterday, OneEnergy is interested in the southeast area of the Depot. Greg mentioned yesterday that the Depot's industrial zoned areas allow for solar development. Looking at the current CDA website, the zoning map attached lists a large portion of the southeast corner (outlined in Yellow) as Wildlife Habitat and Depot Industrial. I have outlined a few questions below.
>
> - Does CDA anticipate developing a portion of the Wildlife Habitat area for solar? Or will this zoning be changed to Industrial?
> - Additionally, is the area labelled as Depot Industrial being reviewed as an option for Solar development?
>
> Debbie- Please let me know when you would like to schedule a follow up call as well.
>
> Thank you,
>
> **TANNER GILLESPIE**
>
> Manager, Project Development
>
> 808.224.5095
>
> tanner@oneenergyrenewables.com
>
> —

Attachment C

SOILS ANALYSIS

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

I. INTRODUCTION

Fourmile Solar OR, LLC (Applicant) evaluated the soil types within the Project Area Extent and the Project Tract. The Applicant then classified the soils within the Project Area Extent and the Project Tract under the Natural Resource Conservation Service ("NRCS") land capability classification system. The Applicant outlines the defined areas referred to in this Soils Analysis in Figure 1 below.

II. DEFINITIONS

Project: Fourmile Solar Project is a proposed photovoltaic (PV) solar generation facility sized up to 90 megawatt (MW) alternating current (AC) with optional battery energy storage systems (BESS) and is located approximately 12 miles southwest of the town of Hermiston within Umatilla County, Oregon, and 17 miles southeast of Boardman, Oregon in Umatilla County, Oregon.

Project Area: The Project's maximum footprint, including all Project components, which shall not exceed 450 acres ("Project Area").

Project Area Extent: The broader micrositing area in which the Project Area will be located wholly within, a boundary encompassing approximately 626 acres. The Project Area Extent is composed of the two parcels listed in Table 1.

Project Tract: A Project Tract is defined in OAR 660-033-0020 as "one or more contiguous lots or parcels under the same ownership. The Project will be located within an approximately 1,622-acre tract of land jointly owned by the Timothy and Shannon Rust Living Trust, the Shannon Rust Share of the Frank and LaVonne Mader Living Trust, and the Clarkston Development Company. The Project Tract is composed of the six parcels listed in Table 2.

Figure 1: Area Definitions Hierarchy

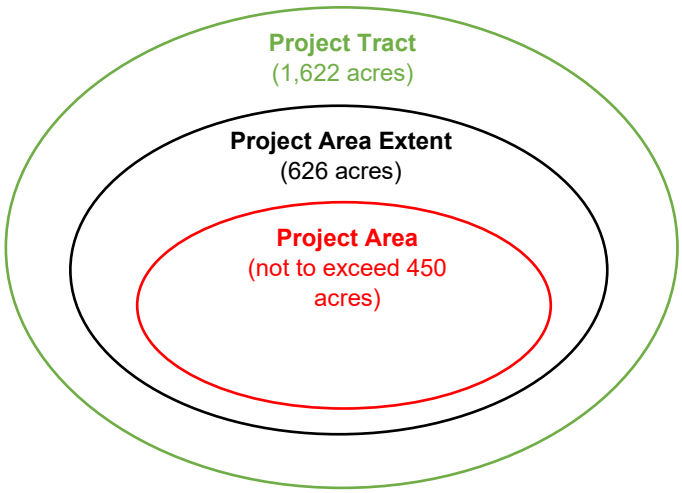


Table 2: Tax Lots within Project Area Extent

Tax Lot	Acres
02N27000000800U3	163
02N27000000900U2	486
TOTAL	**649**

Table 2: Tax Lots within Project Tract

Tax Lot	Acres
02N27000000700U3	158
02N27000000800U3	163
02N27000000900U2	486
02N27000001000U3	483
02N27000001100U2	201
02N27000001700U2	131
TOTAL	**1,622**

III. SOIL TYPES

Fourmile Solar OR, LLC (Applicant) evaluated the soil types within the Project Area Extent and the Project Tract. The Applicant then classified the soils within the Project Area Extent and the Project Tract under the Natural Resource Conservation Service ("NRCS") land capability classification system.

PROJECT TRACT

The soil types and NRCS soil classifications within the Project Tract are shown in Table 3 below and in the NRCS Soils Map, ***Appendix 1***. The Applicant took into account whether the soil was currently irrigated or non-irrigated when defining the soil types and classes. The Project Tract is comprised of predominantly of Class 3 and 4 non-irrigated soils.

Table 3: Soil Types within Project Tract

Soil Map Unit Name (Map Unit Symbol)	Map Unit Symbol	NRCS Land Capability Class	Current Irrigation Status	Acres	% of Total Acres
Shano silt loam, 2 to 7 percent slopes	89B	4	Non-irrigated	20.20	1.25%
Burke silt loam, 1 to 7 percent slopes	15B	4	Non-irrigated	193.08	11.90%
Ritzville silt loam, 2 to 7 percent slopes	80B	3	Non-irrigated	313.76	19.34%
Ritzville very fine sandy loam, 2 to 7 percent slopes	79B	3	Non-irrigated	78.75	4.85%
Burke silt loam, 1 to 7 percent slopes	15B	4	Non-irrigated	68.89	4.25%
Powder silt loam, 0 to 3 percent slopes	72A	4	Non-irrigated	1.02	0.06%
Burke silt loam, 12 to 30 percent slopes	15E	4	Non-irrigated	23.74	1.46%
Burke silt loam, 12 to 30 percent slopes	15E	4	Non-irrigated	0.11	0.01%
Willis silt loam, 12 to 30 percent slopes	121D	4	Non-irrigated	0.65	0.04%
Shano very fine sandy loam, 2 to 7 percent slopes	88B	4	Non-irrigated	732.19	45.14%
Shano very fine sandy loam, 7 to 12 percent slopes	88C	4	Non-irrigated	11.36	0.70%
Burke silt loam, 7 to 12 percent slopes	15C	4	Non-irrigated	75.73	4.67%
Shano very fine sandy loam, 12 to 25 percent slopes	88D	4	Non-irrigated	28.36	1.75%
Ritzville silt loam, 7 to 12 percent slopes	80C	3	Non-irrigated	10.91	0.67%
Burke silt loam, 7 to 12 percent slopes	15C	4	Non-irrigated	3.94	0.24%
Xerollic Durorthids, 30 to 60 percent slopes	127F	7	Non-irrigated	59.38	3.66%
TOTAL				**1622.09**	100%

PROJECT AREA EXTENT

The soil types and NRCS soil classifications within the Project Area Extent are shown in Table 4 below and in the NRCS Soils Map, ***Appendix 1***. The Applicant took into account whether the soil was currently irrigated or non-irrigated when defining the soil types and classes. The Project Area Extent is comprised entirely of Class 3 and 4 non-irrigated soils.

Table 4: Soil Types within Project Area Extent

Soil Map Unit Name (Map Unit Symbol)	Map Unit Symbol	NRCS Land Capability Class	Current Irrigation Status	Acres	% of Project Area Extent
Ritzville silt loam, 2 to 7 percent slopes	80B	3	Non irrigated	11.02	1.76%
Ritzville very fine sandy loam, 2 to 7 percent slopes	79B	3	Non irrigated	76.83	12.26%
Shano very fine sandy loam, 2 to 7 percent slopes	88B	4	Non irrigated	518.15	82.71%
Shano very fine sandy loam, 7 to 12 percent slopes	88C	4	Non irrigated	11.30	1.80%
Shano very fine sandy loam, 12 to 25 percent slopes	88D	4	Non irrigated	5.30	0.85%
Burke silt loam, 7 to 12 percent slopes	15C	4	Non irrigated	3.88	0.62%
TOTAL				**626.48**	100%

IV. HIGH-VALUE FARMLAND

Using the information above regarding soil types and soil class, the Applicant can then categorize the soils within the Project Tract and Project Area Extent under Oregon Administrative Rule ("OAR") 660-033-0130(38) (hereafter known as the "DLCD siting standards"). The DLCD siting standards provide different rules for siting photovoltaic solar power generation facilities depending on the type of land found at the project site. The standards delineate between high-value farmland, arable land, and non-arable land. OAR 660-033-0130 (38) is attached as ***Appendix 2*** and refers to all the definitions within the soils analysis.

As further detailed in the analysis below and shown in Figure 2, the Project Tract is predominately arable lands and soils, with 493.72 acres of high-value farmland as defined by ORS 195.300(10)f). As further detailed in the analysis below and shown in Figure 3, the Project Area Extent is predominately arable lands and soils, with 157.92 acres of high-value farmland as defined by ORS 195.300(10)(f).

LEGAL ANALYSIS

OAR 660-033-0130(38) relies on the definition of high-value farmland described at ORS 195.300(10). The Applicant analyzes those provisions below.[1]

ORS 195.300(10) *"High-value farmland" means:*

ORS 195.300(10)(a) *High-value farmland as described in ORS 215.710 (High-value farmland description for ORS 215.705) that is land in an exclusive farm use zone or a mixed farm and forest zone, except that the dates specified in ORS 215.710 (High-value farmland description for ORS 215.705) (2), (4) and (6) are December 6, 2007.*

> ***ORS 215.710(1)*** *For purposes of ORS 215.705 (Dwellings in farm or forest zone), high-value farmland is land in a tract composed predominantly of soils that, at the time the siting of a dwelling is approved for the tract, are:*
>
> *(a)Irrigated and classified prime, unique, Class I or Class II; or*
>
> *(b)Not irrigated and classified prime, unique, Class I or Class II.*

Response: ORS 195.300(10)(a) incorporates by reference the definition of high-value farmland from ORS 215.710. As demonstrated in Table 3 above, the Project Tract contains no soils that are irrigated and prime, unique, Class I or Class II soils, nor any soils that are not irrigated and classified as prime, unique, Class I or Class II soils. The same applies to the Project Area Extent, as demonstrated in Table 4 above. Therefore, the 1,622-acre Project Tract is *not* composed predominately of high-value farmland under ORS 215.710(1) and the Project Tract is not considered high-value farmland under ORS 195.300(10)(a). The same applies to the Project Area Extent.

ORS 215.710(2) *In addition to that land described in subsection (1) of this section, for purposes of ORS 215.705 (Dwellings in farm or forest zone), high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this subsection, specified perennials means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture or alfalfa.*

[1] Some sections are not applicable and were not analyzed, including ORS 215.710(3)-(4) and ORS 195.300(10) (b), (d), and (e).

Response: The Project Tract and Project Area Extent are not used for growing perennials. The land is therefore not considered high-value farmland under this definition.

ORS 195.300(10)(c) *Land that is in an exclusive farm use zone or a mixed farm and forest zone and that on June 28, 2007, is:*

(A) Within the place of use for a permit, certificate or decree for the use of water for irrigation issued by the Water Resources Department;

(B) Within the boundaries of a district, as defined in ORS 540.505 (Definitions); or

(C) Within the boundaries of a diking district formed under ORS chapter 551.

Response: The Project Tract and Project Area Extent are not within the place of use for a permit, certificate or decree for the use of water for irrigation by the Water Resources Department, the boundaries of a district as defined in ORS 540.505 or of a diking district formed under ORS Chapter 551, on the look-back date of June 28, 2007, which is included in the definition.[2] The Applicant has confirmed with the Columbia Irrigation District (CID), which serves portions of Umatilla County, the Project Tract and Project Area Extent are not within the CID boundaries, based on review of the CID boundaries before the 2019 expansion.

ORS 195.300(10)(f) *Land that is in an exclusive farm use zone and that is no more than 3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:*

(A) The portion of the Columbia Gorge viticultural area as described in 27 C.F.R. 9.178 that is within the State of Oregon;

(B) The Rogue Valley viticultural area as described in 27 C.F.R. 9.132*;*

(C) The portion of the Columbia Valley viticultural area as described in 27 C.F.R. 9.74 that is within the State of Oregon;

(D) The portion of the Walla Walla Valley viticultural area as described in 27 C.F.R. 9.91 that is within the State of Oregon; or

(E) The portion of the Snake River Valley viticultural area as described in 27 C.F.R. 9.208 that is within the State of Oregon.

Response: The Project Tract and Project Area Extent are located within the Exclusive Farm Use ("EFU") zone, below 3,000 feet above mean sea level, and located within the Columbia Valley viticultural area. The critical factor for whether the Project Tract or Project Area Extent consist of high-value farmland under this criterion is the slope and aspect of the land[3]. To evaluate slope and aspect, the Applicant utilized a dataset created by the Oregon Ocean-Coastal Management Program - Department of Land Conservation and Development (titled sde.gis.pln_or_viticultural_areas_2007), which identifies land that meets these conditions.

[2] It is important when reading the statute to note the use of the word "on" when establishing the June 28, 2007 date. The language does not say "since" or "on or following" it specifically says "on." The plain language of the statute makes clear that the legislature intended to impose a specific "look back date" for purposes of applying the new high-value farmland definitions adopted under the Measure 37/49 regime.

[3] Aspect refers to the compass direction that a slope is facing.

As shown in Figure 2 below, that dataset shows that some portions of the Project Tract are considered high-value farmland by this definition because the land has a slope between 0 and 15 percent and an aspect that is between 67.5 and 292.5 degrees. 493.72 acres of the Project Tract are considered high-value farmland under ORS 195.300(10)(f)(C).

As shown in Figure 3 below, the dataset shows that some portions of the Project Area Extent are considered high-value farmland by this definition because the land has a slope between 0 and 15 percent and an aspect that is between 67.5 and 292.5 degrees. As depicted in Figure 3, 157.92 acres of the Project Area Extent are considered high-value farmland under ORS 195.300(10)(f)(C).

Figure 2: High-Value Farmland within the Project Tract

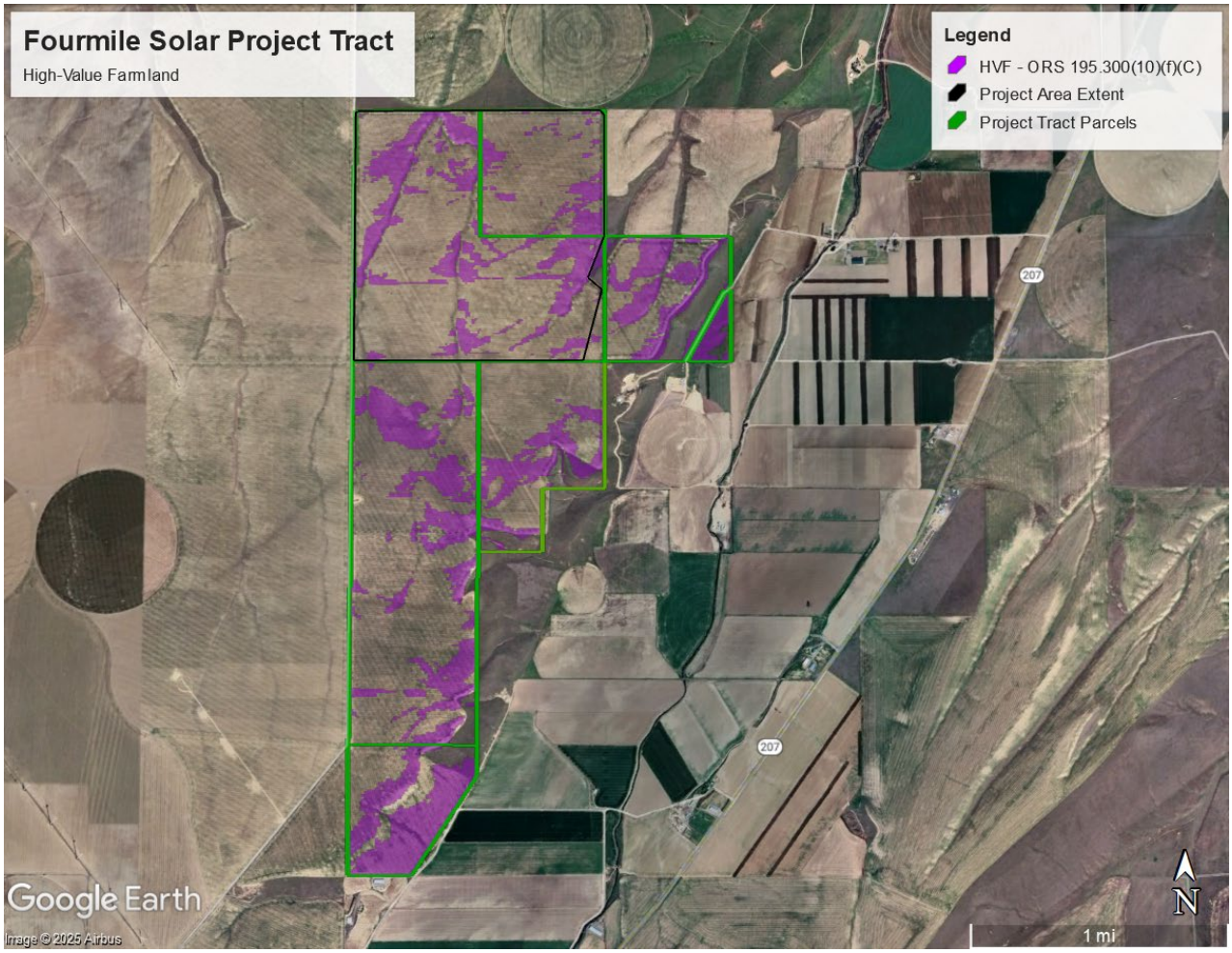


Figure 3: High-Value Farmland within the Project Area Extent

V. ARABLE AND NON-ARABLE LAND

OAR 660-033-0130(38) provides the following definitions for arable and non-arable land and soils.

OAR 660-033-0130(38)(a) *"Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.*

Response: The Project Tract is predominately cultivated and therefore the Project Area Extent is considered arable land.

OAR 660-033-0130(38)(b) *"Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application but do not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.*

Response: Based on the definition of non-arable soils below (which states that non-arable soils are NRCS Class V-VIII), the Applicant is considering "arable soils" to mean soils with a NRCS Class I-IV. As demonstrated in Table 4, the Project Area Extent includes only Class III and IV soils. However, the definition states that arable soils "do not include high-value farmland soils." There are 157.92 acres of arable soils that overlap with high-value farmland soils (ORS 195.300(10)(f)(C)) within the Project Area Extent, therefore, the Project Area Extent has 468.56 acres of arable soils, not including those already designated as HVF (see Table 5 below).

Table 5: Soil Designations and HVF acreage within Project Area Extent

	High Value Farmland	Not High Value Farmland	Total
Arable Soils	157.92	468.56	626.48
Nonarable Soils	0	0	0
Total	157.92	468.56	626.48

OAR 660-033-0130(38)(d) *"Nonarable land" means land in a tract that is predominately not cultivated and predominately comprised of nonarable soils.*

Response: The Project Tract is predominately cultivated. Therefore, the soils cannot be considered "nonarable land".

OAR 660-033-0130(38)(e) *"Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V-VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.*

Response: The Project Tract is predominately cultivated. Therefore, the soils cannot be considered "nonarable land" and it is not predominately comprised of nonarable soils (see Table 3).

APPENDIX 1: NRCS SOILS REPORT – PROJECT TRACT

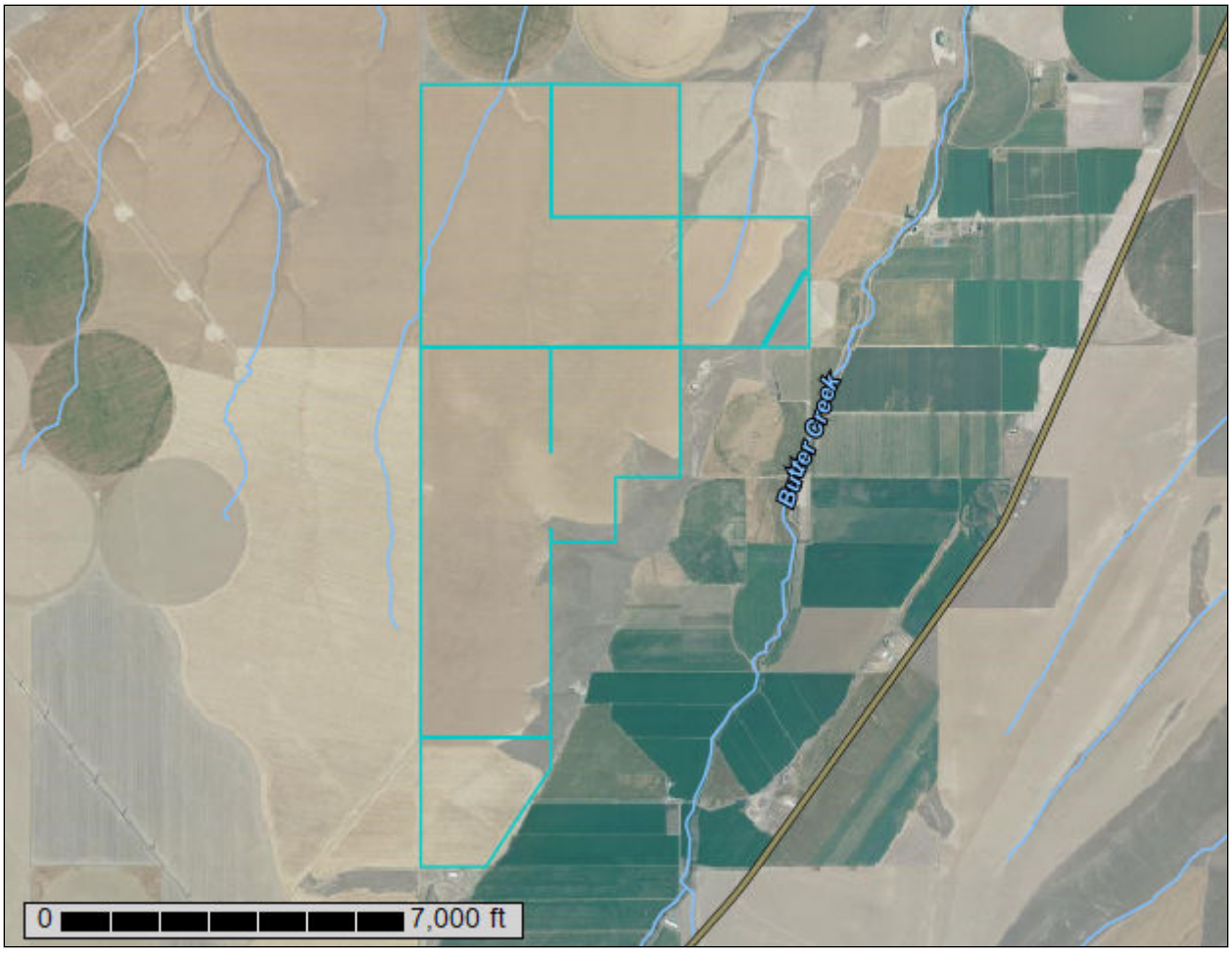
United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Umatilla County Area, Oregon



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

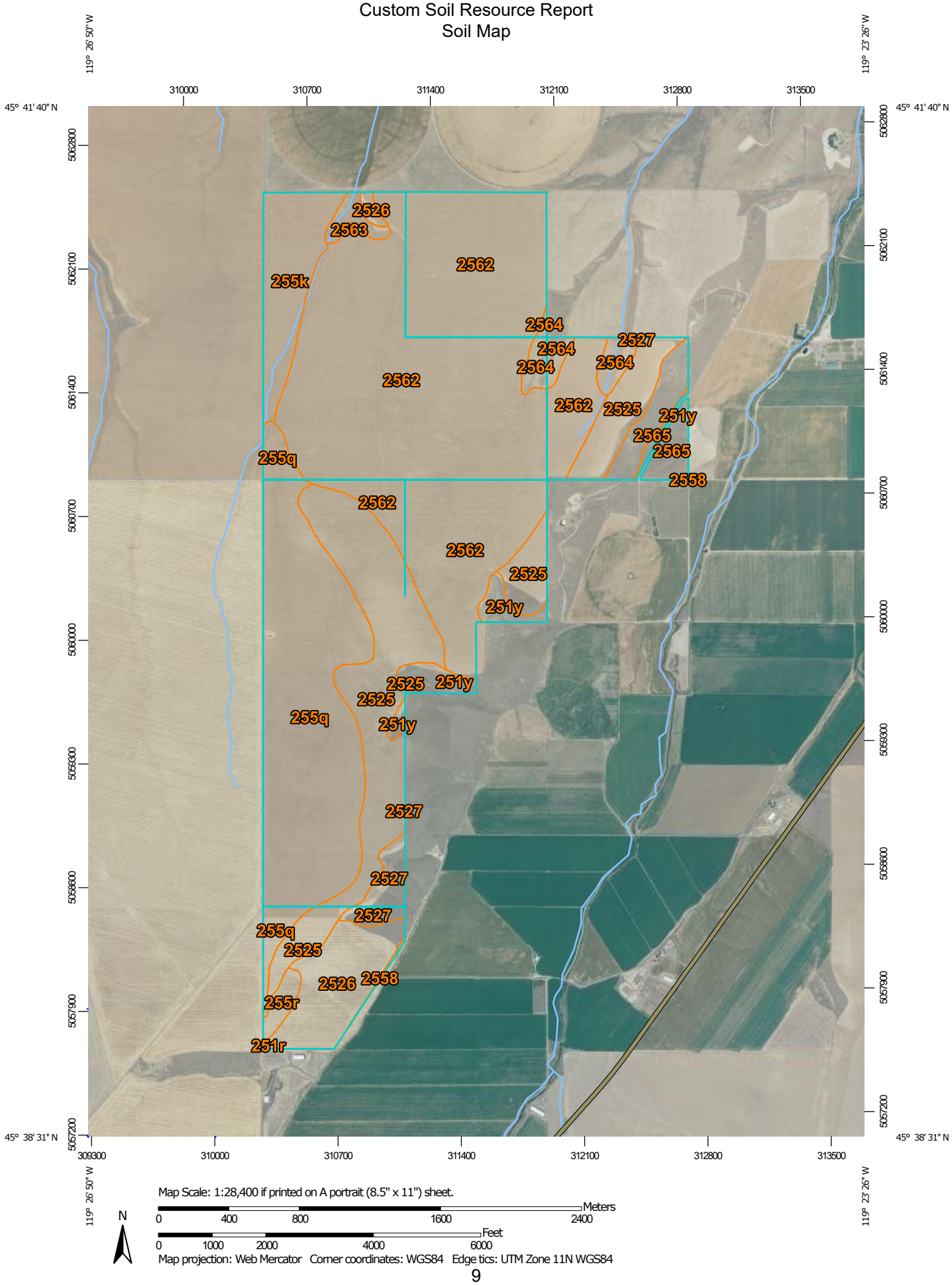
Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.


119° 26' 50" W
119° 23' 26" W
45° 41' 40" N
45° 38' 31" N
310000
310700
311400
312100
312800
313500
309300
5062800
5062100
5061400
5060700
5060000
5059300
5058600
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2526
2563
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251y
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251r
Map Scale: 1:28,400 if printed on A portrait (8.5" x 11") sheet.
N
Meters
0
400
800
1600
2400
Feet
0
1000
2000
4000
6000
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Umatilla County Area, Oregon
Survey Area Data: Version 23, Sep 3, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 3, 2020—Jun 26, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
251r	Willis silt loam, 12 to 30 percent slopes	0.7	0.0%
251y	Xerollic Durorthids, 30 to 60 percent slopes	59.4	3.7%
2525	Burke silt loam, 1 to 7 percent slopes	262.0	16.1%
2526	Burke silt loam, 7 to 12 percent slopes	79.7	4.9%
2527	Burke silt loam, 12 to 30 percent slopes	23.9	1.5%
2558	Powder silt loam, 0 to 3 percent slopes	1.0	0.1%
255k	Ritzville very fine sandy loam, 2 to 7 percent slopes	78.8	4.9%
255q	Ritzville silt loam, 2 to 7 percent slopes	313.8	19.3%
255r	Ritzville silt loam, 7 to 12 percent slopes	10.9	0.7%
2562	Shano very fine sandy loam, 2 to 7 percent slopes	732.2	45.1%
2563	Shano very fine sandy loam, 7 to 12 percent slopes	11.4	0.7%
2564	Shano very fine sandy loam, 12 to 25 percent slopes	28.4	1.7%
2565	Shano silt loam, 2 to 7 percent slopes	20.2	1.2%
Totals for Area of Interest		**1,622.1**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made

up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Umatilla County Area, Oregon

251r—Willis silt loam, 12 to 30 percent slopes

Map Unit Setting

National map unit symbol: 251r
Elevation: 1,000 to 1,600 feet
Mean annual precipitation: 11 to 12 inches
Mean annual air temperature: 50 to 52 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Willis and similar soils: 65 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Willis

Setting

Landform: Terraces
Landform position (three-dimensional): Riser
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over cemented alluvium

Typical profile

A - 0 to 7 inches: silt loam
Bw - 7 to 27 inches: silt loam
Bk - 27 to 33 inches: silt loam
2Bkqm - 33 to 37 inches: cemented material

Properties and qualities

Slope: 12 to 30 percent
Depth to restrictive feature: 20 to 40 inches to duripan
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 6.6 inches)

Interpretive groups

Land capability classification (irrigated): 6e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: C
Ecological site: R007XY020OR - South 8-10 PZ
Hydric soil rating: No

251y—Xerollic Durorthids, 30 to 60 percent slopes

Map Unit Setting

National map unit symbol: 251y
Elevation: 800 to 1,200 feet
Mean annual precipitation: 10 to 12 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 160 to 190 days
Farmland classification: Not prime farmland

Map Unit Composition

Xerollic durorthids and similar soils: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Xerollic Durorthids

Setting

Landform: Terraces
Landform position (three-dimensional): Riser
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Loess mixed with alluvium over strongly cemented alluvium

Typical profile

H1 - 0 to 4 inches: cobbly very fine sandy loam
H2 - 4 to 16 inches: gravelly very fine sandy loam
H3 - 16 to 20 inches: cemented material

Properties and qualities

Slope: 30 to 60 percent
Depth to restrictive feature: 10 to 40 inches to duripan
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 2.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: D
Ecological site: R008XY220OR - North 10-14 PZ
Hydric soil rating: No

2525—Burke silt loam, 1 to 7 percent slopes

Map Unit Setting

National map unit symbol: 2525
Elevation: 650 to 1,300 feet
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Burke and similar soils: 75 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Burke

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over strongly cemented alluvium

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 26 inches: silt loam
H3 - 26 to 60 inches: cemented material

Properties and qualities

Slope: 1 to 7 percent
Depth to restrictive feature: 20 to 40 inches to duripan
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 5.2 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: C
Ecological site: R007XY014OR - Loamy 8-10 PZ
Hydric soil rating: No

2526—Burke silt loam, 7 to 12 percent slopes

Map Unit Setting

National map unit symbol: 2526
Elevation: 650 to 1,300 feet
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Burke and similar soils: 75 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Burke

Setting

Landform: Terraces
Landform position (three-dimensional): Riser
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over strongly cemented alluvium

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 26 inches: silt loam
H3 - 26 to 60 inches: cemented material

Properties and qualities

Slope: 7 to 12 percent
Depth to restrictive feature: 20 to 40 inches to duripan
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 5.2 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: C
Ecological site: R007XY014OR - Loamy 8-10 PZ
Hydric soil rating: No

2527—Burke silt loam, 12 to 30 percent slopes

Map Unit Setting

National map unit symbol: 2527
Elevation: 650 to 1,300 feet
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Burke and similar soils: 75 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Burke

Setting

Landform: Terraces
Landform position (three-dimensional): Riser
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over strongly cemented alluvium

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 26 inches: silt loam
H3 - 26 to 60 inches: cemented material

Properties and qualities

Slope: 12 to 30 percent
Depth to restrictive feature: 20 to 40 inches to duripan
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 5.2 inches)

Interpretive groups

Land capability classification (irrigated): 6e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: C
Ecological site: R007XY014OR - Loamy 8-10 PZ
Hydric soil rating: No

2558—Powder silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2558
Elevation: 500 to 1,300 feet
Mean annual precipitation: 9 to 12 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 160 to 180 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Powder and similar soils: 90 percent
Minor components: 1 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Powder

Setting

Landform: Flood plains
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Calcareous, silty alluvium

Typical profile

H1 - 0 to 15 inches: silt loam
H2 - 15 to 27 inches: silt loam
H3 - 27 to 60 inches: silt loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: About 48 to 72 inches
Frequency of flooding: Rare
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Very high (about 13.2 inches)

Interpretive groups

Land capability classification (irrigated): 2c
Land capability classification (nonirrigated): 4c
Hydrologic Soil Group: B
Ecological site: R010XY005OR - LOAMY BOTTOM
Hydric soil rating: No

Minor Components

Aquolls

Percent of map unit: 1 percent

Landform: Depressions
Hydric soil rating: Yes

255k—Ritzville very fine sandy loam, 2 to 7 percent slopes

Map Unit Setting

National map unit symbol: 255k
Elevation: 900 to 1,900 feet
Mean annual precipitation: 10 to 12 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Ritzville and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ritzville

Setting

Landform: Hills
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess mixed with small amounts of volcanic ash

Typical profile

H1 - 0 to 8 inches: very fine sandy loam
H2 - 8 to 30 inches: silt loam
H3 - 30 to 60 inches: silt loam

Properties and qualities

Slope: 2 to 7 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 11.7 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: B
Ecological site: R008XY130OR - Sandy Loam 10-12 PZ
Hydric soil rating: No

255q—Ritzville silt loam, 2 to 7 percent slopes

Map Unit Setting

National map unit symbol: 255q
Elevation: 900 to 1,900 feet
Mean annual precipitation: 10 to 12 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Ritzville and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ritzville

Setting

Landform: Hills
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess mixed with small amounts of volcanic ash

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 30 inches: silt loam
H3 - 30 to 60 inches: silt loam

Properties and qualities

Slope: 2 to 7 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 12.0 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: B
Ecological site: R008XY110OR - Loamy 10-12 PZ
Hydric soil rating: No

255r—Ritzville silt loam, 7 to 12 percent slopes

Map Unit Setting

National map unit symbol: 255r
Elevation: 900 to 1,900 feet
Mean annual precipitation: 10 to 12 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Ritzville and similar soils: 80 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ritzville

Setting

Landform: Hills
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess mixed with small amounts of volcanic ash

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 30 inches: silt loam
H3 - 30 to 60 inches: silt loam

Properties and qualities

Slope: 7 to 12 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 12.0 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: B
Ecological site: R008XY110OR - Loamy 10-12 PZ
Hydric soil rating: No

2562—Shano very fine sandy loam, 2 to 7 percent slopes

Map Unit Setting

National map unit symbol: 2562
Elevation: 650 to 1,500 feet
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Shano and similar soils: 80 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Shano

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over calcareous, lacustrine deposits

Typical profile

H1 - 0 to 2 inches: very fine sandy loam
H2 - 2 to 18 inches: silt loam
H3 - 18 to 60 inches: silt loam

Properties and qualities

Slope: 2 to 7 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 11.3 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R007XY013OR - Sandy Loam 8-10 PZ
Hydric soil rating: No

2563—Shano very fine sandy loam, 7 to 12 percent slopes

Map Unit Setting

National map unit symbol: 2563
Elevation: 650 to 1,500 feet
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Shano and similar soils: 75 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Shano

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over calcareous, lacustrine deposits

Typical profile

H1 - 0 to 2 inches: very fine sandy loam
H2 - 2 to 18 inches: silt loam
H3 - 18 to 60 inches: silt loam

Properties and qualities

Slope: 7 to 12 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 11.3 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R007XY013OR - Sandy Loam 8-10 PZ
Hydric soil rating: No

2564—Shano very fine sandy loam, 12 to 25 percent slopes

Map Unit Setting

National map unit symbol: 2564
Elevation: 650 to 1,500 feet
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Shano and similar soils: 65 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Shano

Setting

Landform: Terraces
Landform position (three-dimensional): Riser
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over calcareous, lacustrine deposits

Typical profile

H1 - 0 to 2 inches: very fine sandy loam
H2 - 2 to 18 inches: silt loam
H3 - 18 to 60 inches: silt loam

Properties and qualities

Slope: 12 to 25 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 11.3 inches)

Interpretive groups

Land capability classification (irrigated): 6e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R007XY013OR - Sandy Loam 8-10 PZ
Hydric soil rating: No

2565—Shano silt loam, 2 to 7 percent slopes

Map Unit Setting

National map unit symbol: 2565
Elevation: 650 to 1,500 feet
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Shano and similar soils: 80 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Shano

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over calcareous, lacustrine deposits

Typical profile

H1 - 0 to 2 inches: silt loam
H2 - 2 to 18 inches: silt loam
H3 - 18 to 65 inches: silt loam

Properties and qualities

Slope: 2 to 7 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 11.4 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R007XY014OR - Loamy 8-10 PZ
Hydric soil rating: No

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APPENDIX 2: NRCS SOILS REPORT – PROJECT AREA EXTENT

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Umatilla County Area, Oregon

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

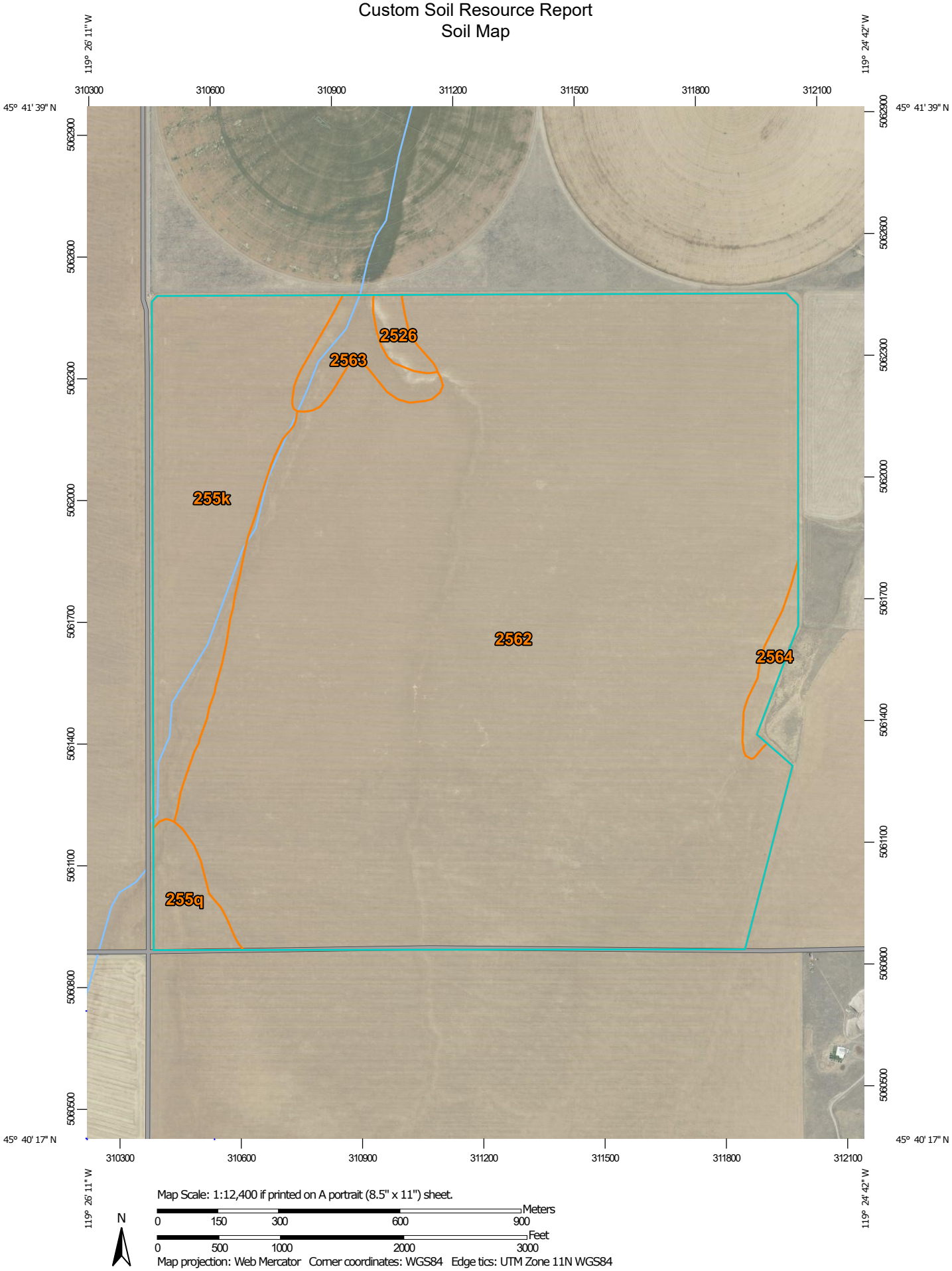
Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.


119° 26' 11" W
119° 24' 42" W
310300
310600
310900
311200
311500
311800
312100
45° 41' 39" N
45° 40' 17" N
5062900
5062600
5062300
5062000
5061700
5061400
5061100
5060800
5060500
2526
2563
255k
2562
2564
255q
Map Scale: 1:12,400 if printed on A portrait (8.5" x 11") sheet.
N
Meters
0 150 300 600 900
Feet
0 500 1000 2000 3000
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Umatilla County Area, Oregon
Survey Area Data: Version 23, Sep 3, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 3, 2020—Jun 26, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
2526	Burke silt loam, 7 to 12 percent slopes	3.9	0.6%
255k	Ritzville very fine sandy loam, 2 to 7 percent slopes	76.8	12.3%
255q	Ritzville silt loam, 2 to 7 percent slopes	11.0	1.8%
2562	Shano very fine sandy loam, 2 to 7 percent slopes	518.1	82.7%
2563	Shano very fine sandy loam, 7 to 12 percent slopes	11.3	1.8%
2564	Shano very fine sandy loam, 12 to 25 percent slopes	5.3	0.8%
Totals for Area of Interest		**626.5**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it

was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Umatilla County Area, Oregon

2526—Burke silt loam, 7 to 12 percent slopes

Map Unit Setting

National map unit symbol: 2526
Elevation: 650 to 1,300 feet
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Burke and similar soils: 75 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Burke

Setting

Landform: Terraces
Landform position (three-dimensional): Riser
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over strongly cemented alluvium

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 26 inches: silt loam
H3 - 26 to 60 inches: cemented material

Properties and qualities

Slope: 7 to 12 percent
Depth to restrictive feature: 20 to 40 inches to duripan
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 5.2 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: C
Ecological site: R007XY014OR - Loamy 8-10 PZ
Hydric soil rating: No

255k—Ritzville very fine sandy loam, 2 to 7 percent slopes

Map Unit Setting

National map unit symbol: 255k
Elevation: 900 to 1,900 feet
Mean annual precipitation: 10 to 12 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Ritzville and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ritzville

Setting

Landform: Hills
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess mixed with small amounts of volcanic ash

Typical profile

H1 - 0 to 8 inches: very fine sandy loam
H2 - 8 to 30 inches: silt loam
H3 - 30 to 60 inches: silt loam

Properties and qualities

Slope: 2 to 7 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 11.7 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: B
Ecological site: R008XY130OR - Sandy Loam 10-12 PZ
Hydric soil rating: No

255q—Ritzville silt loam, 2 to 7 percent slopes

Map Unit Setting

National map unit symbol: 255q
Elevation: 900 to 1,900 feet
Mean annual precipitation: 10 to 12 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Ritzville and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ritzville

Setting

Landform: Hills
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess mixed with small amounts of volcanic ash

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 30 inches: silt loam
H3 - 30 to 60 inches: silt loam

Properties and qualities

Slope: 2 to 7 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 12.0 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: B
Ecological site: R008XY110OR - Loamy 10-12 PZ
Hydric soil rating: No

2562—Shano very fine sandy loam, 2 to 7 percent slopes

Map Unit Setting

National map unit symbol: 2562
Elevation: 650 to 1,500 feet
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Shano and similar soils: 80 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Shano

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over calcareous, lacustrine deposits

Typical profile

H1 - 0 to 2 inches: very fine sandy loam
H2 - 2 to 18 inches: silt loam
H3 - 18 to 60 inches: silt loam

Properties and qualities

Slope: 2 to 7 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 11.3 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R007XY013OR - Sandy Loam 8-10 PZ
Hydric soil rating: No

2563—Shano very fine sandy loam, 7 to 12 percent slopes

Map Unit Setting

National map unit symbol: 2563
Elevation: 650 to 1,500 feet
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Shano and similar soils: 75 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Shano

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over calcareous, lacustrine deposits

Typical profile

H1 - 0 to 2 inches: very fine sandy loam
H2 - 2 to 18 inches: silt loam
H3 - 18 to 60 inches: silt loam

Properties and qualities

Slope: 7 to 12 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 11.3 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R007XY013OR - Sandy Loam 8-10 PZ
Hydric soil rating: No

2564—Shano very fine sandy loam, 12 to 25 percent slopes

Map Unit Setting

National map unit symbol: 2564
Elevation: 650 to 1,500 feet
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Shano and similar soils: 65 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Shano

Setting

Landform: Terraces
Landform position (three-dimensional): Riser
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over calcareous, lacustrine deposits

Typical profile

H1 - 0 to 2 inches: very fine sandy loam
H2 - 2 to 18 inches: silt loam
H3 - 18 to 60 inches: silt loam

Properties and qualities

Slope: 12 to 25 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 11.3 inches)

Interpretive groups

Land capability classification (irrigated): 6e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R007XY013OR - Sandy Loam 8-10 PZ
Hydric soil rating: No

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APPENDIX 3: OAR 660-011-0130

Land Conservation and Development Department

Chapter 660

Division 33
AGRICULTURAL LAND

660-033-0130
Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

The following requirements apply to uses specified, and as listed in the table adopted by OAR 660-033-0120. For each section of this rule, the corresponding section number is shown in the table. Where no numerical reference is indicated on the table, this rule does not specify any minimum review or approval criteria. Counties may include procedures and conditions in addition to those listed in the table, as authorized by law.

(1) A dwelling on farmland may be considered customarily provided in conjunction with farm use if it meets the requirements of OAR 660-033-0135.

(2)(a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(c) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

(3)(a) A dwelling may be approved on a pre-existing lot or parcel if:

(A) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in subsection (3)(g) of this rule:

(i) Since prior to January 1, 1985; or

(ii) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

(B) The tract on which the dwelling will be sited does not include a dwelling;

(C) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

(D) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;

(E) The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in subsections (3)(c) and (d) of this rule; and

(F) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon

which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

(b) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

(c) Notwithstanding the requirements of paragraph (3)(a)(E) of this rule, a single-family dwelling may be sited on high-value farmland if:

(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;

(B) The lot or parcel is protected as high-value farmland as defined in OAR 660-033-0020(8)(a);

(C) A hearings officer of a county determines that:

(i) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot of parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;

(ii) The dwelling will comply with the provisions of ORS 215.296(1); and

(iii) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in paragraph (4)(a)(D) of this rule; and

(D) A local government shall provide notice of all applications for dwellings allowed under subsection (3)(c) of this rule to the Oregon Department of Agriculture. Notice shall be provided in accordance with the governing body's land use regulations but shall be mailed at least 20 calendar days prior to the public hearing before the hearings officer under paragraph (3)(c)(C) of this rule.

(d) Notwithstanding the requirements of paragraph (3)(a)(E) of this rule, a single-family dwelling may be sited on high-value farmland if:

(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;

(B) The tract on which the dwelling will be sited is:

(i) Identified in OAR 660-033-0020(8)(c) or (d);

(ii) Not high-value farmland defined in OAR 660-033-0020(8)(a); and

(iii) Twenty-one acres or less in size; and

(C) The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

(D) The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or

(E) The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flaglot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flaglot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:

(i) "Flaglot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.

(ii) "Geographic center of the flaglot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.

(e) If land is in a zone that allows both farm and forest uses, is acknowledged to be in compliance with both Goals 3 and 4 and may qualify as an exclusive farm use zone under ORS chapter 215, a county may apply the standards for siting a dwelling under either section (3) of this rule or OAR 660-006-0027, as appropriate for the predominant use of the tract on January 1, 1993;

(f) A county may, by application of criteria adopted by ordinance, deny approval of a dwelling allowed under section (3) of this rule in any area where the county determines that approval of the dwelling would:

(A) Exceed the facilities and service capabilities of the area;

(B) Materially alter the stability of the overall land use pattern of the area; or

(C) Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.

(g) For purposes of subsection (3)(a) of this rule, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;

(h) The county assessor shall be notified that the governing body intends to allow the dwelling.

(i) When a local government approves an application for a single-family dwelling under section (3) of this rule, the application may be transferred by a person who has qualified under section (3) of this rule to any other person after the effective date of the land use decision.

(4) A single-family residential dwelling not provided in conjunction with farm use requires approval of the governing body or its designate in any farmland area zoned for exclusive farm use:

(a) In the Willamette Valley, the use may be approved if:

(A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(B) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(C) The dwelling will be sited on a lot or parcel created before January 1, 1993;

(D) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard, the county shall:

(i) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

(ii) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under subsection (3)(a) and section (4) of this rule, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4), ORS 215.263(5), and ORS 215.284(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph; and

(iii) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

(E) The dwelling complies with such other conditions as the governing body or its designate considers necessary.

(b) In the Willamette Valley, on a lot or parcel allowed under OAR 660-033-0100(7), the use may be approved if:

(A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(B) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated and whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in paragraph (4)(a)(D) of this rule; and

(C) The dwelling complies with such other conditions as the governing body or its designate considers necessary.

(c) In counties located outside the Willamette Valley require findings that:

(A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(B)(i) The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, or, in the case of an existing lot or parcel, upon a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

(ii) A lot or parcel or portion of a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then the lot or parcel or portion of the lot or parcel is not "generally unsuitable". A lot or parcel or portion of a lot or parcel is presumed to be suitable if, in Western Oregon it is composed predominantly of Class I-IV soils or, in Eastern Oregon, it is composed predominantly of Class I-VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(iii) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if, in Western Oregon, it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year, or in Eastern Oregon it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(C) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in paragraph (4)(a)(D) of this rule. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in paragraph (4)(a)(D) of this rule; and

(D) The dwelling complies with such other conditions as the governing body or its designate considers necessary.

(d) If a single-family dwelling is established on a lot or parcel as set forth in section (3) of this rule or OAR 660-006-0027, no additional dwelling may later be sited under the provisions of section (4) of this rule;

(e) Counties that have adopted marginal lands provisions before January 1, 1993, shall apply the standards in ORS 215.213(3) through 215.213(8) for nonfarm dwellings on lands zoned exclusive farm use that are not designated marginal or high-value farmland.

(5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(c) For purposes of subsection (a) and (b), a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:

(A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;

(B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and

(C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.

(D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.

(E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsections (a) and (b).

(F) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection (a) and (b).

(6) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in ORS 215.203(2). Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.

(7) A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.

(8)(a) A lawfully established dwelling may be altered, restored or replaced under ORS 215.213(1)(q) or 215.283(1)(p) if, when an application for a permit is submitted, the county finds to its satisfaction, based on substantial evidence that the dwelling to be altered, restored or replaced has, or formerly had:

(A) Intact exterior walls and roof structure;

(B) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(C) Interior wiring for interior lights; and

(D) A heating system;

(b) An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (a).

(c) Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.

(d) In addition to the provisions of subsection (a), the dwelling to be replaced meets one of the following conditions;

(A) If the value of the dwelling to be replaced was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:

(i) Five years before the date of the destruction or demolition; or

(ii) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or

(B) The value of dwelling to be replaced has not been eliminated due to destruction or demolition, and the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of:

(i) Five years before the date of the application; or

(ii) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.

(e) For replacement of a lawfully established dwelling under ORS 215.213(1)(q) or 215.283(1)(p):

(A) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.

(B) The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

(C) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of ORS 215.291 and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

(D) The county planning director, or the director's designee, shall maintain a record of:

(i) The lots and parcels for which dwellings to be replaced have been removed, demolished or converted; and

(ii) The lots and parcels that do not qualify for the siting of a new dwelling under subsection (e), including a copy of the deed restrictions filed under paragraph (C) of this subsection.

(f)(A) A replacement dwelling under ORS 215.213(1)(q) or 215.283(1)(p) must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.

(B) The replacement dwelling may be sited on any part of the same lot or parcel:

(C) The replacement dwelling must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

(D) The replacement dwelling must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(i) The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or

(ii) No statewide map of wildfire risk has been adopted.

(9)(a) To qualify for a relative farm help dwelling, a dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

(b) A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use.

(c) For the purpose of subsection (a), "relative" means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse.

(d) Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel requirements under ORS 215.780, if the owner of a dwelling described in this section obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the "homesite," as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect.

(e) For the purpose of subsection (d), "foreclosure" means only those foreclosures that are exempt from partition under ORS 92.010(9)(a).

(10) Temporary residence for the term of the hardship suffered by the existing resident or relative as defined in ORS chapter 215. As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons. "Hardship" also includes a natural hazard event that has destroyed homes, caused residential evacuations, or both, and resulted in an Executive Order issued by the Governor declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq. A temporary residence approved under this section is not eligible for replacement under ORS 215.213(1)(q) or 215.283(1)(p).

(a) For a medical hardship or hardship for the care of an aged or infirm person or persons the temporary residence may include a manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building. A manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required. Governing bodies shall review the permit authorizing such manufactured homes every two years. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished, or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed nonresidential use. Department of Environmental Quality review and removal requirements also apply.

(b) For hardships based on a natural hazard event described in this section, the temporary residence may include a recreational vehicle or the temporary residential use of an existing building. Governing bodies shall review the permit authorizing such temporary residences every two years. Within three months of the end of the hardship, the recreational vehicle shall be removed or demolished, or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed nonresidential use. Department of Environmental Quality review and removal requirements also apply.

(c) For applications submitted under subsection (b) of this section, the county may find that the criteria of section (5) are satisfied when:

(A) The temporary residence is established within an existing building or, if a recreational vehicle, is located within 100 feet of the primary residence; or

(B) The temporary residence is located further than 250 feet from adjacent lands planned and zoned for resource use under Goal 3, Goal 4, or both.

(11) Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural process or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zones under this division is allowed. For the purposes of this section, onsite treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.

(12) In order to meet the requirements specified in the statute, a historic dwelling shall be listed on the National Register of Historic Places.

(13) Roads, highways and other transportation facilities, and improvements not otherwise allowed under this rule may be established, subject to the adoption of the governing body or its designate of an exception to Goal 3, Agricultural Lands, and to any other applicable goal with which the facility or improvement does not comply. In addition, transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 660-012-0035 and 660-012-0065.

(14) Home occupations and the parking of vehicles may be authorized.

(a) Home occupations shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.

(b) A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located, and shall employ on the site no more than five full-time or part-time persons.

(c) A governing body may only approve a use provided in OAR 660-033-0120 as a home occupation if:

(A) The scale and intensity of the use is no more intensive than the limitations and conditions otherwise specified for the use in OAR 660-033-0120, and

(B) The use is accessory, incidental and subordinate to the primary residential use of a dwelling on the property.

(15) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(16)(a) A utility facility established under ORS 215.213(1)(c) or 215.283(1)(c) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must:

(A) Show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(i) Technical and engineering feasibility;

(ii) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(iii) Lack of available urban and nonresource lands;

(iv) Availability of existing rights of way;

(v) Public health and safety; and

(vi) Other requirements of state and federal agencies.

(B) Costs associated with any of the factors listed in paragraph (A) of this subsection may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(C) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this paragraph shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(D) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

(E) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Off-site facilities allowed under this paragraph are subject to 660-033-0130(5). Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

(F) In addition to the provisions of paragraphs (A) to (D) of this subsection, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.

(G) The provisions of paragraphs (A) to (D) of this subsection do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(b) An associated transmission line is necessary for public service and shall be approved by the governing body of a county or its designee if an applicant for approval under ORS 215.213(1)(c) or 215.283(1)(c) demonstrates to the governing body of a county or its designee that the associated transmission line meets either the requirements of paragraph (A) of this subsection or the requirements of paragraph (B) of this subsection.

(A) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

(i) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

(ii) The associated transmission line is co-located with an existing transmission line;

(iii) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(iv) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

(B) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (C) and (D) of this subsection, two or more of the following criteria:

(i) Technical and engineering feasibility;

(ii) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(iii) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(iv) Public health and safety; or

(v) Other requirements of state or federal agencies.

(C) As pertains to paragraph (B), the applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(D) The governing body of a county or its designee may consider costs associated with any of the factors listed in paragraph (B) of this subsection, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

(17) Permanent features of a power generation facility shall not use, occupy, or cover more than 12 acres unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to section (5) and shall have no effect on the original approval.

(18)(a) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of sections (5) and (20) of this rule, but shall not be expanded to contain more than 36 total holes.

(b) Notwithstanding ORS 215.130, 215.213, 215.283, or any local zoning ordinance or regulation, a public or private school, including all buildings essential to the operation of a school, formerly allowed pursuant to ORS 215.213(1)(a) or 215.283(1)(a), as in effect before January 1, 2010, may be expanded provided:

(A) The expansion complies with ORS 215.296;

(B) The school was established on or before January 1, 2009;

(C) The expansion occurs on a tax lot:

(i) On which the school was established; or

(ii) Contiguous to and, on January 1, 2015, under the same ownership as the tax lot on which the school was established; and

(D) The school is a public or private school for kindergarten through grade 12.

(c) Subject to the requirements of sections (5) and (20) of this rule, a golf course may be established on land determined to be high-value farmland as defined in ORS 195.300(10)(c) if the land:

(A) Is not otherwise high-value farmland as defined in ORS 195.300(10);

(B) Is surrounded on all sides by an approved golf course; and

(C) Is west of U.S. Highway 101.

(19)(a) A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(b) Vacation or recreational purposes. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds devoted to vacation or recreational purposes shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. Campgrounds approved under this provision must be found to be established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground and designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate

sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection (19)(d) of this rule.

(c) Emergency purposes. Emergency campgrounds may be authorized when a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the county or an adjacent county. Commercial activities shall be limited to mobile commissary services scaled to meet the needs of campground occupants. Campgrounds approved under this section must be removed or converted to an allowed use within 36 months from the date of the Governor's Executive Order. The county may grant two additional 12-month extensions upon demonstration by the applicant that the campground continues to be necessary to support the natural hazard event recovery efforts because adequate amounts of permanent housing is not reasonably available. A county must process applications filed pursuant to this section in the manner identified at ORS 215.416(11).

(A) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer hook-ups shall not be provided to individual camp sites.

(B) Campgrounds shall be located outside of flood, geological, or wildfire hazard areas identified in adopted comprehensive plans and land use regulations to the extent possible.

(C) A plan for removing or converting the temporary campground to an allowed use at the end of the time-frame specified in subsection (c) shall be included in the application materials and, upon meeting the county's satisfaction, be attached to the decision as a condition of approval. A county may require that a removal plan developed pursuant to this paragraph include a specific financial agreement in the form of a performance bond, letter of credit or other assurance acceptable to the county that is furnished by the applicant in an amount necessary to ensure that there are adequate funds available for removal or conversion activities to be completed.

(d) Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this section, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(e) For applications submitted under subsection (c) of this section, the criteria of section (5) can be found to be satisfied when:

(A) The Governor has issued an Executive Order declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq.

(B) The subject property is not irrigated.

(C) The subject property is not high-value farmland.

(D) The number of proposed campsites does not exceed 12; or

(E) The number of proposed campsites does not exceed 36: and

(F) Campsites and other campground facilities are located at least 660 feet from adjacent lands planned and zoned for resource use under Goal 3, Goal 4, or both.

(20) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), 215.283(2)(f), and this division means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

(a) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(b) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(c) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf courses, Par three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(d) Counties shall limit accessory uses provided as part of a golf course consistent with the following standards:

(A) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;

(B) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and

(C) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

(21) "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in this rule, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS chapter 65.

(22) Permanent features of a power generation facility shall not use, occupy or cover more than 20 acres unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to section (5) and shall have no effect on the original approval.

(23) A farm stand may be approved if:

(a) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

(b) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

(c) As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed farm crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(d) As used in this section, "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.

(e) A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.

(f) At the request of a local government with land use jurisdiction over the farm stand, the farm stand operator of a farm stand approved under this section shall submit to the local government evidence of compliance with the annual sales requirement of subsection (a). Such evidence shall consist of an IRS tax return transcript and any other information the local jurisdiction may require to document ongoing compliance with this section or any other condition of approval required by the county.

(24) Accessory farm dwellings as defined by subsection (e) of this section may be considered customarily provided in conjunction with farm use if:

(a) Each accessory farm dwelling meets all the following requirements:

(A) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;

(B) The accessory farm dwelling will be located:

(i) On the same lot or parcel as the primary farm dwelling;

(ii) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;

(iii) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these rules;

(iv) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163; or

(v) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable; and

(C) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

(b) In addition to the requirements in subsection (a) of this section, the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(A) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:

(i) At least $40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(ii) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;

(B) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least $80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;

(C) On land not identified as high-value farmland in counties that have adopted marginal lands provisions under former ORS 197.247 (1991 Edition) before January 1, 1993, the primary farm dwelling is located on a farm or ranch operation that meets the standards and requirements of ORS 215.213(2)(a) or (b) or paragraph (A) of this subsection; or

(D) It is located on a commercial dairy farm as defined by OAR 660-033-0135(8); and

(i) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;

(ii) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

(iii) A Producer License for the sale of dairy products under ORS 621.072.

(c) The governing body of a county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements

of OAR 660-033-0135, a parcel may be created consistent with the minimum parcel size requirements in 660-033-0100.

(d) An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to section (4) of this rule.

(e) For the purposes of this section, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.

(f) Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling.

(g) Accessory farm dwellings destroyed by a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610 may be replaced. The temporary use of modular structures, manufactured housing, fabric structures, tents and similar accommodations is allowed until replacement under this subsection occurs.

(h) The applicant shall submit to the local government an IRS tax return transcript and any other information the county may require that demonstrates compliance with the gross farm income requirements in paragraph (b)(A) or (B), whichever is applicable.

(25) In counties that have adopted marginal lands provisions under former ORS 197.247 (1991 Edition) before January 1, 1993, an armed forces reserve center is allowed, if the center is within one-half mile of a community college. An "armed forces reserve center" includes an armory or National Guard support facility.

(26) Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this section. An owner of property used for the purpose authorized in this section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(27) Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture. The county shall provide notice of all applications under this section to the Oregon Department of Agriculture. Notice shall be provided in accordance with the county's land use regulations but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

(28)(a) A facility for the processing of farm products is a permitted use under ORS 215.213(1)(u) and ORS 215.283 (1)(r) on land zoned for exclusive farm use, only if the facility:

(A) Uses less than 10,000 square feet for its processing area and complies with all applicable siting standards. A county may not apply siting standards in a manner that prohibits the siting of a facility for the processing of farm products; or

(B) Notwithstanding any applicable siting standard, uses less than 2,500 square feet for its processing area. However, a local government shall apply applicable standards and criteria pertaining to floodplains, geologic hazards, beach and dune hazards, airport safety, tsunami hazards and fire siting standards.

(b) A county may not approve any division of a lot or parcel that separates a facility for the processing of farm products from the farm operation on which it is located.

(c) As used in this section, the following definitions apply:

(A) "Facility for the processing of farm products" means a facility for:

(i) Processing farm crops, including the production of biofuel as defined in ORS 315.141, if at least one-quarter of the farm crops come from the farm operation containing the facility; or

(ii) Slaughtering, processing or selling poultry or poultry products, rabbits or rabbit products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038(2).

(B) "Processing area" means the floor area of a building dedicated to farm product processing. "Processing area" does not include the floor area designated for preparation, storage or other farm use.

(29)(a) Composting operations and facilities allowed on high-value farmland are limited to those that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract, and that meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least

one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.

(b) Composting operations and facilities allowed on land not defined as high-value farmland shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Composting operations that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract are allowed uses, while other composting operations are subject to the review standards of ORS 215.296. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

(30) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.283, or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(31) Public parks including only the uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.

(32) Utility facility service lines are 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.

(33) An outdoor mass gathering as defined in ORS 433.735, subject to the provisions of ORS 433.735 to 433.770. A county may not require an outdoor mass gathering permit under ORS 433.750 for agri-tourism and other commercial events or activities permitted under ORS 215.213(11), 215.283(4), 215.449, 215.451, and215.452.

(34) An outdoor mass gathering of more than 3,000 persons any part of which is held outdoors and which continues or can reasonably be expected to continue for a period exceeding that allowable for an outdoor mass gathering as defined in ORS 433.735 is subject to review under the provisions of ORS 433.763.

(35)(a) As part of the conditional use approval process under ORS 215.296 and section (5), for the purpose of verifying the existence, continuity and nature of the business described in ORS 215.213(2)(w) or 215.283(2)(y), representatives of the business may apply to the county and submit evidence including, but not limited to, sworn affidavits or other documentary evidence that the business qualifies; and

(b) Alteration, restoration or replacement of a use authorized in ORS 215.213(2)(w) or 215.283(2)(y) may be altered, restored or replaced pursuant to 215.130(5), (6) and (9).

(36) For counties subject to ORS 215.283 and not 215.213, a community center authorized under this section may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

(37) For purposes of this rule a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility. Such facilities must be removed or converted to an allowed use under section (19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to section (5) and shall have no effect on the original approval. A proposal for a wind power generation facility shall be subject to the following provisions:

(a) For high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:

(A) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or

turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

(i) Technical and engineering feasibility;

(ii) Availability of existing rights of way; and

(iii) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph (B);

(B) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;

(C) Costs associated with any of the factors listed in paragraph (A) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;

(D) The owner of a wind power generation facility approved under subsection (a) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and

(E) The criteria of subsection (b) are satisfied.

(b) For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:

(A) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;

(B) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;

(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of 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; and

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

(c) For nonarable lands, meaning lands that are not suitable for cultivation, the governing body or its designate must find that the requirements of paragraph (b)(D) are satisfied.

(d) In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in subsections (b) and (c) the approval criteria of subsection (b) shall apply to the entire project.

(38) A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

(a) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

(b) "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

(c) "Dual-use development" means developing the same area of land for both a photovoltaic solar power generation facility and for farm use.

(d) "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

(e) "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

(f) "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

(g) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless:

(A) The provisions of paragraph (h)(H) are satisfied; or

(B) A county adopts, and an applicant satisfies, land use provisions authorizing projects subject to a dual-use development plan. Land use provisions adopted by a county pursuant to this paragraph may not allow a project in excess of 20 acres. Land use provisions adopted by the county must require sufficient assurances that the farm use element of the dual-use development plan is established and maintained so long as the photovoltaic solar power generation facility is operational or components of the facility remain on site. The provisions of this subsection are repealed on January 1, 2022.

(h) The following criteria must be satisfied in order to approve a photovoltaic solar power generation facility on high-value farmland described at ORS 195.300(10).

(A) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

(B) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied. The approved plan shall be attached to the decision as a condition of approval;

(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of 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;

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;

(E) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

(F) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:

(i) Non high-value farmland soils are not available on the subject tract;

(ii) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and

(G) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(i) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

(ii) When at least 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar power generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

(H) A photovoltaic solar power generation facility may be sited on more than 12 acres of high-value farmland described in ORS 195.300(10)(f)(C) without taking an exception pursuant to ORS 197.732 and OAR chapter 660, division 4, provided the land:

(i) Is not located within the boundaries of an irrigation district;

(ii) Is not at the time of the facility's establishment, and was not at any time during the 20 years immediately preceding the facility's establishment, the place of use of a water right permit, certificate, decree, transfer order or ground water registration authorizing the use of water for the purpose of irrigation;

(iii) Is located within the service area of an electric utility described in ORS 469A.052(2);

(iv) Does not exceed the acreage the electric utility reasonably anticipates to be necessary to achieve the applicable renewable portfolio standard described in ORS 469A.052(3); and

(v) Does not qualify as high-value farmland under any other provision of law; or

(i) For arable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 20 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on arable land:

(A) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

(B) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:

(i) Nonarable soils are not available on the subject tract;

(ii) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

(C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

(D) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(i) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

(ii) When at least 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar power generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or

lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

(E) The requirements of paragraphs (h)(A), (B), (C) and (D) are satisfied.

(j) For nonarable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 320 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on nonarable land:

(A) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

(B) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:

(i) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(ii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

(C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

(D) No more than 20 acres of the project will be sited on arable soils;

(E) The requirements of paragraph (h)(D) are satisfied;

(F) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and

(G) If a proposed photovoltaic solar power generation facility is located on lands where, after site specific consultation with an Oregon Department of Fish and Wildlife biologist, it is determined that the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive) or habitat or to big game winter range or migration corridors, golden eagle or prairie falcon nest sites or pigeon springs, the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife habitats are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.

(k) An exception to the acreage and soil thresholds in subsections (g), (h), (i), and (j) of this section may be taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

(l) The county governing body or its designate shall require as a condition of approval for a photovoltaic solar power generation facility, that the project owner sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

(m) Nothing in this section shall prevent a county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

(n) If ORS 469.300(11)(a)(D) is amended, the commission may re-evaluate the acreage thresholds identified in subsections (g), (i) and (j) of this section.

(39) Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2019, when:

(a) The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and

(b) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.

(40) A youth camp may be established on agricultural land under the requirements of this section. The purpose of this section is to allow for the establishment of youth camps that are generally self-contained and located on a lawfully established unit of land of suitable size and location to limit potential impacts on nearby land and to ensure compatibility with surrounding farm uses.

(a) Definitions: In addition to the definitions provided for this division in OAR 660-033-0020 and ORS 92.010, for purposes of this section the following definitions apply:

(A) "Low impact recreational facilities" means facilities that have a limited amount of permanent disturbance on the landscape and are likely to create no, or only minimal impacts on adjacent private lands. Low impact recreational facilities include, but are not limited to, open areas, ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding areas, swimming pools and zip lines. Low impact recreational facilities are designed and developed in a manner consistent with the lawfully established unit of land's natural environment.

(B) "Youth camp" means a facility that is either owned or leased, and is operated by a state or local government or a nonprofit corporation as defined under ORS 65.001 and is established for the purpose of providing an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include a juvenile detention center or juvenile detention facility or similar use.

(C) "Youth camp participants" means persons directly involved with providing or receiving youth camp services, including but not limited to, campers, group leaders, volunteers or youth camp staff.

(b) Location: A youth camp may be located only on a lawfully established unit of land suitable to ensure an outdoor experience in a private setting without dependence on the characteristics of adjacent and nearby public and private land. In determining the suitability of a lawfully established unit of land for a youth camp the county shall consider its size, topography, geographic features and other characteristics, the proposed number of overnight participants and the type and number of proposed facilities. A youth camp may be located only on a lawfully established unit of land that is:

(A) At least 1,000 acres;

(B) In eastern Oregon;

(C) Composed predominantly of class VI, VII or VIII soils;

(D) Not within an irrigation district;

(E) Not within three miles of an urban growth boundary;

(F) Not in conjunction with an existing golf course;

(G) Suitable for the provision of protective buffers to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands and uses. Such buffers shall consist of natural vegetation, topographic or other natural features and shall be implemented through the requirement of setbacks from adjacent public and private lands, public roads, roads serving other ownerships and riparian areas. Setbacks from riparian areas shall be consistent with OAR 660-023-0090. Setbacks from adjacent public and private lands, public roads and roads serving other ownerships shall be 250 feet unless the county establishes on a case-by-case basis a different setback distance sufficient to:

(i) Prevent significant conflicts with commercial resource management practices;

(ii) Prevent a significant increase in safety hazards associated with vehicular traffic on public roads and roads serving other ownerships; and

(iii) Minimize conflicts with resource uses on nearby resource lands;

(H) At least 1320 feet from any other lawfully established unit of land containing a youth camp approved pursuant to this section; and

(I) Suitable to allow for youth camp development that will not interfere with the exercise of legally established water rights on nearby properties.

(c) Overnight Youth Camp Participants: The maximum number of overnight youth camp participants is 350 participants unless the county finds that a lower number of youth camp participants is necessary to avoid conflicts with surrounding uses based on consideration of the size, topography, geographic features and other characteristics of the lawfully established unit of land proposed for the youth camp. Notwithstanding the preceding sentence, a county may approve a youth camp for more than 350 overnight youth camp participants consistent with this subsection if resource lands not otherwise needed for the youth camp that are located in the same county or adjacent counties that are in addition to, or

part of, the lawfully established unit of land approved for the youth camp are permanently protected by restrictive covenant as provided in subsection (d) and subject to the following provisions:

(A) For each 160 acres of agricultural lands predominantly composed of class I-V soils that are permanently protected from development, an additional 50 overnight youth camp participants may be allowed;

(B) For each 160 acres of wildlife habitat that is either included on an acknowledged inventory in the local comprehensive plan or identified with the assistance and support of Oregon Department of Fish and Wildlife, regardless of soil types and resource land designation that are permanently protected from development, an additional 50 overnight youth camp participants may be allowed;

(C) For each 160 acres of agricultural lands predominantly composed of class VI-VIII soils that are permanently protected from development, an additional 25 overnight youth camp participants may be allowed; or

(D) A youth camp may have 351 to 600 overnight youth camp participants when:

(i) The tract on which the youth camp will be located includes at least 1,920 acres; and

(ii) At least 920 acres is permanently protected from development. The county may require a larger area to be protected from development when it finds a larger area necessary to avoid conflicts with surrounding uses.

(E) Under no circumstances shall more than 600 overnight youth camp participants be allowed.

(d) The county shall require, as a condition of approval of an increased number of overnight youth camp participants authorized by paragraphs (c)(A), (B), (C) or (D) of this section requiring other lands to be permanently protected from development, that the land owner of the other lands to be protected sign and record in the deed records for the county or counties where such other lands are located a document that protects the lands as provided herein, which for purposes of this section shall be referred to as a restrictive covenant.

(A) A restrictive covenant shall be sufficient if it is in a form substantially the same as the form attached hereto as Exhibit B.

(B) The county condition of approval shall require that the land owner record a restrictive covenant under this subsection:

(i) Within 90 days of the final land use decision if there is no appeal, or

(ii) Within 90 days after an appellate judgment affirming the final land use decision on appeal.

(C) The restrictive covenant is irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the land subject to the restrictive covenant is located.

(D) Enforcement of the restrictive covenant may be undertaken by the department or by the county or counties where the land subject to the restrictive covenant is located.

(E) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the restrictive covenant required by this subsection.

(F) The county planning director shall maintain a copy of the restrictive covenant filed in the county deed records pursuant to this section and a map or other record depicting the tracts, or portions of tracts, subject to the restrictive covenant filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(e) In addition, the county may allow:

(A) Up to eight nights during the calendar year during which the number of overnight youth camp participants may exceed the total number of overnight youth camp participants allowed under subsection (c) of this section.

(B) Overnight stays at a youth camp for participants of adult programs that are intended primarily for individuals over 21 years of age, not including staff, for up to 30 days in any one calendar year.

(f) Facilities: A youth camp may provide only the facilities described in paragraphs (A) through (I) of this subsection:

(A) Low impact recreational facilities. Intensive developed facilities such as water parks and golf courses are not allowed;

(B) Cooking and eating facilities, provided they are within a building that accommodates youth camp activities but not in a building that includes sleeping quarters. Food services shall be limited to those provided in conjunction with the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(C) Bathing and laundry facilities;

(D) Up to three camp activity buildings, not including a building for primary cooking and eating facilities.

(E) Sleeping quarters, including cabins, tents or other structures, for youth camp participants only, consistent with subsection (c) of this section. Sleeping quarters intended as overnight accommodations for persons not participating in activities allowed under this section or as individual rentals are not allowed. Sleeping quarters may include restroom facilities and, except for the caretaker's dwelling, may provide only one shower for every five beds. Sleeping quarters may not include kitchen facilities.

(F) Covered areas that are not fully enclosed for uses allowed in this section;

(G) Administrative, maintenance and storage buildings including permanent structures for administrative services, first aid, equipment and supply storage, and a gift shop available to youth camp participants but not open to the general public;

(H) An infirmary, which may provide sleeping quarters for medical care providers (e.g., a doctor, registered nurse, or emergency medical technician);

(I) A caretaker's residence, provided no other dwelling is on the lawfully established unit of land on which the youth camp is located.

(g) A campground as described in ORS 215.283(2)(c), OAR 660-033-0120, and section (19) of this rule may not be established in conjunction with a youth camp.

(h) Conditions of Approval: In approving a youth camp application, a county must include conditions of approval as necessary to achieve the requirements of this section.

(A) With the exception of trails, paths and ordinary farm and ranch practices not requiring land use approval, youth camp facilities shall be clustered on a single development envelope of no greater than 40 acres.

(B) A youth camp shall adhere to standards for the protection of archaeological objects, archaeological sites, burials, funerary objects, human remains, objects of cultural patrimony and sacred objects, as provided in ORS 97.740 to 97.750 and 358.905 to 358.961, as follows:

(i) If a particular area of the lawfully established unit of land proposed for the youth camp is proposed to be excavated, and if that area contains or is reasonably believed to contain resources protected by ORS 97.740 to 97.750 and 358.905 to 358.961, the application shall include evidence that there has been coordination among the appropriate Native American Tribe, the State Historic Preservation Office (SHPO) and a qualified archaeologist, as described in ORS 390.235(6)(b).

(ii) The applicant shall obtain a permit required by ORS 390.235 before any excavation of an identified archeological site begins.

(iii) The applicant shall monitor construction during the ground disturbance phase(s) of development if such monitoring is recommended by SHPO or the appropriate Native American Tribe.

(C) A fire safety protection plan shall be adopted for each youth camp that includes the following:

(i) Fire prevention measures;

(ii) On site pre-suppression and suppression measures; and

(iii) The establishment and maintenance of fire-safe area(s) in which camp participants can gather in the event of a fire.

(D) A youth camp's on-site fire suppression capability shall at least include:

(i) A 1000 gallon mobile water supply that can reasonably serve all areas of the camp;

(ii) A 60 gallon-per-minute water pump and an adequate amount of hose and nozzles;

(iii) A sufficient number of firefighting hand tools; and

(iv) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(v) An equivalent level of fire suppression facilities may be determined by the governing body or its designate. The equivalent capability shall be based on the response time of the effective wildfire suppression agencies.

(E) The county shall require, as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, the operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting:

(i) A claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937;

(ii) Future land divisions resulting in a lawfully established unit of land containing the youth camp that is smaller in size than required by the county for the original youth camp approval; and

(iii) Development on the lawfully established unit of land that is not related to the youth camp and would require a land use decision as defined at ORS 197.015(10) unless the county's original approval of the camp is rescinded and the youth camp development is either removed or can remain, consistent with a county land use decision that is part of such rescission.

(F) Nothing in this rule relieves a county from complying with other requirements contained in the comprehensive plan or implementing land use regulations, such as the requirements addressing other resource values (e.g. resources identified in compliance with statewide planning Goal 5) that exist on agricultural lands.

(i) If a youth camp is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between youth camp development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts consistent with OAR chapter 660, divisions 16 and 23. If there is no program to protect the listed Goal 5 resource(s) included in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures in compliance with OAR chapter 660, division 23; and

(ii) If a proposed youth camp is located on lands where, after site specific consultation with a district state biologist, the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive) or habitat, or to big game winter range or migration corridors, golden eagle or prairie falcon nest sites, or pigeon springs), the applicant shall conduct a site-specific assessment of the land in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife habitats are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the youth camp facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the youth camp facility.

(iii) The commission shall consider the repeal of the provisions of subparagraph (ii) on or before January 1, 2022.

(i) Extension of Sewer to a Youth Camp. A Goal 11 exception to authorize the extension of a sewer system to serve a youth camp shall be taken pursuant to ORS 197.732(1)(c), Goal 2, and this section. The exceptions standards in OAR chapter 660, division 4 and OAR chapter 660, division 11 shall not apply. Exceptions adopted pursuant to this section shall be deemed to fulfill the requirements for goal exceptions under ORS 197.732(1)(c) and Goal 2.

(A) A Goal 11 exception shall determine the general location for the proposed sewer extension and shall require that necessary infrastructure be no larger than necessary to accommodate the proposed youth camp.

(B) To address Goal 2, Part II(c)(1), the exception shall provide reasons justifying why the state policy in the applicable goals should not apply. Goal 2, Part II(c)(1) shall be found to be satisfied if the proposed sewer extension will serve a youth camp proposed for up to 600 youth camp participants.

(C) To address Goal 2, Part II(c)(2), the exception shall demonstrate that areas which do not require a new exception cannot reasonably accommodate the proposed sewer extension. Goal 2, Part II(c)(2) shall be found to be satisfied if the sewer system to be extended was in existence as of January 1, 1990 and is located outside of an urban growth boundary on lands for which an exception to Goal 3 has been taken.

(D) To address Goal 2, Part II(c)(3), the exception shall demonstrate that the long term environmental, economic, social, and energy consequences resulting from the proposed extension of sewer with measures to reduce the effect of adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the lawfully established unit of land proposed for the youth camp. Goal 2, Part II(c)(3) shall be found to be satisfied if the proposed sewer extension will serve a youth camp located on a tract of at least 1,000 acres.

(E) To address Goal 2, Part II(c)(4), the exception shall demonstrate that the proposed sewer extension is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Goal 2, Part II(c)

(4) shall be found to be satisfied if the proposed sewer extension for a youth camp is conditioned to comply with section (5) of this rule.

(F) An exception taken pursuant to this section does not authorize extension of sewer beyond what is justified in the exception.

(j) Applicability: The provisions of this section shall apply directly to any land use decision pursuant to ORS 197.646 and 215.427(3). A county may adopt provisions in its comprehensive plan or land use regulations that establish standards and criteria in addition to those set forth in this section, or that are necessary to ensure compliance with any standards or criteria in this section.

(41) Equine and equine-affiliated therapeutic counseling activities shall be conducted in existing buildings that were lawfully constructed on the property before January 1, 2019, or in new buildings that are accessory, incidental, and subordinate to the farm use on the tract. All individuals conducting therapeutic or counseling activities must act within the proper scope of any licenses required by the state.

(42)(a) A determination under ORS 215.213(11) or 215.283(4) that an event or activity is 'incidental and subordinate' requires consideration of any relevant circumstances, including the nature, intensity, and economic value of the respective farm and event uses, that bear on whether the existing farm use remains the predominant use of the tract.

(b) A determination under ORS 215.213(11)(d)(A) or 215.283(4)(d)(A) that an event or activity is 'necessary to support' either the commercial farm uses or commercial agricultural enterprises in the area means that the events are essential in order to maintain the existence of either the commercial farm or the commercial agricultural enterprises in the area.

(43) As used in ORS 215.213(2)(e) or 215.283(2)(c), a 'private park' means an area devoted to low-intensity, outdoor, recreational uses for which enjoyment of the outdoors in an open space, or on land in its natural state, is a necessary component and the primary focus.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.040, ORS 215.213, ORS 215.275, ORS 215.282, ORS 215.283, ORS 215.301, ORS 215.448, ORS 215.459, ORS 215.705 & ORS 215.449
History:
LCDD 14-2024, amend filed 12/19/2024, effective 01/01/2025
LCDD 4-2021, amend filed 08/16/2021, effective 08/16/2021
LCDD 15-2020, temporary amend filed 11/10/2020, effective 11/10/2020 through 05/08/2021
LCDD 13-2020, amend filed 08/01/2020, effective 08/01/2020
LCDD 11-2020, amend filed 07/31/2020, effective 08/01/2020
LCDD 9-2020, amend filed 06/22/2020, effective 07/03/2020
LCDD 2-2020, amend filed 03/03/2020, effective 03/03/2020
LCDD 5-2019, amend filed 05/30/2019, effective 05/30/2019
LCDD 4-2019, temporary amend filed 03/23/2019, effective 03/23/2019 through 07/26/2019
LCDD 3-2019, temporary amend filed 01/29/2019, effective 01/29/2019 through 03/22/2019
LCDD 5-2018, temporary amend filed 07/30/2018, effective 07/30/2018 through 01/25/2019
LCDD 1-2018, amend filed 02/23/2018, effective 02/27/2018
LCDD 3-2016, f. & cert. ef. 2-10-16
LCDD 2-2015, f. & cert. ef. 4-9-15
LCDD 2-2014, f. & cert. ef. 10-14-14
LCDD 6-2013, f. 12-20-13, cert. ef. 1-1-14
LCDD 2-2013, f. & cert. ef. 1-29-13
LCDD 7-2012, f. & cert. ef. 2-14-12
LCDD 9-2011, f. & cert. ef. 11-23-11
LCDD 4-2011, f. & cert. ef. 3-16-11
LCDD 11-2010, f. & cert. ef. 11-23-10
LCDD 9-2010, f. & cert. ef. 9-24-10
LCDD 7-2010(Temp), f. & cert. ef. 6-17-10 thru 11-30-10
LCDD 6-2010, f. & cert. ef. 6-17-10
LCDD 5-2009, f. & cert. ef. 12-7-09
LCDD 5-2008, f. 12-31-08, cert. ef. 1-2-09
LCDD 3-2008, f. & cert. ef. 4-18-08
LCDD 2-2006, f. & cert. ef. 2-15-06
LCDD 1-2004, f. & cert. ef. 4-30-04
LCDD 1-2002, f. & cert. ef. 5-22-02
LCDD 9-2000, f. & cert. ef. 11-3-00
LCDD 5-2000, f. & cert. ef. 4-24-00
LCDD 2-1998, f. & cert. ef. 6-1-98
LCDD 5-1997, f. & cert. ef. 12-23-97

LDCD 5-1996, f. & cert. ef. 12-23-96
LCDC 8-1995, f. & cert. ef. 6-29-95
LCDC 6-1994 , f. & cert. ef. 6-3-94
LCDC 3-1994, f. & cert. ef. 3-1-94
LCDC 6-1992, f. 12-10-92, cert. ef. 8-7-93

Please use this link to bookmark or link to this rule.

v2.1.3

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APPENDIX 4: 2021 COLUMBIA IMPROVEMENT DISTRICT BOUNDARY MAP

Columbia River

Irrigon

Hermiston

Stanfield

Echo

RIVER PUMP STATION
BOOSTER PUMP STATION 1
AND WINTER PUMP STATION

BOOSTER PUMP
STATION 2

PUMP STATION NO. 1

PUMP
STATION
NO. 2

LEVEL
CONTROL
GATE

PUMP
STATION
NO. 4

PUMP
STATION
NO. 5

PUMP
STATION
NO. 6

PUMP
STATION
NO. 8

WEIR 6

CANAL SPILLWAY

HOMESTEAD LANE

PUMP STATION NO. 3

SAND HOLLOW
PUMP STATION

GREGORY
GATES

SAGE HOLLOW
PUMP STATION 1

SAGE HOLLOW
PUMP STATION 2

PUMP
STATION
NO. 7

CANAL
SCREEN

PUMP STATIONS NO. 9 & NO. 10
AND MADISON NO. 1 & NO. 2

CID LOTS

BOMBING RANGE ROAD

POLE LINE ROAD

730

84

82

395

207

LEGEND

- PIPELINE PUMP STATION
- PIPELINE
- AIR/VAC VALVE
- ACCESS MANHOLE WITH AIR/VAC VALVE
- ACCESS MANHOLE WITH PUMPOUT
- FLOWMETER
- CANAL
- GATE OR WEIR
- OVERFLOW SPILLWAY
- CANAL PUMP STATION
- CANAL SCREEN
- BAKER PRODUCE SOUTH (7,260 AC.)
- DIVISION OF STATE LANDS (2,320 AC.)
- EASTERDAY FARMS (7,340 AC.)
- FINLEY BUTTE (810 AC.)
- HALE (1,230 AC.)
- HAWKINS (200 AC.)
- LEVY FARMS / WINDY RIVER (4,190 AC.)
- LINDSAY RANCH (5,890 AC.)
- MADISON (17,450 AC.)
- SAGE HOLLOW (1,290 AC.)
- TEN POST (330 AC.)
- AGRI NORTHWEST (12,280 AC.)
- CID BOUNDARY (60,590 AC.)
- PARCELS

3,000 0 3,000 6,000 9,000
SCALE IN FEET

COLUMBIA IMPROVEMENT DISTRICT
DISTRICT MAP
2021

anderson perry & associates, inc.
engineering · surveying · natural resources

Attachment D

WETLAND DELINEATION REPORT

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

Oregon
Tina Kotek, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregon.gov/dsl

State Land Board

Tina Kotek
Governor

LaVonne Griffin-Valade
Secretary of State

Tobias Read
State Treasurer

June 11, 2024

OneEnergy Development, LLC
Attn: Tanner Gillespie
2003 Western Avenue, Suite 225
Seattle, WA 98121

Re: WD # 2023-0550 **Approved**
Wetland Delineation Report for Fourmile Solar Energy Project
Umatilla County; T02N R27E TLs 800 and 900 (Portion)

Dear Tanner Gillespie:

The Department of State Lands has reviewed the wetland delineation report prepared by Tetra Tech for the site referenced above. Please note that the study area includes only a portion of the Tax Lot 900 described above (see the attached maps). Based upon the information presented in the report and additional information submitted upon request, we concur that there are no jurisdictional wetlands or other waters of the state within the study area, as indicated on the attached Figure 5. Please replace all copies of the preliminary wetland map with this final Department-approved map.

This concurrence is for purposes of the state Removal-Fill Law only. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Wetland Ecologist for Umatilla County, Jessica Salgado, at (541) 408-6421.

Sincerely,

Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Jessica Taylor, Tetra Tech
Umatilla County Planning Department
Danielle Erb, US Army Corps of Engineers
Richard Fitzgerald, DSL
Joy Lovett, ODFW

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

Ways to submit report:

- **Under 50MB -** A single unlocked PDF can be emailed to: wetland.delineation@dsl.oregon.gov.
- **50MB or larger -** A single unlocked PDF can be uploaded to the Jurisdiction Box.com folder. Email wetland.delineation@dsl.oregon.gov of the new upload.
- Unbound paper report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

Ways to pay review fee:

- By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- By check payable to the Oregon Department of State Lands attached to the unbound paper report OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information

☒ Applicant ☐ Owner Name, Firm and Address:
OneEnergy Development, LLC
ATTN: Tanner Gillespie
2003 Western Avenue, Suite 225
Seattle, WA 98121

Business phone # (206) 922-7072
Mobile phone # (optional) (808) 224-5095
E-mail: tanner@oneenergyrenewables.com

☐ Authorized Legal Agent, Name and Address (if different):

Business phone #
Mobile phone # (optional)
E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: Tanner Gillespie **Signature:** Tanner Gillespie Digitally signed by Tanner Gillespie Date: 2023.11.27 13:52:43 -07'00'

Date: 11/27/2023 Special instructions regarding site access: Contact Tanner G. prior to visit

Project and Site Information

Project Name: Fourmile Solar Energy Project

Latitude: 45.683804 Longitude: -119.427676
decimal degree - centroid of site or start & end points of linear project

Proposed Use:
Photovoltaic Solar Facility

Tax Map # 02N27E
Tax Lot(s) 800, 900 (portion)

Tax Map #
Tax Lot(s)

Project Street Address (or other descriptive location):
West of Cochran Rd, Echo, OR 97826

Township 02N Range 27E Section 3 QQ
Use separate sheet for additional tax and location information

City: County: Umatilla

Waterway: River Mile:

Wetland Delineation Information

Wetland Consultant Name, Firm and Address:
Jessica Taylor, Tetra Tech
14 E Main Street, Suite 210
Walla Walla WA 99362

Phone # (509) 386-5036
Mobile phone # (if applicable)
E-mail: jessica.taylor@tetratech.com

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: Jessica Taylor Digitally signed by Jessica Taylor Date: 2023.11.29 11:34:33 -08'00' Date: 11/29/2023

Primary Contact for report review and site access is ☐ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present? ☐ Yes ☒ No Study Area size: 626 Total Wetland Acreage: 0.0000

Check Applicable Boxes Below

☐ R-F permit application submitted
☐ Mitigation bank site
☐ EFSC/ODOE Proj. Mgr:
☐ Wetland restoration/enhancement project (not mitigation)
☐ Previous delineation/application on parcel
If known, previous DSL # _____

☒ Fee payment submitted **$** 540
☐ Resubmittal of rejected report ($100)
☐ Request for Reissuance. See eligibility criteria. (no fee)
DSL # _____ Expiration date_____
☐ LWI shows wetlands or waters on parcel
Wetland ID code _____

For Office Use Only

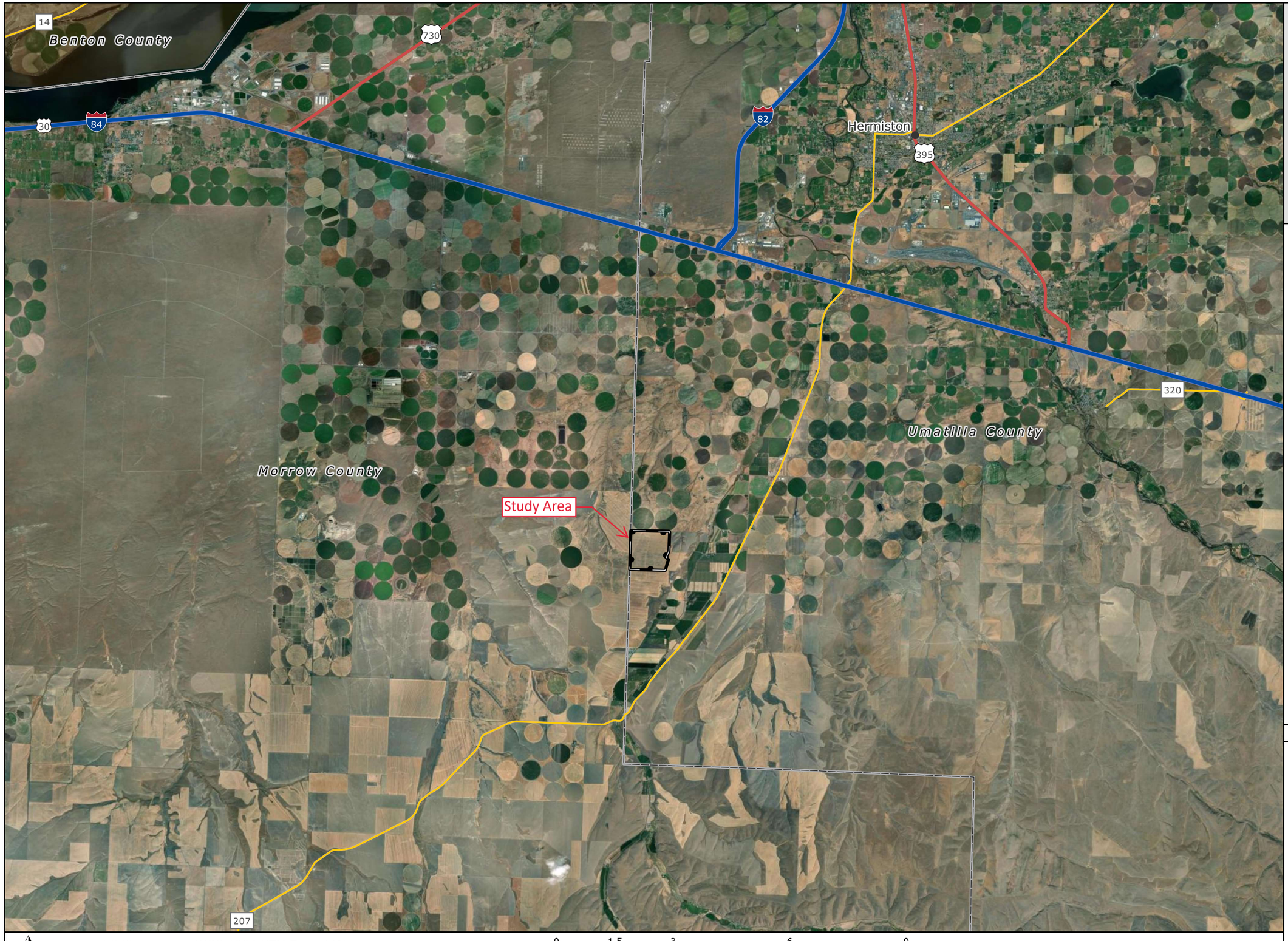
DSL Reviewer: JS Fee Paid Date: ____ / ____ / ____ DSL WD # 2023-0550

Date Delineation Received: 11/ 29/ 23 DSL App.# _____

Fourmile Solar

Figure 1
Project Location

UMATILLA COUNTY, OR



- Study Area
- City/Town
- County Boundary
- Interstate Highway
- US Highway
- State Highway

TETRA TECH

OneEnergy

Data Sources	Reference Map
OneEnergy-Project Infrastructure; Tiger-Roads; ESRI-Topographic	CANADA; OR; ID; NV; UT

1:150,000 WGS 1984 UTM Zone 11N

0 1.5 3 6 9 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

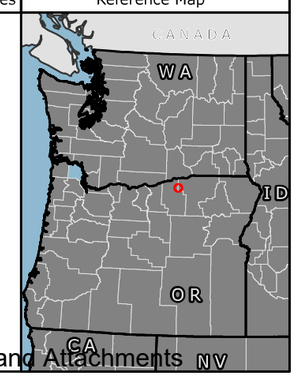
Figure 2
Tax Lot Map

UMATILLA COUNTY, OR

- Study Area
- Taxlot Boundary
- Section
- Township
- County Boundary
- Local Roads

TETRA TECH

OneEnergy

Data Sources	Reference Map
OneEnergy-Project Infrastructure; Tiger-Roads; ESRI-Aerial; Umatilla County Assessor-Taxlots	

1:10,000 WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

Figure 5
Wetland Delineation Results

UMATILLA COUNTY, OR

- Study Area
- County Boundary
- Taxlot Boundary
- Photo Point (# Photo Number)

DSL WD # 2023-0550
Approval Issued 6/11/2024
Approval Expires 6/11/2029

All delineated wetlands and waters are considered to extend outside of the study area unless otherwise noted

Wetland boundaries, sample plots, and photo points were collected using a sub-meter grade GPS device collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

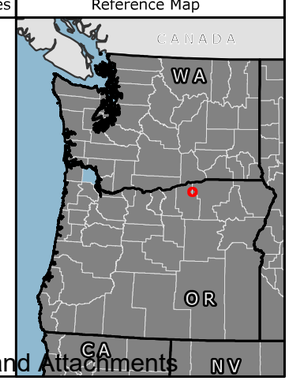
TETRA TECH

OneEnergy

Data Sources

CLIENT-Project Infrastructure; Tiger-Roads; ESRI-Aerial

Reference Map



1:15,000 WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

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Wetlands and Waters Report

Fourmile Solar Energy Project

Umatilla County

Prepared for

OneEnergy Development, LLC

Prepared by

Tetra Tech, Inc.

October 2023

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Appendix B. Wetlands and Waters Photolog

Acronyms and Abbreviations

FAC	Facultative
FACU	Facultative Upland
FACW	Facultative Wetland
GPS	global positioning system
LRR	Land Resource Region
NI	No Wetland Species Indicator
NWI	National Wetlands Inventory
OBL	Obligate
PEM	Palustrine Emergent
UPL	Upland
USDA	U.S. Department of Agriculture
WETS	Climate Analysis for Wetlands Tables

1.0 INTRODUCTION

This report presents the methods and results for the wetlands and other waters surveys Tetra Tech Inc. (Tetra Tech) conducted for the Fourmile Solar Energy Project (Project) on behalf of OneEnergy Development, LLC (OneEnergy). The Project is located on approximately 626 acres of land in Umatilla County, Oregon (Project Area). The Project Area is approximately 12 miles southeast of Boardman, Oregon, and approximately 12 miles southwest of Hermiston, Oregon (Appendix A, Figure 1).

Tetra Tech conducted wetlands and other waters surveys within the uncultivated portions of the Project Area on June 15, 2023. Additionally, confirmation of presence or absence of NHD lines were carried out within the Project area. The purpose of these surveys was to verify the existence of wetlands and water features within the Project Area in preparation for project permitting.

2.0 LANDSCAPE SETTING AND LAND USE

The Project Area is located within the Level III Columbia Plateau Ecoregion and the further subdivided Level IV Pleistocene Lake Basins region (Thorson et al. 2003). In addition, the Project Area is within U.S. Department of Agriculture (USDA) Land Resource Region (LRR) B, Northwestern Wheat and Range Region (NRCS 2006). The U.S. Army Corp of Engineers Wetland Delineation Manual Regional Supplement for LRR B is the *Arid West Region* (*Version 2.0;* Arid West Supplement) (USACE 2008).

The Columbia Plateau Ecoregion in Oregon extends from the eastern slopes of the Cascade Mountains to the Blue Mountains Ecoregion and is completely made up of lowlands with an arid climate. The Columbia River delineates the northern border of this ecoregion. Additionally, the Level IV Pleistocene Lake Basins region is the driest and warmest part of the Columbia Plateau, with mean annual precipitation varying from 7 to 10 inches. The low annual precipitation supports semi-arid grassland and sagebrush-steppe. Non-native grasses such as cheatgrass (*Bromus tectorum*) encroach upon massive amounts of area in this ecoregion (Franklin and Dyrness 1988).

1.1 Project Area Location and Land Ownership

The Project Area for wetlands and other potentially jurisdictional waters is a privately owned 626-acre site within Umatilla County. The Project Area goes across four parcels occupying portions of Section 3 in Township 2 North, Range 27 East of the Willamette Meridian. The parcels are located on lot numbers 2N27000000900U3, 2N27000000900U2, 2N27000000800U2, and 2N27000000800U3 (Appendix A, Figure 2).

1.2 Land Use

The entire Project Area is made up of dryland wheat fields. The closest town to the Project Area is Pine City, in Morrow County, which is approximately 7 miles to the south.

1.3 National Wetlands Inventory and Natural Resources Conservation Service Soils

Prior to the field work, Tetra Tech reviewed the National Wetlands Inventory (NWI) and Natural Resource Conservation Service (NRCS) hydric soils data, and historical aerial photographs on Google Earth (Google Earth Pro) to identify potential wetlands and waters as described below.

1.3.1 National Wetlands Inventory Data

Desktop review of NWI data (Appendix A, Figure 3) identified no wetland features within the Project Area.

1.3.2 NRCS Hydric Soils Data

Throughout the Project Area, slopes ranged from 0 to 25 percent. Six soil map units are shown in the Project Area (Table 1 and Appendix A, Figure 4). The dominant soil in the Project Area is 88B – Shano very fine sandy loam covering approximately 518.14 acres of the Project Area. This is followed by 79B – Ritzville very fine sandy loam which covers approximately 76.82 acres. No soils in the Project Area were considered hydric soils.

Table 1. Soils Mapped in the Project Area

Map Unit Code	Map Unit Name and Slope	Hydric Rating	Acres
88B	Shano very fine sandy loam, 2 to 7 percent slopes	No	518.14
80B	Ritzville silt loam, 2 to 7 percent slopes	No	11.02
79B	Ritzville very fine sandy loam, 2 to 7 percent slopes	No	76.82
88C	Shano very fine sandy loam, 7 to 12 percent slopes	No	11.30
15C	Burke silt loam, 7 to 12 percent slopes	No	3.88
88D	Shano very fine sandy loam, 12 to 25 percent slopes	No	5.30

3.0 SITE ALTERATIONS

Site alterations are activities that directly or indirectly impact wetlands and other water features, such that the function or area of the feature changes significantly. A significant alteration would be one that renders the feature non-functioning or that changes its boundaries.

The Project Area consists of cultivated land used for farming. Common tillage practices and other alterations related to agricultural activities may affect the size or hydroperiod of wetlands and other waters. In addition, permanent gravel farm roads and other drainage alterations from land development may affect the size and hydroperiod of water features as well.

4.0 PRECIPITATION DATA AND ANALYSIS

Precipitation data for the period preceding and during field work was collected from the National Oceanic and Atmospheric Administration's National Weather Service (NOAA 2023, Table 2). Data from the NRCS Climate Analysis for Wetlands Tables (WETS) station was used to compare historical

precipitation data with recent water records. Average historical monthly precipitation data was obtained from the WETS table for Hermiston Municipal Airport Station (Table 2) for the period of 1971 to 2023 (NOAA 2023).

During the 8 months preceding field work from October 2022 to June 15, 2023, 7.33 inches of precipitation were measured. There was no measurable precipitation during field work on June 15, 2023 (NOAA 2023). Annual precipitation was 97 percent of the normal range seen in previous years. Drier conditions from lower precipitation did not affect the delineation of other waters, as determinations of intermittent versus ephemeral streams were made using indicators described in the Streamflow Duration Assessment Method (Nadeau 2015). This method relies on multiple indicators independent of the presence or absence of observed surface hydrology.

Table 2. Precipitation Data – Current and Historical (Inches)

Precipitation	October 2022	November 2022	December 2022	January 2023	February 2023	March 2023	April 2023	May 2023	June 1-15 2023	Annual Total to Date (June 15, 2023)
Recorded Monthly Precipitation Totals[1] (inches) (Hermiston, WA)	1.20	1.42	1.38	0.69	0.43	0.63	1.23	0.35	0.03	7.36
WETS Accumulated Monthly Averages[2] (inches) (Hermiston, WA)	0.85	0.96	1.09	0.97	0.71	0.70	0.77	0.88	0.63	7.56
Recorded Precipitation Relative to Average Monthly Precipitation (Hermiston, WA)	102%	136%	150%	67%	31%	44%	95%	31%	2%	97%

1. National Weather Service, Hermiston, OR Climate Station
2. WETS Table for Hermiston Municipal Airport, Oregon, 1971 to 2023

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5.0 METHODS

1.4 Pre-field Work

In preparation for the field work, Tetra Tech reviewed NWI, NHD, hydric soils data, and aerial photographs to identify potential wetlands and other waters, as described in the preceding sections. Tetra Tech used the data to prepare digital field maps and uploaded these maps onto a Samsung Android data-collection tablet to assist field staff in identifying the locations of probable wetlands and non-wetland water features within or adjacent to the Project Area.

Wetlands and surface-water data were obtained from the Oregon Wetlands Database which includes wetland mapping data from the NWI, state and federal agencies, non-governmental organizations, academia and consultants, and the NHD (Oregon Spatial Data Library 2023, NWI 2023, NHD 2023). Soils data were also obtained from the Oregon Wetlands Database, which includes statewide polygon cover of hydric, partially hydric, and related wetland soils (Oregon Spatial Data Library 2023), as well as NRCS Web Soil Survey (NRCS 2023).

The following guidance documents and procedures were reviewed:

- Arid West Supplement (USACE 2008);
- Wetlands Delineation Manual, Technical Report Y-87-1 (the Manual) (USACE 1987);
- Streamflow Duration Assessment Method for the Pacific Northwest (Nadeau 2015);
- Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979); and
- Oregon Administrative Rules 141-090, Administrative Rules for Wetland Delineation Report Requirements and for Jurisdictional Determinations for the Purpose of Regulating Fill and Removal within Waters of the State.

1.5 Field Work

Field investigations for the delineation of wetlands and other waters included pedestrian surveys within the Project Area. Tetra Tech conducted the field delineations on June 15, 2023.

1.5.1 Mapping Methods

Photograph locations were recorded using Juniper Geode-series global positioning system (GPS) units configured to differentially correct positions in real-time using the Satellite Based Augmentation System, which typically results in positional error of less than 1 meter (Juniper Systems 2023).

1.5.2 Wetland Delineations

Wetland presence was determined using methods in the Manual and the Arid West Supplement. A field indicator of each of the three wetland parameters (i.e., hydrophytic vegetation, hydric soils, and wetland hydrology) must be present to make a positive wetland determination.

1.5.3 Non-wetland Waters Evaluations

Non-wetland waters were evaluated using the following criteria:

- Streams were delineated based on the presence of a defined channel with bed scour, sediment deposition, or other evidence of regular flow.
- In locations where the National Hydrography Dataset indicated a stream or orthoimagery showed a drainage feature but no bed or banks were found, photographs were taken to document onsite conditions (Appendix B, Photolog).

6.0 DESCRIPTION OF WETLANDS, OTHER NON-WETLAND WATERS, AND ROADSIDE DRAINAGE DITCHES

1.6 Wetlands

There are no wetlands within the Project Area (Figure 5).

1.7 Non-wetland Waters

There are no non-wetland waters within the Project Area (Figure 5).

7.0 SUMMARY

After the review of NWI, NHD, hydric soils data, aerial photographs, and the completion of pedestrian surveys, it was determined that there are no non-wetland waters or wetlands within the Project Area.

8.0 DISCLAIMER

This disclaimer is included according to OAR 141-090-0035(12)(j): "This report documents the investigation, best professional judgment, and conclusions of the investigator. It is correct and complete to the best of my knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055."

9.0 REFERENCES

Cowardin, L.M., V. Carter, F. C. Golet, and E. T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31.

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USACE (United States Army Corps of Engineers). 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. January 1987. Wetlands Research Program. U.S. Army Corps of Engineers, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180-6199.

USACE. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2). ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center

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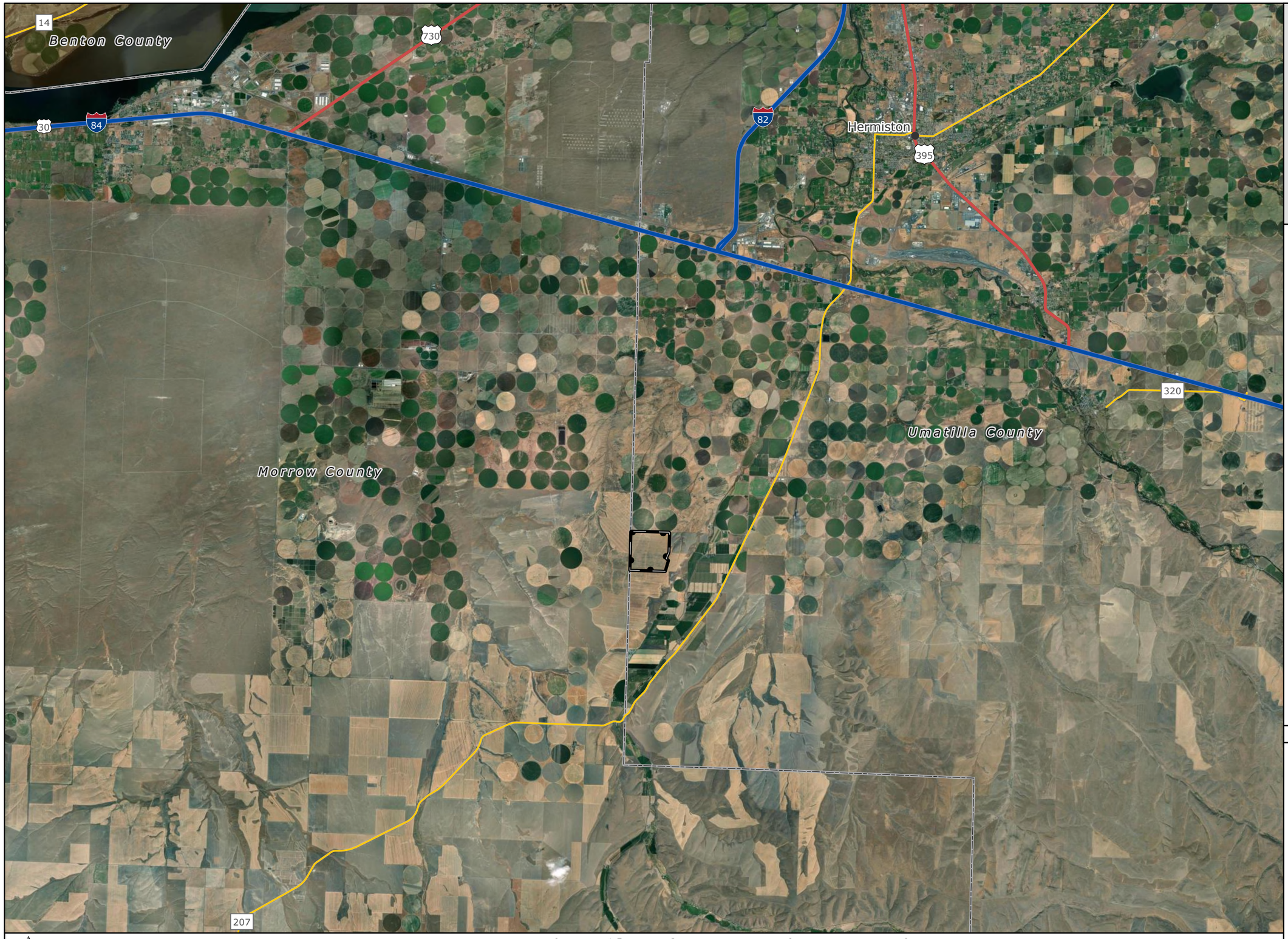
Appendix A. Figures

Fourmile Solar

Figure 1
Project Location

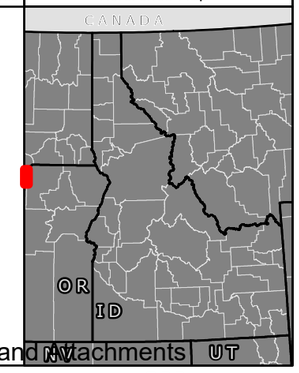
UMATILLA COUNTY, OR



- Study Area
- City/Town
- County Boundary
- Interstate Highway
- US Highway
- State Highway

TETRA TECH

OneEnergy

Data Sources	Reference Map
OneEnergy-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:150,000 WGS 1984 UTM Zone 11N

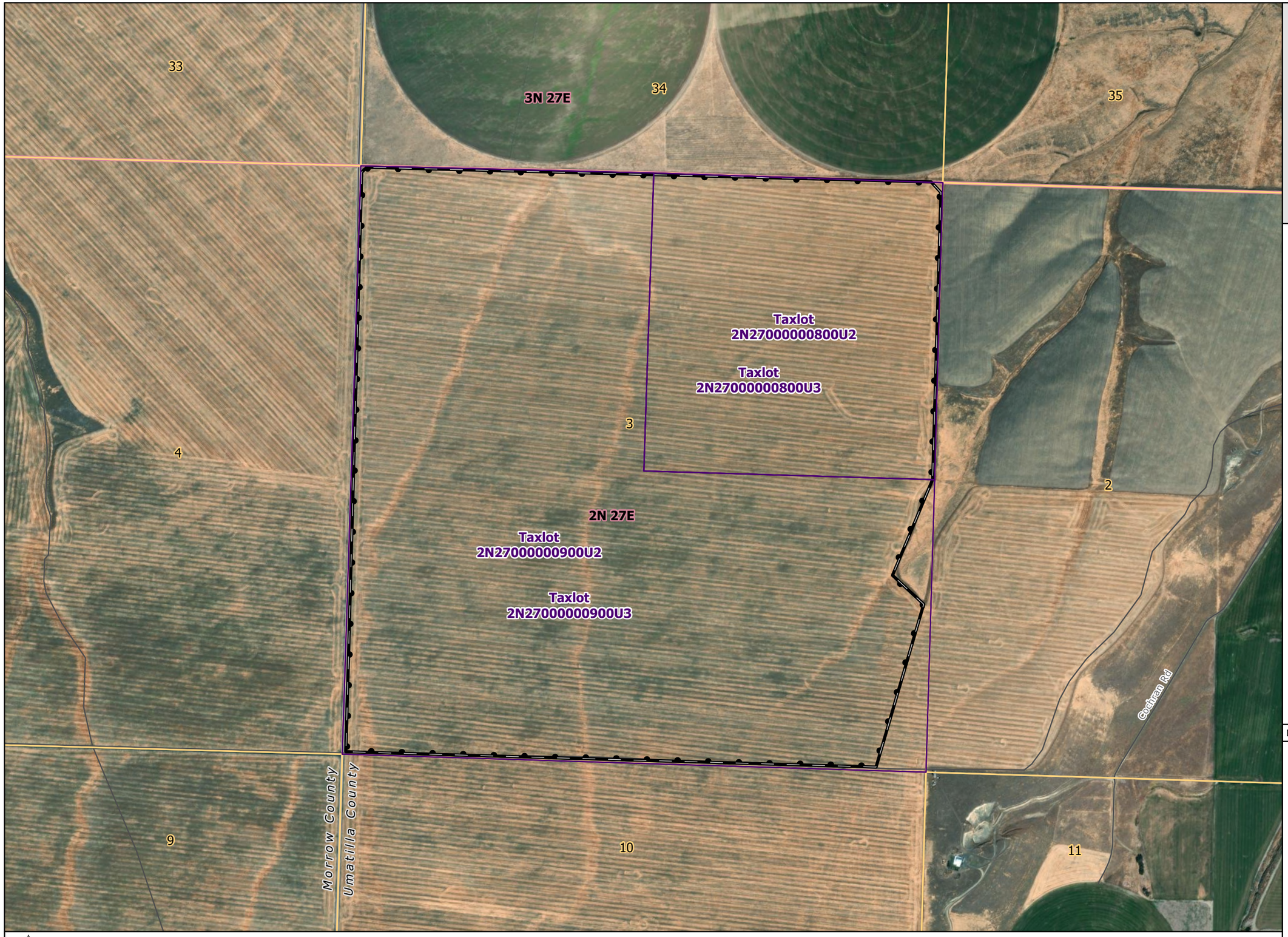
0 1.5 3 6 9 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

Figure 2
Tax Lot Map

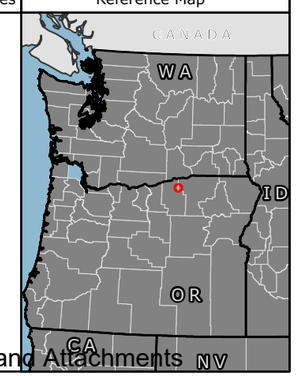
UMATILLA COUNTY, OR



- Study Area
- Taxlot Boundary
- Section
- Township
- County Boundary
- Local Roads

TETRA TECH

OneEnergy

Data Sources	Reference Map
OneEnergy-Project Infrastructure; Tiger-Roads; ESRI-Aerial; Umatilla County Assessor-Taxlots	

1:10,000 WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

Figure 3
Wetlands and Waters

UMATILLA COUNTY, OR

Study Area
County Boundary
Wetlands and Waters
Riverine (NWI)
Intermittent (NHD)

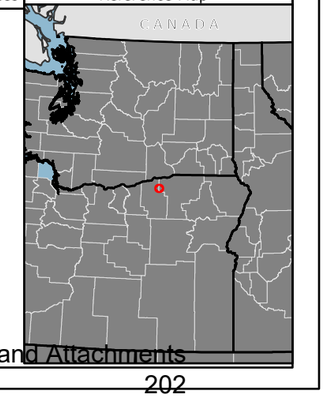
TETRA TECH

OneEnergy

Data Sources

OneEnergy-Project Infrastructure; Tiger-Roads; ESRI-Topo; USGS-NHD; USFWS-NWI

Reference Map



1:10,000

WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

Figure 4
Soils Map

UMATILLA COUNTY, OR

Study Area

County Boundary

Hydric Rating

No

Mapunit Symbol, Mapunit Name

15C, Burke silt loam, 7-12 % slopes

79B, Ritzville very fine sandy loam, 2-7 % slopes

80B, Ritzville silt loam, 2-7 % slopes

88B, Shano very fine sandy loam, 2-7 % slopes

88C, Shano very fine sandy loam, 7-12 % slopes

88D, Shano very fine sandy loam, 12- 25 % slopes

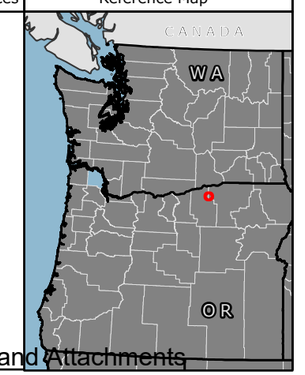
TETRA TECH

OneEnergy

Data Sources

OneEnergy-Project Infrastructure; Tiger-Roads; ESRI-Aerial; Soils-NRCS

Reference Map



1:15,000

WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

Figure 5
Wetland Delineation Results

UMATILLA COUNTY, OR

- Study Area
- County Boundary
- Taxlot Boundary
- Photo Point (# Photo Number)

All delineated wetlands and waters are considered to extend outside of the study area unless otherwise noted

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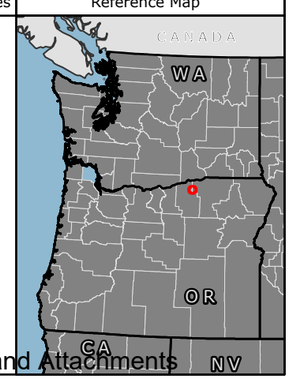
TETRA TECH

OneEnergy

Data Sources	Reference Map
CLIENT-Project Infrastructure; Tiger-Roads; ESRI-Aerial	

1:15,000 WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

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Appendix B. Wetlands and Other Waters Photolog

Photo 1. No bed or banks on NHD line. Looking S. 6/15/2023. Lat/Long: 45.68997415, -119.4277305.

Photo 2. No bed or banks on NHD line. Looking SW. 6/15/2023. Lat/Long: 45.68016305, -119.4154765.

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Attachment E

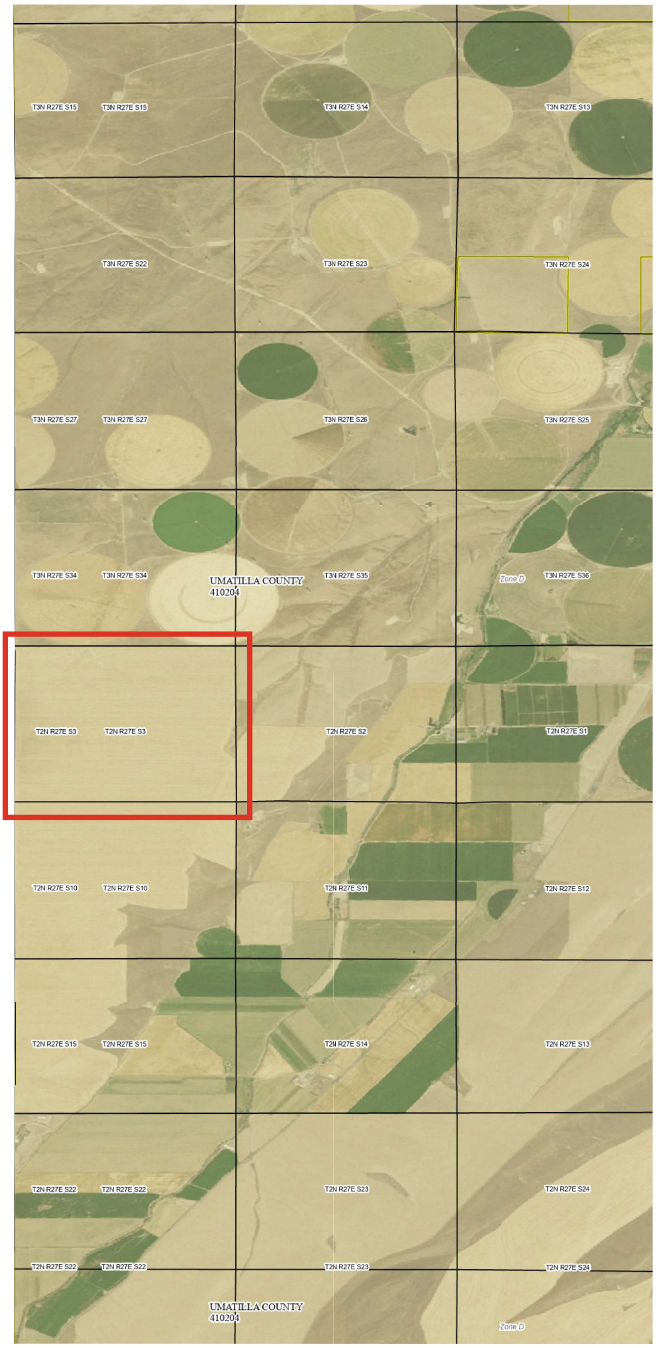
FEMA MAP

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

119°28'4.15"W 45°45'26.41"N



119°20'30.72"W 45°37'3.7"N

FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR DRAFT FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) Zone A, V, 499
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee See Notes Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 Cross Sections with 1% Annual Chance
- 17.5 Water Surface Elevation
- Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at https://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates, refer to the Flood Insurance Study Report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Basemap information shown on this FIRM was provided in digital format by USDA, Farm Service Agency (FSA). This information was derived from NAIP, dated April 11, 2018.

This map was exported from FEMA's National Flood Hazard Layer (NFHL) on 9/23/2025 8:28 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time. For additional information, please see the Flood Hazard Mapping Updates Overview Fact Sheet at https://www.fema.gov/media-library/assets/documents/115418.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. This basemap shown complies with FEMA's basemap accuracy standards. This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date.

SCALE

Map Projection:
GCS, Geodetic Reference System 1980;
Vertical Datum: No elevation features on this FIRM
For information about the specific vertical datum for elevation features, datum conversions, or vertical monuments used to create this map, please see the Flood Insurance Study (FIS) Report for your community at https://msc.fema.gov

1 inch = 2,000 feet 1:24,000

0 1,000 2,000 4,000 6,000 8,000 Feet

N

0 210 420 840 1,260 1,680 Meters

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

PANEL 900 OF 1975

Panel Contains:

COMMUNITY	NUMBER	PANEL
MORROW COUNTY	410172	0900
UMATILLA COUNTY BUREAU OF LAND MANAGEMENT	41FED	

MAP NUMBER
41059C0900G
EFFECTIVE DATE
September 03, 2010

Attachment F

DRAFT VEGETATION AND WEED MANAGEMENT PLAN

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

1. INTRODUCTION

Fourmile Solar OR, LLC (the Applicant) proposes to construct and operate Fourmile Solar (Project), a solar photovoltaic project sized up to 450 acres located in Umatilla County, Oregon.

This document addresses vegetation management activities related to the Project construction and operation and specifically methods that will be implemented for effective noxious weed control and revegetation. The Applicant has consulted with the Umatilla County Noxious Weed Control Board to develop these methods.

2. VEGETATION MANAGEMENT

2.1 CURRENT VEGETATON

The Project may be located on up to 450 acres (Project Area). The Project Area is comprised of land owned by the Timothy and Shannon Rust Living Trust, the Shannon Rust Share of the Frank and LaVonne Mader Living Trust, and the Clarkston Development Company consisting of two parcels (2N27000000800 and 2N27000000900) including a total of approximately 645 acres (Figure 1).

The Project is located on the Umatilla Plateau on private land that is used for unirrigated crop cultivation. The Project Area also includes access roads and other developed areas. The terrain consists of generally flat topography with the exception of Fourmile Canyon which is located directly west of the Project. The Project Area is accessed via a private road that intersects with Hwy-207 to the south of the site.

Land use surrounding the Project Area consists primarily of agriculture and livestock grazing. An existing conditions survey was completed in October 2023 during the habitat assessment by Tetra Tech, Inc. (Attachment E of the CUP). The entire Project Area is entirely disturbed by agricultural activities and has been cultivated with dryland wheat.

2.2 CONSTRUCTION IMPACTS TO VEGETATON

During construction, the Applicant will employ Best Management Practices (BMPs). These include erosion control and temporary fencing protection. In addition, site preparation will consist of clearing the existing vegetation only in those areas where construction, grading, and road improvements will occur and leaving existing vegetation intact when feasible. Once the site is prepared, the installation of racking systems, modules and inverter pads will use internal access roads. Reclamation measures will be implemented to restore the temporarily disturbed near-surface soils at the Project site. Permanent impacts from project construction will be minimized whenever possible, enabling the land to return to agricultural uses at the end of the Project's useful life.

2.3 REVEGETATION

Revegetation will be conducted following construction and decommissioning. However, the Applicant may implement some pre-construction seeding prior to any ground disturbance, based

on coordination with the County Weed Supervisor, Oregon Department of Fish and Wildlife, contracted vegetation manager, and the landowners. At the conclusion of construction, disturbed areas will be re-seeded with a certified weed-free, low-growing native seed mix or mix that will support sheep grazing within the Project Area, selected in coordination with the County Weed Supervisor, Oregon Department of Fish and Wildlife, contracted vegetation manager, and the landowners. The existing conditions will inform the selection of the appropriate seed mix. The method and timing of planting will depend on the seed mix, site conditions and weather, with typical seeding occurring around Fall or Spring during the wetter months.

2.4 OPERATIONAL VEGETATON MANAGEMENT

Minimal on-site maintenance will be required over the life of the Project. Once the Project is operational, mechanical (i.e. mowing), chemical (i.e. herbicides), and biological (i.e. grazing) control will be conducted based on the growing season and as needed, over the entire lifespan of the Project. The Applicant is exploring alternative and additive vegetation management strategies, such as sheep grazing. The Applicant has executed a Letter of Intent with Krebs Solar Grazing, LLC (see Exhibit L) enabling the Applicant to engage on project design and operational vegetation management strategies while implementing sheep grazing. The Applicant will submit a Final Vegetation and Weed Management plan incorporating a sheep grazing program, including criteria for determining successful implementation of the grazing program. If the program fails to meet the success criteria after an opportunity to implement adaptive management measures, the County may require the applicant to amend the Vegetation and Weed Management Plan to provide additional measures to ensure success under the plan.

2.5 MONITORING

Operations and maintenance staff will routinely monitor the Project Area for vegetation loss to ensure vegetation replacement occurs quickly. A grounds maintenance schedule will be put into place prior to the start of construction to document the vegetation conditions across the Project Area and will include vegetation monitoring schedules. Generally, monitoring would be done at least four times a year for weeds, and more frequently during the growing season from March through October. Monitoring may be subject to periodic changes dependent upon site conditions and weather events throughout the Project's lifespan.

3. WEED MANAGEMENT

The Final Vegetation and Weed Management Plan will be submitted prior to construction. It will include vegetation management measures approved by the Umatilla County Weed Department Supervisor to control undesirable plant species, eliminate shading of panels, and maintain reliable access for operations, maintenance, and emergency response purposes.

The primary species of concern are described in the Umatilla County Noxious Weed Control List (excerpt included as Appendix 1), which is jointly maintained by the Oregon State Noxious Weed Control Board and the Umatilla County Weed Control Board. The list contains the non-native weeds classified as "A", and "B" state designated noxious weeds. As defined by the

Oregon Department of Agriculture Noxious Weed Policy, and ORS.569.350-569.520, “A” List weeds are of known economic importance which occur in the state in small enough infestations to make eradication or containment possible; or is not known by the Umatilla County Weed Control Board to occur, but its presence in neighboring states make future occurrence in Oregon seem imminent. “B” List weeds are defined as weeds of economic importance which are regionally abundant, but which may not occur or have limited distribution in some counties.

The Project will comply with OAR 603-052-1200 and ORS.569.350-569.520 related to the landowner’s duty to control the spread of noxious weeds. All “A” weeds found at the Project site before or during construction and during operation will be eradicated. “B” weeds will be controlled or eradicated, and the Project will work with the Oregon Department of Agriculture and/or the County to develop a plan for mitigating the risk of spreading those weeds. The Project operations and maintenance staff would conduct meetings with the County Weed Supervisor to ensure monitoring and treatments were a success and ensure re-vegetation sites were effective.

Applicant will exercise the following combination of efforts for the most cost-effective and practical approach to managing noxious weed populations:

- Preventative Measures: Monitoring, detection, best management practices, preventative planning and training;
- Control Measures: Mechanical treatment and biological treatment (sheep grazing) and/or herbicide treatment, as appropriate;
- Herbicide Application and Handling Guidelines: Relevant application standards, methods, and transport guidelines.

3.1 PREVENTATIVE MEASURES

Soil preservation and preparation techniques represent the foundation of successful noxious weed control as disturbed soils are the most common vector for noxious weeds to colonize an area. The likelihood of invasion by noxious weeds can be reduced by rehabilitating the ground that is temporarily disturbed during construction. The Project will minimize soil disturbance to the extent practicable and will replant disturbed areas with low-growing native seed mixes.

3.2 CONTROL MEASURES

Once the Project is operational, the Applicant will deploy a mix of biological control (i.e. grazing), mechanical control (i.e. mowing) and chemical control (i.e. herbicide) as needed dependent on the vegetation growth and noxious weed establishment throughout the Project Area over the entire lifespan of the Project.

The Project will retain a qualified vegetation contractor to provide regular weed control and eliminate the spread of noxious weed presence resultant from construction and operations activity at the Project site. If herbicide treatment is necessary, Applicant will only use herbicides that are approved for use in the state of Oregon by the U.S. Environmental Protection Agency (EPA) and the Oregon Department of Agriculture (ODA). In such cases, Applicant will notify landowners of the herbicide proposed for use on their lands and coordinate with the vegetation

contractor prior to application. Applicant will apply herbicides to identified treatable noxious weed populations as described below. If a weed population is deemed to be untreatable (e.g., too widespread and established in area to successfully control), Applicant will implement all the control measures discussed above except treatment with herbicides.

The success of the combined targeted chemical control, mechanical control, biological control, and low-growing native seed mix will be documented and reported by the operation and maintenance team responsible for maintaining the site.

3.3 HERBICIDE APPLICATION AND HANDLING GUIDELINES

Applicant will coordinate with the Umatilla County Weed Control District and reference the "Pacific Northwest Weed Management Handbook" in determining the appropriate application of herbicides. Herbicide application would adhere to EPA and ODA standards. Only herbicides approved by the EPA and ODA will be used. In general, application of herbicides would not occur when the following conditions exist:

- Wind velocity exceeds 15 miles per hour for granular application or 10 miles per hour for liquid applications;
- Snow or ice covers the foliage of target species; or
- Adverse weather conditions are forecasted in the next few days.

Hand application methods (e.g., backpack spraying) may be used in roadless areas or in rough terrain. Calibration checks of equipment would be conducted at the beginning of spraying and repeated periodically to ensure that proper application rates are achieved.

Herbicides would be transported to the Project site with the following provisions:

- Concentrate would be transported in original containers only, in a manner that prevents tipping or spilling, and in a compartment that is isolated from food, clothing, and safety equipment.
- Mixing would be done according to the specifications on the label of the specific herbicide.
- All herbicide equipment and containers would be inspected for leaks daily.
- Herbicide use would be in accordance with all manufacturer label recommendations and warnings. All herbicide treatments will fall within label guidelines since "the label is the law."

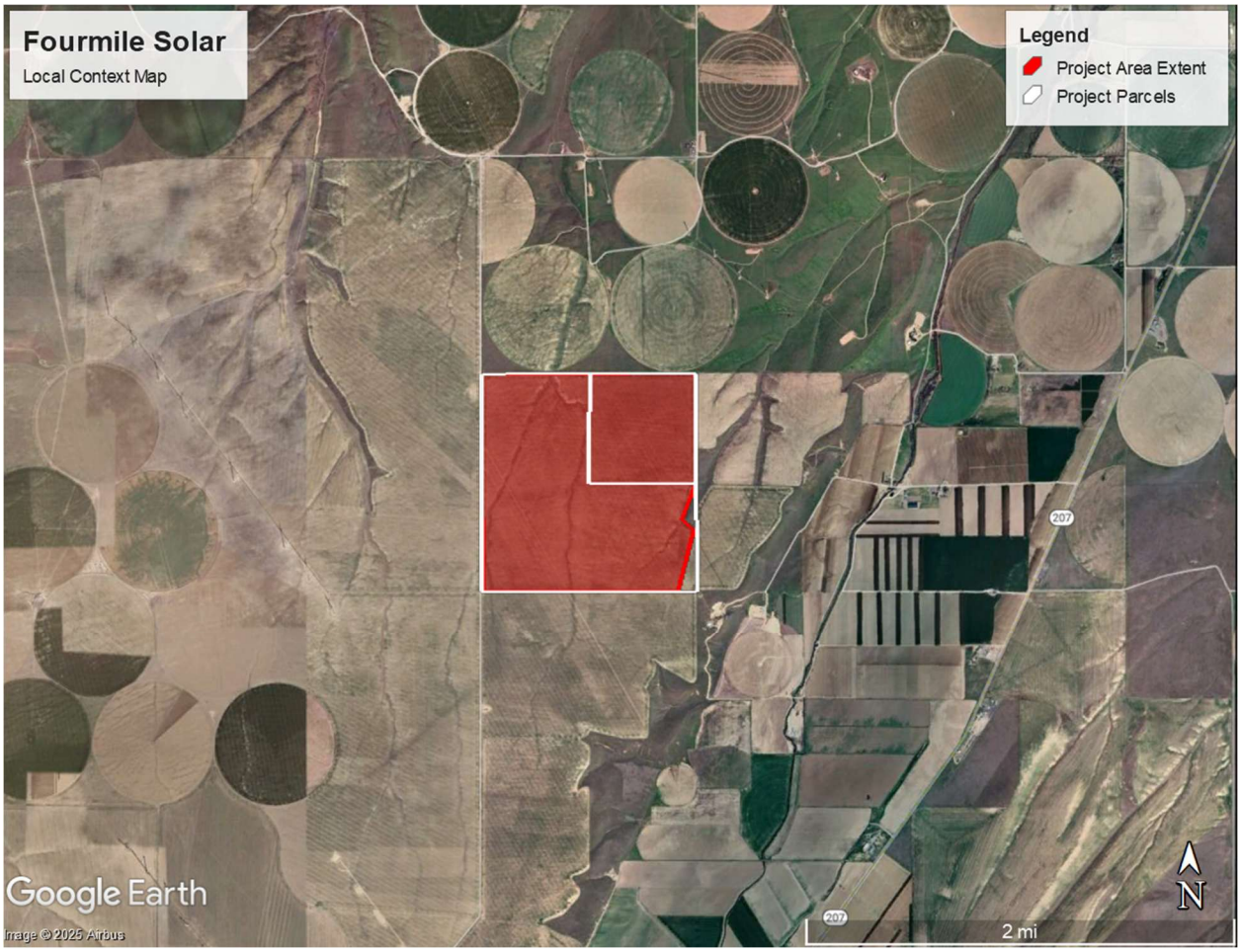
During the operation of the Project, chemical control measures shall be conducted on an as-needed basis in a frequency and intensity to be determined by trained professionals according to the guidelines set forth by the Pacific Northwest Weed Management Handbook (PEA, 2022).

4. ADAPTIVE MANAGEMENT

The plan outlined in this document will follow adaptive management practices, whereby management activities will be assessed on a continual basis and amendments to this plan may occur if specific site conditions warrant an alteration to this plan. The Applicant would coordinate

any amendments to this plan with the permitting authority and other parties involved in the management of the Project.

Figure 1:Local Context Map



SOURCES

Umatilla County, OR. 2017. Umatilla County Noxious Weed Control List https://www.co.umatilla.or.us/road/departments/road/weed/noxious-weed-control-list . Accessed September 4, 2025. (Enclosed as Appendix 1)

Oregon Department of Agriculture. 2020. Oregon Department of Agriculture Noxious Weed Policy and Classification System 2020. https://www.oregon.gov/ODA/shared/Documents/Publications/Weeds/NoxiousWeedPolicyClassification.pdf#:~:text=The%20Oregon%20Department%20of%20Agriculture%20%28ODA%29%20Noxious%20Weed,assessments%2C%20and%20maintaining%20the%20state%20noxious%20weed%20list. Accessed September 16, 2025

Peachey, E., editor. 2022. Pacific Northwest Weed Management Handbook. Corvallis, OR: Oregon State University.

APPENDIX 1: UMATILLA COUNTY NOXIOUS WEED CONTROL LIST

Excerpted from Umatilla County Weed Department website on September 4, 2025

"A" Designated Weed List

These Class "A" weeds have been found as single plants or in very limited populations in the county. Prevention, early detection, and eradication is high priority. Cost share may be available at the Weed Board discretion

Camelthorn (Alhagi pseudalhagi)
Common Bugloss (Anchusa officinalis)
Common Crupina (Cupina vulgaris)
Creeping Yellow Cress (Roripa sylvestris)
Flowering Rush (Botomus umbellatus)
Garlic Mustard (Alliaria petiolata)
Japanese Knotweeds [fleece flower] (Polygonum cuspidatum [Fallopia japonica])
Leafy Spurge (Euphorbia esula)
Marijuana (Cannabis sativa)
Meadow Knapweed (Centaurea jacea XC. Nigra)
Myrtyle Spurge (Euphorbia myrsinites)
Purple Loosestrife (Lythrum salicaria)
Purple Starthistle (Centaurea calcitrapa)
Rush Skeletonweed (Chondrilla juncea)
Spike Weed (Hemizonia pungens)
Spotted Knapweed (Centaurea maculosa)
Tansy ragwort (Senecio jacobaea)
Viper's bugloss (Echiuin vulgare)
Yellow flag iris (Iris pseudacorus)

RECOMMENDED ACTION: Infestations are subject to intensive control when and where found.

"B" Designated Weed List

RECOMMENDED ACTION: Limited to intensive control at state or county level as determined on a case-by case basis.

Austrian Peaweed (Sphaerophysa salsula)
Canada Thistle (Circium arvense)
Cereal Rye (Secale cereale)
Dalmation Toadflax (Linaria dalmatica)
Dodder (Cuscuta pentagona)

Diffuse Knapweed (Cuscuta pentagona)
Hoary Cress (Cardaria draba)
Johnsongrass (Sorghum halepense)
Jointed Goatgrass (Aegilopscylindrica)
Kochia (Kochia scoparia)
Mediterranean Sage (Salvia aethiopis)
Musk Thistle (Carduus nutans)
Puncturevine (Tribulus terrestris)
Poison hemlock (Coium maculatum)
Quackgrass (Agropyron repens)
Ragweed (Ambrosia artemisiifolia)
Russian Knapweed (Acroptilion repens)
Scotch Thistle (Onopordum acanthium)
St. Johswort (Hypericum perforatum)
Yellow Starthistle (Centaurea solstitialis)

Bobby Wenger

From: Theodore Orr <theodore.orr@umatillacounty.gov>
Sent: Tuesday, October 14, 2025 3:33 PM
To: Bobby Wenger
Subject: Re: Vegetation and Weed Management Plan for Fourmile Solar

Caution! This message was sent from outside your organization. Allow sender | Block sender

My apologies; yes, I am ok with those edits.

Thanks
Teddy

On Tue, Oct 14, 2025 at 1:54 PM Bobby Wenger <bobby@oneenergyrenewables.com> wrote:

> Hey Teddy,
>
> Pinging this as we are hoping to submit the application ASAP. Sorry for the hassle!
>
> If you can please reply with your approval so that I can include the email in the application, that should be all we need to get the project permitted. As stated in this plan, we will reach out again prior to starting construction. Of course, if you still have concerns, please let us know!
>
> Thank you,
>
> BOBBY WENGER
> He/Him
> Associate, Development
> 303.565.2374
> bobby@oneenergyrenewables.com
> www.oneenergyrenewables.com
>
> **From:** Bobby Wenger
> **Sent:** Wednesday, October 8, 2025 5:52 PM

To: 'Theodore Orr' <theodore.orr@umatillacounty.gov>
Subject: RE: Vegetation and Weed Management Plan for Fourmile Solar

Hi Teddy,

Please see the new draft of the Vegetation and Weed Management Plan for Fourmile Solar. We intend to submit this draft with the application, pending your approval. Since your comments are no longer included, here is a summary of the changes:

- At the conclusion of construction, disturbed areas will be re-seeded with a certified weed-free, low-growing native seed mix or mix that will support sheep grazing within the Project Area..
    - *Morrow County Grain Growers and Walla Walla County Grain growers have multiple varieties for these seed mixes if needed.*
        - Noted and thanks for the recommendation. No need to include in the text.
- The Applicant has executed a Letter of Intent with Krebs Solar Grazing, LLC (see Exhibit [TBD]) enabling the Applicant to engage on project design and operational vegetation management strategies while implementing sheep grazing. The Applicant will submit a Final Vegetation and Weed Management plan incorporating a sheep grazing program, including criteria for determining successful implementation of the grazing program as well as adaptive management measures to ensure success under the plan.
    - *Would this be limited to sheep grazing? Goats are also a option if needed.*
        - This will be limited to sheep grazing as we already have the LOI in place with Krebs Solar Grazing. Cameron Krebs only has sheep.
- Operations and maintenance staff will routinely monitor the Project Area for vegetation loss to ensure vegetation replacement occurs quickly.
    - *A 4-6 inch thatch height will help prevent weed occurrence. If grazed beyond that height, it have higher probability of weed encroachment.*
        - Noted and thanks for the recommendation. No need to include in the text but we will share this with Krebs
- The Final Vegetation and Weed Management Plan will include approved vegetation management measures to control undesirable plant species, eliminate shading of panels, and maintain reliable access for operations, maintenance, and emergency response purposes
    - *Is there a separate document outlining these measures?*
        - For the application, this preliminary plan is the only plan. This was rewritten to "The Final Vegetation and Weed Management Plan will be submitted prior to construction. It will include vegetation management measures approved by the Umatilla County Weed Department Supervisor to control undesirable plant species..." to make the process more clear.
- Applicant will implement all the control measures discussed above except treatment with herbicides

    - *There are various options to control the weeds with herbicides even when the infestations are vast. Sites along roads and travel areas would still need to be treated to prevent future spread of the weed.*
        - The landowner requested no herbicides.
- Hand application methods (e.g., backpack spraying) may be used in roadless areas or in rough terrain. Calibration checks of equipment would be conducted at the beginning of spraying and repeated periodically to ensure that proper application rates are achieved.
    - *Drones are available for this type of work if needed.*
        - Noted and thanks for the recommendation. No need to include in the text.
- Only the quantity needed for that day's work would be transported.
    - *Is there a reason for this comment? As long as it's transported in original container, I would not have a concern with transporting more. For example if I was from out of town I would need to find a site to store the herbicide needed for the week.*
        - Removed
- Concentrate would be transported in approved containers only
    - *Transported in original containers*
        - Changed "approved" to "original"
- Mixing would be done off site and at a distance greater than 200 feet from open or flowing water, wetlands, or other sensitive resources such as known Threatened and Endangered and sensitive species habitat. No herbicides would be applied at these areas unless authorized by the appropriate regulatory agencies.
    - *I would be ok with mixing on sites that are proposed for treatment. I would also refer to the label for buffers, unless otherwise specified with in the solar contract.*
        - This entire bullet was simplified to "Mixing would be done according to the specifications on the label of the specific herbicide."

If you can please reply with your approval so that I can include the email in the application, that should be all we need to get the project permitted. As stated in this plan, we will reach out again prior to starting construction. Of course, if you still have concerns, please let us know!

Thank you,

BOBBY WENGER
He/Him
Associate, Development
303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

From: Bobby Wenger
Sent: Monday, September 15, 2025 12:24 PM
To: 'Theodore Orr' <theodore.orr@umatillacounty.gov>
Subject: RE: Vegetation and Weed Management Plan for Fourmile Solar

Received, thank you! I will review your comments with my manage and send a follow up email to answer your questions and share the new version.

BOBBY WENGER
He/Him
Associate, Development
303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

From: Theodore Orr <theodore.orr@umatillacounty.gov>
Sent: Monday, September 15, 2025 12:55 PM
To: Bobby Wenger <bobby@oneenergyrenewables.com>
Subject: Re: Vegetation and Weed Management Plan for Fourmile Solar

I found it. I put the comments in the draft.

Thanks

Teddy

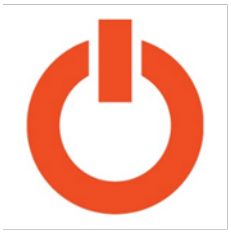
On Fri, Sep 5, 2025 at 1:02 PM Bobby Wenger <bobby@oneenergyrenewables.com> wrote:

> Hi Theodore,

I just left you a voicemail and am following it up with this email as promised. We are working on a permit application for a solar photovoltaic project, named Fourmile Solar, in Umatilla County and would appreciate your review of our Vegetation and Weed Management Plan. I have attached the current draft of the plan. The second attachment relates to Passage Solar, an adjacent project with the same landowner, but in Morrow County. We are still working to complete our LOI for Fourmile Solar, but it will be the same as the Passage Solar LOI with updates made to represent the appropriate project and county. Krebs Grazing will be grazing on both sides of the county line and will oversee vegetation and weed management as part of the deal.

Can you please review the plan and provide any additional comments/revisions, and your approval within the next 1-2 weeks? If you have any questions or concerns, please let me know ASAP.

Thank you!



BOBBY WENGER
He/Him
Associate, Development
303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

--

NEW EMAIL - theodore.orr@umatillacounty.gov

Theodore Orr

Umatilla County Vegetation Manager

3920 Westgate Pendleton OR 97801

(work) 541 278-5462 (cell) 541 969-9021

Attachment G

US FISH AND WILDLIFE: IPaC REPORT

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

TETRA TECH

Memo

To:	Bobby Wenger, OneEnergy Development, LLC
Cc:	Tanner Gillespie, OneEnergy Development, LLC
From:	Megan Arp, Tetra Tech
Date:	October 14, 2025
Subject:	Supplement to the 2023 Habitat, Wildlife, and Raptor Nest Survey Report for the Fourmile Solar Energy Project

1.0 Introduction

Tetra Tech completed habitat, wildlife, and raptor nest surveys for the Fourmile Solar Energy Project (Project) in Umatilla County, Oregon, in 2023 for OneEnergy Development, LLC (OneEnergy). This supplement provides clarifications to the Habitat, Wildlife, and Raptor Nest Survey Report dated October 2023 (Tetra Tech 2023). Specifically, this supplement addresses the Endangered Species Act (ESA) listing status changes that occurred since the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) report was run in 2023 (USFWS 2023, USFWS 2025), as well as providing an updated review of federal listed species and their potential to occur within the approximately 626-acre Project Area as defined in the Habitat, Wildlife, and Raptor Nest Survey Report (Tetra Tech 2023).

2.0 ESA Listing Status Changes

When the IPaC report was run in 2023, two federal listed species were identified with potential to occur within the vicinity of the Project: gray wolf (*Canis lupis*; endangered) and monarch butterfly (*Danaus plexippus*; candidate). Since then, gray wolf in eastern Oregon has been delisted by the USFWS, and monarch butterfly has moved forward in the listing process and is now proposed threatened. In addition, another species within range of the Project has been listed since the 2023 report: Suckley's cuckoo bumble bee (*Bombus suckleyi*; proposed endangered). There have been no changes to critical habitat within the vicinity of the Project since 2023. The 2025 IPaC report can be found in Attachment 1.

Tetra Tech, Inc.
1750 S Harbor Way, Suite 400, Portland, OR 97201
Tel 503.221.8636 Fax 503.227.1287 www.tetratech.com

Table 1. Summary of Species Status Changes Within the Vicinity of the Project

Common Name	*Scientific Name*	Federal Status by Year	
		2023	2025
Gray wolf	*Canis lupis*	Endangered in eastern Oregon	Delisted in eastern Oregon
Monarch butterfly	*Danaus plexippus*	Candidate	Proposed threatened
Suckley's cuckoo bumble bee	*Bombus suckleyi*	No listing	Proposed endangered

3.0 Special Status Species and Potential to Occur

Based on the results of the habitat surveys conducted in 2023, there is no potential for either monarch butterfly or Suckley's cuckoo bumble bee to occur within the Project Area. Suitable habitat for monarch butterfly requires areas with milkweed (*Asclepias* spp.), which this butterfly uses as a host plant for breeding. Suitable habitat for Suckley's cuckoo bumble bee requires the nests of other ground-nesting bumble bee species (*Bombus* spp.), because this bee is a social parasite and relies on other bumble bees to raise its young. The Project Area only consists of active dryland wheat fields, which does not provide stable, suitable habitat for either of these species.

4.0 Conclusion

This supplement addresses the changes in federal status of species within the vicinity of the Project and provides an updated review of federally listed species and their potential to occur within the Project Area. The level of disturbance that occurs within active agricultural lands precludes the establishment of milkweed and underground bee nests. In addition, there were no documented observations of milkweed or monarch butterfly, which was a candidate species at the time of the surveys. Based on the habitat requirements of these species and the results of previous surveys, no suitable habitat for monarch butterfly or Suckley's cuckoo bumble bee exists within the Project Area.

5.0 References

Tetra Tech. 2023. Habitat, Wildlife, and Raptor Nest Survey Report, Fourmile Solar Energy Project. Umatilla County, Oregon. Prepared for OneEnergy Development, LLC.

USFWS (U.S. Fish and Wildlife Service). 2023. "IPaC: Information for Planning and Consultation Resource List." Washington Fish and Wildlife Office, 510 Desmond Drive Se, Suite 102 Lacey, WA 98503-1263: U.S. Fish & Wildlife Service. https://ipac.ecosphere.fws.gov. Accessed May 2023.

USFWS. 2025. "IPaC: Information for Planning and Consultation Resource List." Washington Fish and Wildlife Office, 510 Desmond Drive Se, Suite 102 Lacey, WA 98503-1263: U.S. Fish & Wildlife Service. https://ipac.ecosphere.fws.gov. Accessed September 2025.

Attachment 1. 2025 IPaC Report

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oregon Fish And Wildlife Office
2600 Southeast 98th Avenue, Suite 100
Portland, OR 97266-1398
Phone: (503) 231-6179 Fax: (503) 231-6195

In Reply Refer To:
Project Code: 2025-0144202
Project Name: Fourmile Solar

09/03/2025 16:06:23 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This is not a consultation.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

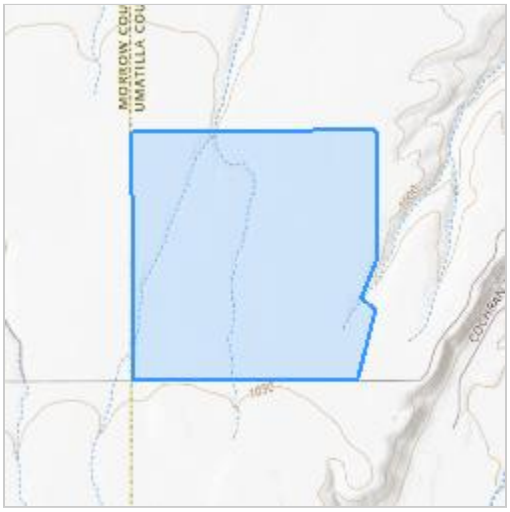
Oregon Fish And Wildlife Office
2600 Southeast 98th Avenue, Suite 100
Portland, OR 97266-1398
(503) 231-6179

PROJECT SUMMARY

Project Code: 2025-0144202
Project Name: Fourmile Solar
Project Type: Power Gen - Solar
Project Description: Fourmile Solar will include up to 450 acres of EFU land in Umatilla County, Oregon. Some light grading and clearing may take place but there will be little change to the quantity of impervious surface. It is expected that the project will generate up to 90 MW of power.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@45.6828651,-119.42421178142868,14z



Counties: Umatilla County, Oregon

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Suckley's Cuckoo Bumble Bee *Bombus suckleyi* Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10885	Proposed Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency:	Private Entity
Name:	Bobby Wenger
Address:	1023 Walnut Street
Address Line 2:	Suite 100
City:	Boulder
State:	CO
Zip:	80302
Email	bobby@oneenergyrenewables.com
Phone:	4254454858

Attachment H

WILDLIFE AND HABITAT SURVEY REPORT

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

2023 Habitat, Wildlife, and Raptor Nest Survey Report

Fourmile Solar Energy Project

Prepared for
OneEnergy Development, LLC

Prepared by

Tetra Tech, Inc.

October 2023

GENERAL DISCLAIMER FOR SCIENTIFIC WORK PRODUCTS

This deliverable was prepared in accordance with generally accepted professional practices that are typically utilized for scientific work products. The work was performed within the limitations and assumptions of our approved scope of work, and the descriptive documentation associated with this deliverable. Unless explicitly included in our approved scope of work, information provided in this deliverable has not been prepared to meet industry standards for engineering and should not be used for construction.

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Attachment 2. Habitat Types and Subtypes with Potential to Occur

Attachment 3. Special Status Wildlife Species with Potential to Occur

Attachment 4. Select Photographs Taken During 2023 Surveys

Attachment 5. Complete List of Wildlife Species Observed

1.0 Introduction

OneEnergy Development, LLC (OneEnergy) contracted Tetra Tech, Inc. (Tetra Tech) to perform wildlife, raptor nest, and habitat surveys for the Fourmile Solar Energy Project (Project), located on approximately 626 acres in Umatilla County, Oregon (Project Area). Tetra Tech mapped and classified habitat according to Oregon Department of Fish and Wildlife (ODFW) guidelines set forth in Oregon Administrative Rule (OAR) 635-415-0025. Field verification of desktop habitat mapping occurred concurrently with wildlife and raptor nest surveys, and surveyors documented all wildlife including threatened, endangered, candidate, and state sensitive species observed during surveys.

2.0 Survey Areas

Special status wildlife species and habitat categorization surveys were conducted within the Project Area (Wildlife and Habitat Survey Area; Figure 1). The total acreage of the Wildlife and Habitat Survey Area is 626.5 acres. The raptor nest survey included the Project Area and an additional 0.5-mile buffer around it (2,382.3 acres; Raptor Nest Survey Area; Figure 1).

3.0 Methods

Prior to conducting field surveys, Tetra Tech conducted a background review to identify potential habitat types and special status wildlife species with the potential to occur within the Wildlife and Habitat Survey Area. The review was based on a literature review and search of public information sources, including online databases (Johnson and O'Neil 2001, ODFW 2013a, ODFW 2021a, ODFW 2021b, ORBIC 2019, ORBIC 2023, Wildlife Explorer 2023, Sullivan et al 2009, USFWS 2020, USFWS 2021, USFWS 2023a, USFWS 2023b, USGS 2001, Verts and Carraway 1998), as well as a 2021 survey report from Western Ecosystems Technology Inc. (WEST 2021), and Tetra Tech biologist experience. Aerial photography was also reviewed to preliminarily assess existing habitats within the Wildlife and Habitat Survey Area. Field surveys were conducted by biologists familiar with Columbia Plateau/Columbia Basin ecoregion habitats and species. ODFW staff provided concurrence on the scope, timing, and extent of all surveys prior to Tetra Tech's field deployments (Tetra Tech 2023b).

3.1 Habitat

The objective of the habitat survey was to categorize habitats within the Wildlife and Habitat Survey Area per the habitat categories set forth in OAR 635-415-0025, ODFW Fish and Wildlife Habitat Mitigation Policy, and assign habitat subtypes adapted from habitat descriptions in Johnson and O'Neil (2001). ODFW's Fish and Wildlife Habitat Mitigation Policy defines six habitat quality categories ranging from Category 1 to Category 6, as defined in Table 1.

Table 1. ODFW Habitat Categories and Examples (OAR 635-415-0025)

ODFW Habitat Category	Definition	Goals for Mitigation
1	Essential, Limited, and Irreplaceable habitat	No Loss of Habitat Quantity or Quality
2	Essential and Limited Habitat	No Net Loss of Habitat Quantity or Quality and To Provide a Net Benefit of Habitat Quantity or Quality
3	Essential habitat, or Important and Limited Habitat	No Net Loss of Habitat Quantity or Quality
4	Important Habitat	No Net Loss of Habitat Quantity or Quality
5	Habitat having high potential to become either essential or important habitat	Net Benefit in Habitat Quantity or Quality
6	Habitat that has low potential to become essential or important habitat	Minimize Impacts

Prior to field surveys, Tetra Tech desktop-delineated preliminary habitat transitions to assist the field habitat delineation effort, based on aerial imagery. Preliminary habitat polygons desktop-delineated within the Wildlife and Habitat Survey Area were either confirmed or recategorized in the field.

Habitat categorization surveys were conducted concurrently with special status wildlife species surveys. Surveys were scheduled during the growing season to aid in identification of vegetative species. Biologists walked and/or drove the boundaries of the cultivated land which comprises the entire Wildlife and Habitat Survey Area to categorize the composition and structure of habitat by noting the dominant vegetation, existing disturbance, or other habitat features such as shrub and grass composition and density (Attachment 1). Surveyors digitized habitats within these focused corridors, scanned the landscape and digitized habitats within the viewshed to map and categorize 100 percent of the Wildlife and Habitat Survey Area. Based on characteristics observed, vegetation within the Wildlife and Habitat Survey Area was assigned a habitat type, subtype, and habitat quality category guided by the habitat categorization table (Attachment 2) which was developed based on Johnson and O'Neil (2001) and OAR 635-415-0025. This information was recorded on Samsung Galaxy tablets using the FieldMaps application. A minimum mapping unit of 1 acre was implemented except for wetlands and specialized features such as cliffs.

Following field surveys, the digitized boundaries were downloaded and processed in a Geographic Information System (GIS). Data were reviewed for quality control.

3.2 Wildlife

The objective of the wildlife survey was to document general wildlife and special status wildlife species use of the Wildlife and Habitat Survey Area. Prior to conducting surveys, Tetra Tech generated a list of special status wildlife species with potential to occur at the Wildlife and Habitat Survey Area including federal and state endangered, threatened, proposed, and candidate species;

species of concern; birds of conservation concern; sensitive and sensitive-critical species; and eagles (Attachment 3; ODFW 2021a, ODFW 2021b, ORBIC 2023, USFWS 2021, USFWS 2023a, USFWS 2023b, Wildlife Explorer 2023). In addition to reviewing publicly available sources, Tetra Tech submitted a formal request to the Oregon Biodiversity Information Center (ORBIC) to obtain site-specific records of special-status species occurrences and sensitive habitats within 5 miles of the Wildlife and Habitat Survey Area (ORBIC 2023).

Tetra Tech reviewed habitat and range information for special status wildlife species known to occur in Umatilla County and the Columbia Plateau/Columbia Basin ecoregion to develop the list of species that had the potential to occur at the Wildlife and Habitat Survey Area (Attachment 3). Species were eliminated from consideration if their habitat was absent from the Wildlife and Habitat Survey Area, their range did not overlap with the Wildlife and Habitat Survey Area, or they were unlikely to pass through the Wildlife and Habitat Survey Area during migration based on the preliminary desktop review. This list was reviewed prior to conducting field surveys to ensure surveyor familiarity with relevant species. Survey dates were planned to coincide with the period of highest biological activity of neotropical migrant and breeding birds, foraging and breeding animal species, and other taxa.

Tetra Tech identified nine special-status wildlife species with the potential to occur at the Wildlife and Habitat Survey Area, including seven birds, and two mammals (Attachment 3). The Washington ground squirrel (*Urocitellus washingtoni*, WAGS), a state listed endangered species known to occur in Umatilla County, is found in in sagebrush habitats and bunchgrass grasslands that have few invasive species (Betts 1990). ODFW advises that WAGS colonies can be found in all habitats, regardless of quality, except for active agricultural fields and developed land. Because the entirety of the Wildlife and Habitat Survey Area is under active agricultural use this species was determined unlikely to occur and protocol-level surveys for WAGS were not conducted.

During field surveys, biologists walked and/or drove the boundaries of the cultivated land which comprises the entire Wildlife and Habitat Survey Area, searching (scanning and listening) for wildlife species and recognizable signs of wildlife (e.g., scat, tracks, burrows, and nests). Surveys began early in the morning and continued through late afternoon to facilitate observations of species most active at dawn and/or late afternoon (i.e., mule deer [*Odocoileus hemionus*] and Rocky Mountain elk [*Cervus canadensis*]). Surveyors recorded the location of special-status wildlife species (or recognizable sign) on a GPS-enabled Samsung Galaxy tablet using the FieldMaps application, and recorded information on the number of individuals and their behavior. Surveyors also kept a running list of all wildlife species observed and documented special habitats and unique features such as rock outcrops if encountered. Following field surveys, the digitized data were downloaded and processed in in a GIS and were reviewed for quality control and assurance.

3.3 Raptors

Prior to conducting field surveys, Tetra Tech reviewed aerial photography and the results of a records request to ORBIC (2023) as well as U.S. Fish and Wildlife Service data (Leal 2020) to identify potential raptor nesting structures and known raptor nests in the vicinity of the Project.

The purpose of the survey was to document active and inactive raptor nests within the Raptor Nest Survey Area. The survey was performed in mid-May when most raptors in the region are typically engaged in early-season reproductive activities (e.g., courting, incubating eggs).

Biologists systematically searched raptor nest substrate within the Raptor Nest Survey Area by vehicle and on foot. Within the Project Area, nesting substrate was investigated from public and private roads and on foot when additional inspection was necessary. Property outside the Project Area but within the 0.5-mile buffer was searched by scanning suitable nesting habitat from public roads or within the Project Area. Periodic stops were made to scan suitable habitat (e.g., trees, utility towers, power poles) and examine nests with the aid of binoculars. To determine the status of a nest, biologists made observations on the behavior of adults, presence of young, signs of nest building, or whitewash. To minimize disturbance to nesting raptors, biologists approached nests cautiously and maintained the greatest possible distance at which the species could be identified, with distances varying depending upon nest location and behavior of nesting birds. Biologists also documented American crow (*Corvus brachyrhynchos*) and common raven (*Corvus corax*) nests. Although not raptors, American crow and common raven nests were recorded during the surveys because they could be used by nesting raptors during subsequent breeding seasons.

If a nest was found, biologists documented the location via GPS-enabled tablet and collected data on an electronic data form on the nest status, size class, condition, substrate, height, exposure, as well as the nesting species and number of eggs or young observed during surveys.

4.0 Results

4.1 Habitat

Tetra Tech conducted habitat categorization surveys within the Wildlife and Habitat Survey Area on June 15, 2023. The survey confirmed the habitat types, subtypes, and categories within the Wildlife and Habitat Survey Area as shown in Table 2 and Figures 2 and 3. Photos of habitat types and categories are provided in Attachment 4. The only habitat within the Wildlife and Habitat Survey Area was Category 6 Orchards, Vineyards, Wheat Fields, Other Row Crops (dryland wheat), which was stubble at the time of 2023 surveys (626.5 acres).

Table 2. Habitat Categories, Types and Subtypes within the Wildlife and Habitat Survey Area

Habitat Type	Habitat Subtype	Habitat Category	Acres within Survey Area
Agriculture, Pasture, and Mixed Environs	Orchards, Vineyards, Wheat Fields, Other Row Crops	6	626.5
Total			626.5

4.2 Wildlife

Concurrent with the raptor nest survey on May 17, 2023, biologists documented occurrence of wildlife species and maintained a running list of wildlife individuals and sign observed in the Wildlife and Habitat Survey Area (Attachment 5). No special status species were observed during the field survey, including any WAGS individuals or sign. Areas of active agriculture are not considered suitable habitat for the WAGS; therefore, this species is not expected to occur within the Wildlife and Habitat Survey Area due to absence of suitable habitat.

4.3 Raptors

Tetra Tech biologists conducted the raptor nest survey on May 17, 2023. One stick nest suitable for raptors was found within the Raptor Nest Survey Area (Figure 4). The nest was located on a power pole on a gravel road along the western Project boundary and was occupied by common ravens. Available nest substrate in the Raptor Nest Survey Area is limited to power poles and utility towers.

5.0 Summary and Conclusions

Based on vegetative characteristics, Tetra Tech mapped one habitat type, subtype, and category within the Wildlife and Habitat Survey Area: Category 6 Agriculture, Pasture, and Mixed Environs - Orchards, Vineyards, Wheat Fields, Other Row Crops. Although this habitat type may provide some value to wildlife, the Wildlife and Habitat Survey Area is entirely disturbed by active agriculture.

During 2023 surveys Tetra Tech did not observe any special status species. One stick nest suitable for raptor use was identified within the Raptor Nest Survey Area and was occupied by common ravens. Minimal raptor nesting substrate is available within the Raptor Nest Survey Area.

6.0 References

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Figures

Fourmile Solar

Figure 1
Survey Area

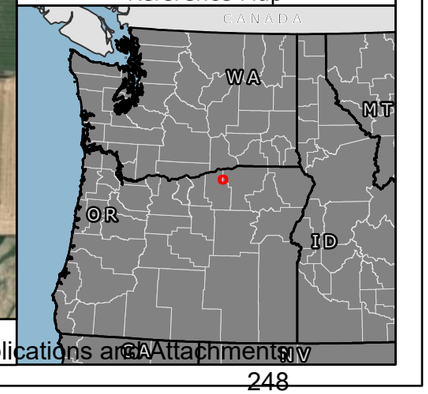
UMATILLA COUNTY, OR

- Raptor Nest Survey Area (0.5 mile buffer)
- Wildlife and Habitat Survey Area
- West 2020 Survey Area
- County Boundary
- Local Roads

TETRA TECH

OneEnergy

Reference Map



1:15,000

WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

Figure 2
Habitat Categories

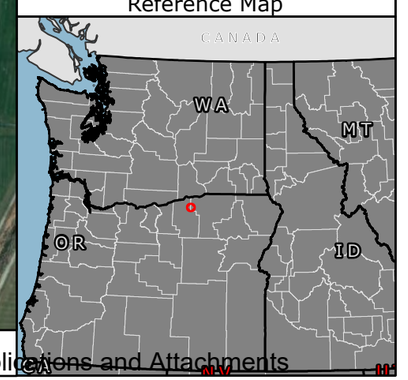
UMATILLA COUNTY, OR

Wildlife and Habitat Survey Area
County Boundary
Local Roads
Habitat Category
6

Morrow County
Umatilla County
Cochran Rd

TETRA TECH
OneEnergy

Reference Map



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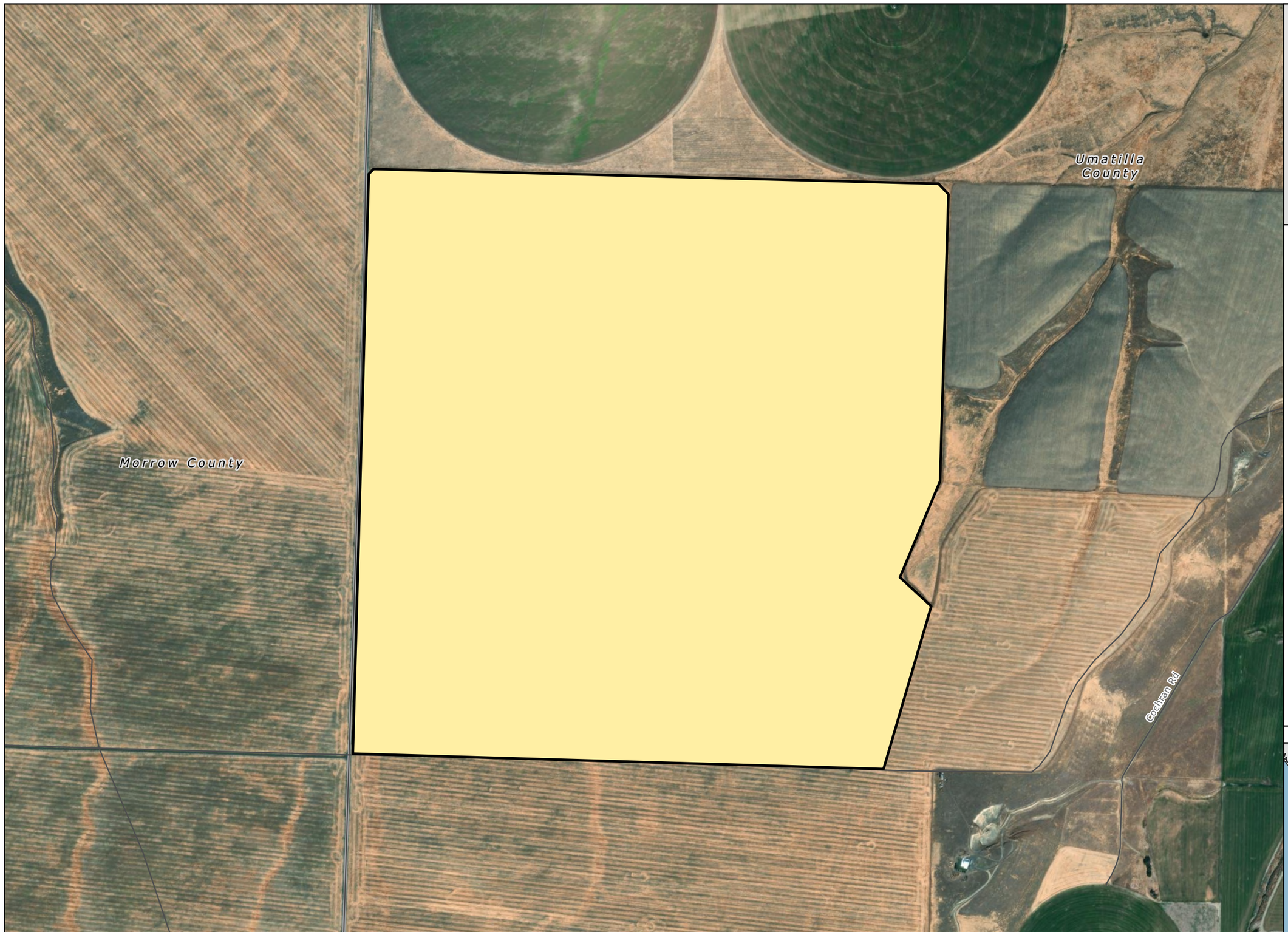
NOT FOR CONSTRUCTION

Fourmile Solar

Figure 3
Habitat Subtype

UMATILLA COUNTY, OR



- Wildlife and Habitat Survey Area
- County Boundary
- Local Roads

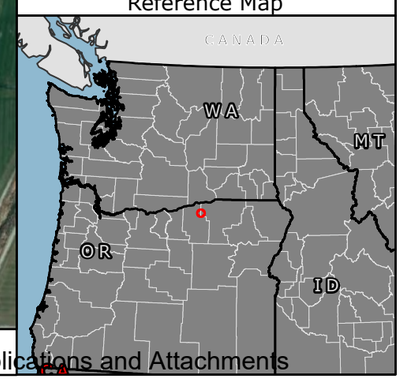
EFSC Subtype

- Orchards, Vineyards, Wheat Fields, Other Row Crop

TETRA TECH

OneEnergy

Reference Map



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NOT FOR CONSTRUCTION

Fourmile Solar

Figure 4
Special Status Wildlife Species and Raptor Nest Survey Results

UMATILLA COUNTY, OR

Raptor Nest Survey Area (0.5 mile buffer)

Wildlife and Habitat Survey Area

County Boundary

Local Roads

Species Using Nest, Nest Status

Common Raven, In-use

Morrow County

Umatilla County

Madison Rd

Cochran Rd

Eagle Ranch Rd

TETRA TECH

OneEnergy

Reference Map

CANADA

WA

OR

MT

ID

WY

NV

UT

1:15,000

WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

Attachment 1. Habitat Categorization Data Sheet

Data Sheet Id: _____

FOURMILE SOLAR HABITAT CATEGORIZATION

HABITAT CATEGORY ☐

Date _____ Surveyor _____

Site description:

EFSC habitat type/subtype: (circle one habitat type and one subtype):

Open water-lakes, rivers, streams: Permanent ponds/lakes(PL)/ Seasonal ponds(SP)/ Perennial(PS)/ Intermittent(IS)
Wetlands: Emergent wetlands(EW)/ Scrub-shrub wetlands(SW)/ Forested wetlands(FW)
Riparian forest and shrubland complexes: Eastside (interior) riparian(ER)
Upland grassland, shrub-steppe and shrubland: Eastside grassland(EG)/ Shrub-steppe(SS)
Upland forests and woodlands: Eastside oak and ponderosa pine forest and woodland(EO)/ Western juniper and mountain mahogany woodlands(JW)
Agriculture, pasture, and mixed environs: Planted Grasslands (PG)/ Orchards, vineyards, wheat fields, other row crops, irrigated poplar plantations(AG)/ Irrigated pastures and hay meadows(PA**)**
Cliffs, caves and talus(CT)
Urban and mixed environs(UR)

Notes if confusion _____

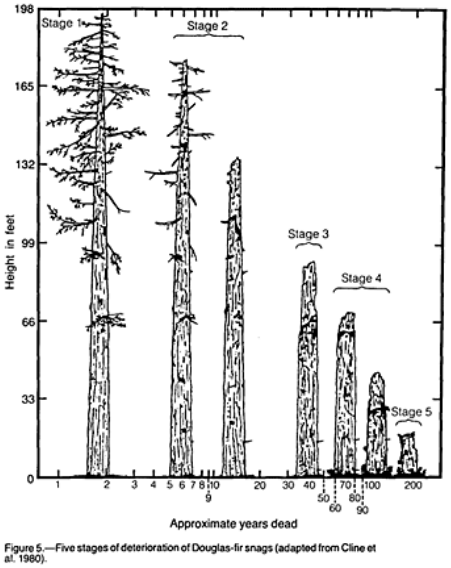


Figure 5.—Five stages of deterioration of Douglas-fir snags (adapted from Cline et al. 1980).

Detailed vegetation measurements:

**Dominant ≥20%, Subdominant 10-20%

Trees

Dominant species _____

Subdominant species _____

Avg. dbh (in.) __ Canopy closure (%) ___ No. subcanopy layers ____

Percent native cover _____ Percent bare ground or duff _____

Stumps present? Yes No

Snags present? Yes No Snag stage (circle one) 1 2 3 4 5 Abundance ____/ac

Forest phase per Brown: GF SHR OSP CSPS LGSAW OGDD

Shrubs

Dominant species _____

Subdominant species _____

Canopy closure (%) _____ No. subcanopy layers ____

Percent native cover _____ Percent bare ground _____

Percent crytobiotic crust (if applicable)_____

Herbs & Grasses

Dominant species _____

Subdominant species _____

Canopy closure (%) _____ No. subcanopy layers ____

Percent native cover:_____ Percent bare ground or duff ____

Percent crytobiotic crust (if applicable)_____

Other descriptions:

Disturbance type(s), check all that apply within the polygon, and for disturbances outside but in view of the polygon, insert the estimated distance in meters between the polygon edge and the disturbance:

__Grazing	__Thinning	__Wind Farm
__Invasive plants	__Quarry	__Fire
__Clearcut Logging	__Residence or Farm	__Other Building
__Railroad	__Communications Tower	__Campground
__Dirt Road	__Gravel Road	__Asphalt road
__Row Crop	__Urban Area	__Erosion

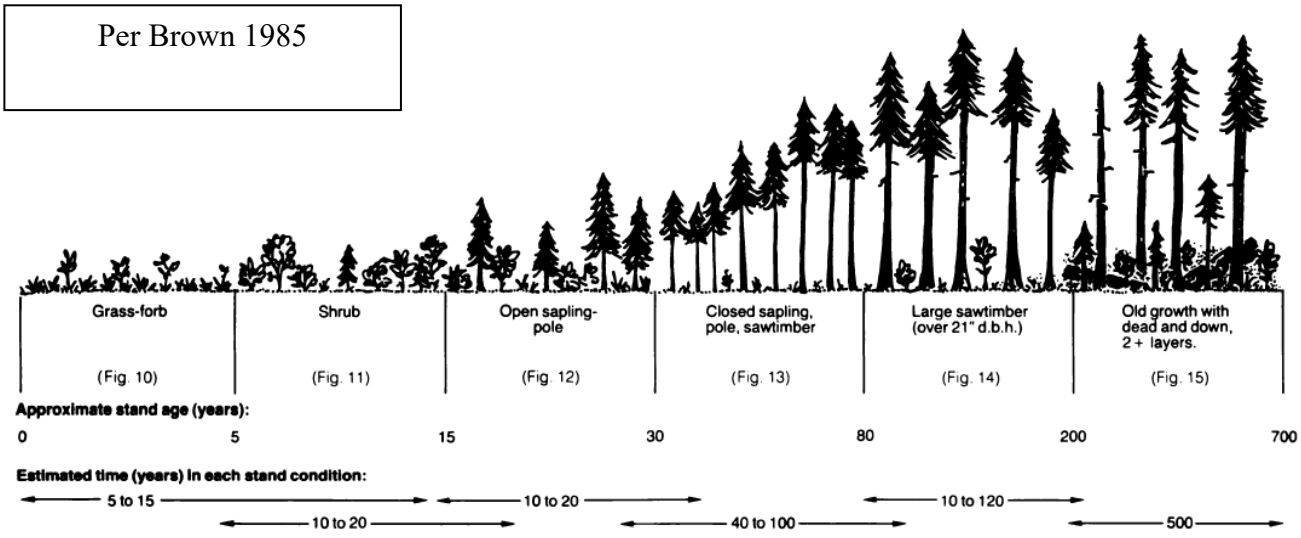
__Recreation, if so what kind? _____ Other (please specify) _____

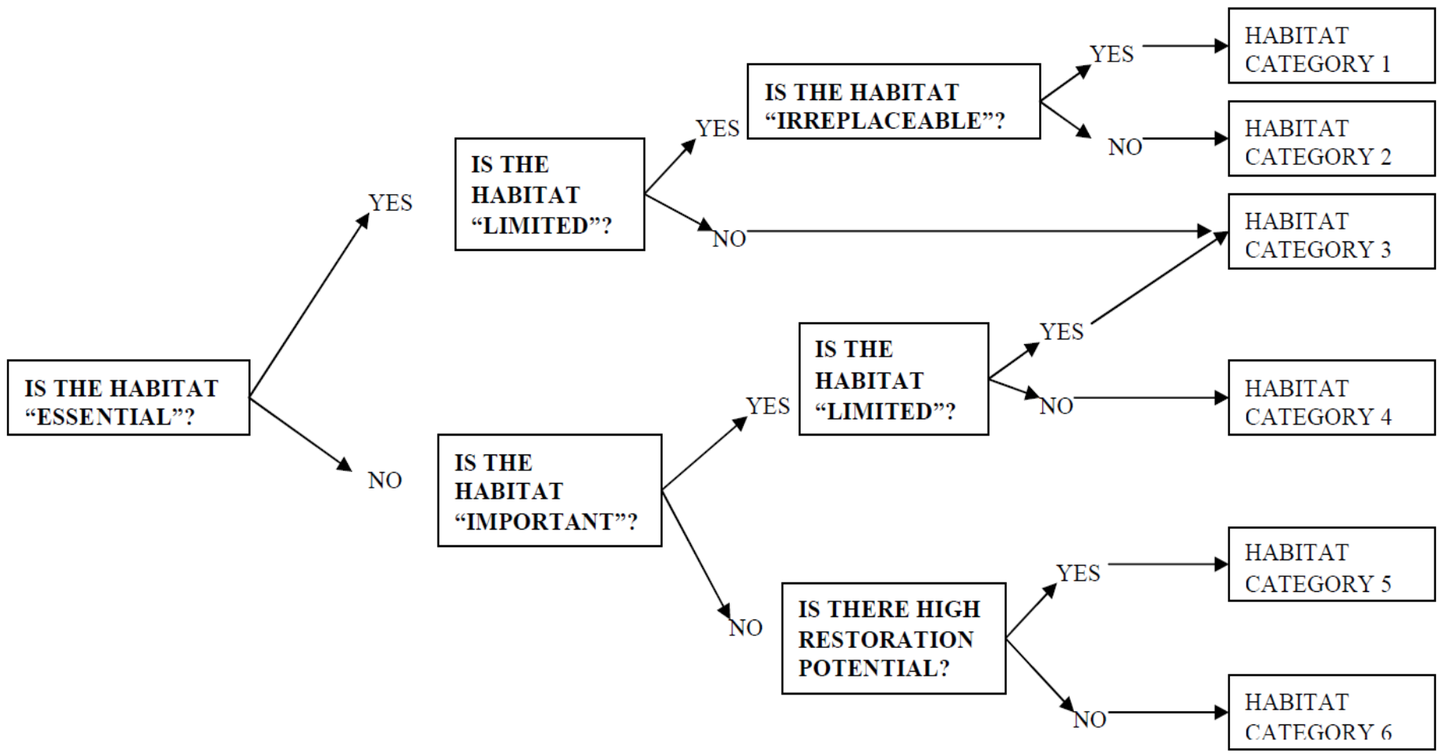
Any sensitive species seen or habitat specifically noted (if yes, please explain)? Yes No

Any special features (for example: caves, mine openings, cliffs, rimrock, rock outcrops, talus slopes, abandoned buildings, large snags, abandoned wood bridges, balds and bluffs, wetland habitats (if yes, please explain)? Yes No

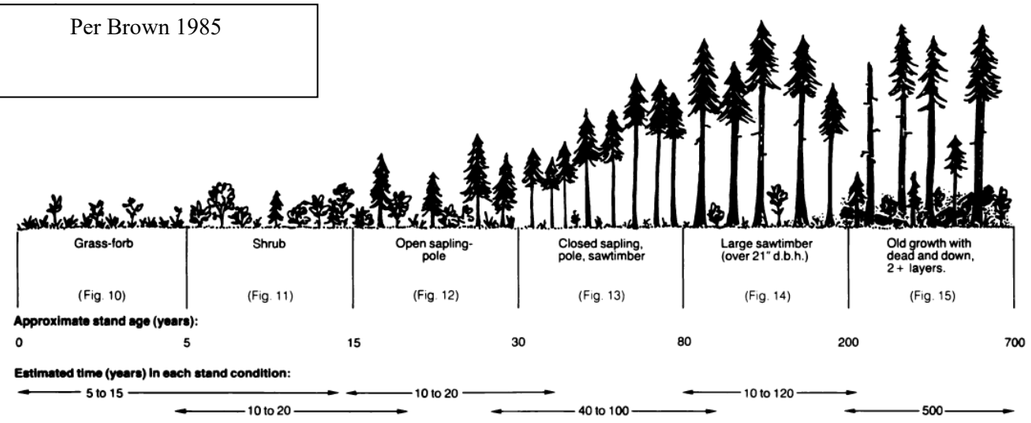
Any additional notes:

Per Brown 1985





Per Brown 1985



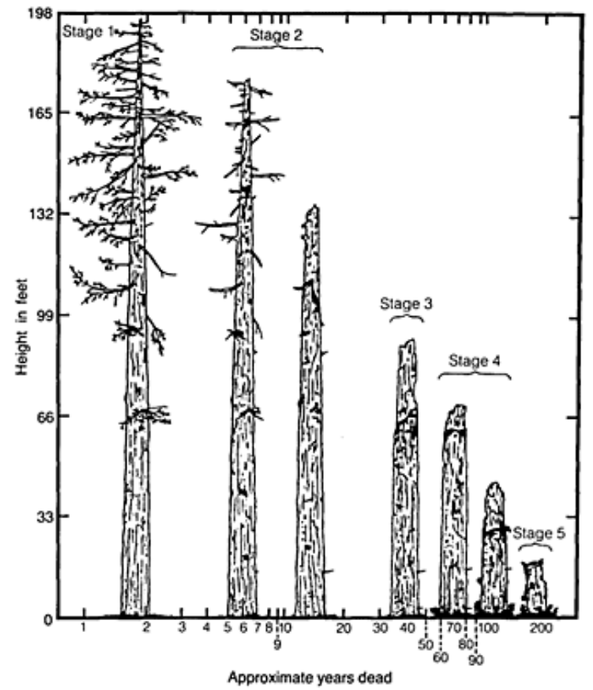


Figure 5.—Five stages of deterioration of Douglas-fir snags (adapted from Cline et al. 1980).

Attachment 2. Habitat Types and Subtypes with Potential to Occur

Habitat Type	Habitat Sub-type	Category 1	Category 2	Category 3	Category 4	Category 5	Category 6
Open Water – Lakes, Rivers, Streams	Intermittent or Ephemeral Streams mapped by USGS as intermittent		Fish-bearing natural stream channels that support native, migratory fish based on StreamNet data or input from ODFW fish biologists; and provides good spawning (gravel beds present, non-embedded) and/or rearing habitat, with native emergent, shrub, or forested riparian margins.	Fish-bearing natural stream channels that do not support native, migratory fish based on StreamNet data or input from ODFW fish biologists; and provide marginal spawning (gravel present in pockets/30% embedded) and/or rearing habitat; or non-fish-bearing natural stream channels which drain into fish-bearing streams based on StreamNet data.	Non-fish-bearing natural stream channels that do not directly drain into fish-bearing streams.	Non-fish-bearing ephemeral streams or excavated channels with high restoration potential; not important habitat.	
Wetlands	Emergent Wetlands Emergent wetlands with herbaceous vegetation	Any bog or fen.	High quality habitat, dominated by native species	Mixture of native and non-native plant species and low to moderate disturbance		Farmed or previously filled wetlands; highly disturbed, dominated by non-native plant species.	
Agriculture, Pasture, and Mixed Environs	Orchards, Vineyards, Wheat Fields, Other Row Crops						Active agricultural areas with low potential for restoration.
	Irrigated Pastures and Hay Meadows				Potential habitat for wildlife.		
Urban and Mixed Environs							All developed areas.

Attachment 3. Special Status Wildlife Species with Potential to Occur

Common Name	Scientific Name	Federal Status[1]	ODFW Status in Columbia Plateau/Columbia Basin[2]	Occurs in Umatilla County per ORBIC 2019
Birds				
burrowing owl (Western)	*Athene cunicularia hypugaea*	SOC	SC	Yes
common nighthawk	*Chordeiles minor*	–	S	Yes
ferruginous hawk	*Buteo regalis*	BCC, SOC	SC	Yes
golden eagle	*Aquila chrysaetos*	BCC, BGEPA	–	Yes
loggerhead shrike	*Lanius ludovicianus*	BCC	S	Yes
long–billed curlew	*Numenius americanus*	BCC	SC	Yes
Swainson's hawk	*buteo swainsoni*	–	S	Yes
Mammals				
pallid bat	*Antrozous pallidus*	-	S	Yes
Townsend's big–eared bat	*Corynorhinus townsendii*	-	SC	Yes

Sources: ODFW 2021a, ODFW 2021b, ORBIC 2019, ORBIC 2023, USFWS 2021, USFWS 2023a, USFWS 2023b, Wildlife Explorer 2023

1. Federally Listed Species: C = Candidate, SOC = Species of Concern, BCC = Bird of Conservation Concern

2. Wildlife: Oregon Department of Fish and Wildlife: SC = Critical Sensitive Species, S = Sensitive Species

Attachment 4. Select Photographs Taken During 2023 Surveys

Photo 1. Common raven stick nest on utility pole. Looking W. Taken: 5/17/2023.

Photo 2. Category 6 Orchards, Vineyards, Wheat Fields, Other Row Crop habitat. Looking S. Taken: 6/15/2023.

Attachment 5. Complete List of Wildlife Species Observed

Complete List of Wildlife Species Observed

Common Name	Scientific Name
BIRDS	
European starling	*Sturnus vulgaris*
common raven	*Corvus corax*
mourning dove	*Zenaida macroura*

Attachment J

SHPO Submission

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

Tanner Gillespie

From: King, Erin <Erin.King@tetratech.com>
Sent: Tuesday, July 23, 2024 3:42 PM
To: Tanner Gillespie; Fossum, Linnea
Subject: FW: 23-1030: Go Digital Fourmile Solar Project Report Submittal

Caution! This message was sent from outside your organization. Allow sender | Block sender

FYI – receipt confirmation.

Erin King, MA, RPA | Principal Archaeologist – Pacific Northwest | Tetra Tech
Direct **+1 (612) 643-2227** | Mobile **+1 (916) 502-6044** | erin.king@tetratech.com
Pronouns: she, her, hers

PLEASE NOTE: My working hours may be different than yours. Please do not feel obligated to respond outside of your normal work schedule. (Minneapolis Based | Time Zone: Central)

This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

From: CLEARANCE ORSHPO * OPRD <ORSHPO.Clearance@oprd.oregon.gov>
Sent: Tuesday, July 23, 2024 4:30 PM
To: King, Erin <Erin.King@tetratech.com>
Subject: RE: 23-1030: Go Digital Fourmile Solar Project Report Submittal

You don't often get email from orshpo.clearance@oprd.oregon.gov. Learn why this is important

⚠ **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. ⚠

THIS E-MAIL CONFIRMS RECEIPT OF AN ELECTRONIC SUBMISSION FOR AN HISTORIC RESOURCE/106 REVIEW

THIS E-MAIL DOES NOT REPRESENT CONCLUSION OF THE REVIEW/106 CONSULTATION.....

We received a clearance submission on your above referenced project. Thank you.

The assigned SHPO Case Number is 23-1030 . Refer to this case number on all future correspondence or submitting any change to the scope of work for review using the provided SHPO case number. Please retain this email for your records.

If the SHPO chooses to not respond within 30 calendar days from receipt of this submittal your responsibilities under Section 106 of the National Historic Preservation Act of 1966 as amended, Oregon Revised Statute 358.653, local permitting process, and/or other similar request are complete and the project may proceed as described in the submitted scope of work. The 30-day SHPO response period for this project ends after 08/21/2024.

Federal and state laws protecting cultural resources, local permitting requirements; and necessary consultation with Native American Indian Tribes for federal, state and local government projects still apply.

See https://www.oregon.gov/oprd/OH/Pages/lawsrules.aspx .

Do not respond to this email.

From: King, Erin <Erin.King@tetratech.com>
Sent: Tuesday, July 23, 2024 2:12 PM
To: CLEARANCE ORSHPO * OPRD <ORSHPO.Clearance@oregon.gov>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>; Fossum, Linnea <Linnea.Fossum@tetratech.com>
Subject: 23-1030: Go Digital Fourmile Solar Project Report Submittal

Attached is a Go Digital submittal package for the Fourmile Solar Project (SHPO Case #23-1030).

Erin King, MA, RPA | Principal Archaeologist – Pacific Northwest
Direct **+1 (612) 643-2227** | Mobile **+1 (916) 502-6044** | erin.king@tetratech.com
Pronouns: she, her, hers

PLEASE NOTE: My working hours may be different than yours. Please do not feel obligated to respond outside of your normal work schedule. (Minneapolis Based | Time Zone: Central)

Tetra Tech | *Leading with Science®* | Science
2001 Killebrew Drive, Suite 141 | Bloomington, Minnesota 55425 | tetratech.com | GSA Contract: 47QRAA18D00H0

This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

Please consider the environment before printing. Read more

TETRA TECH

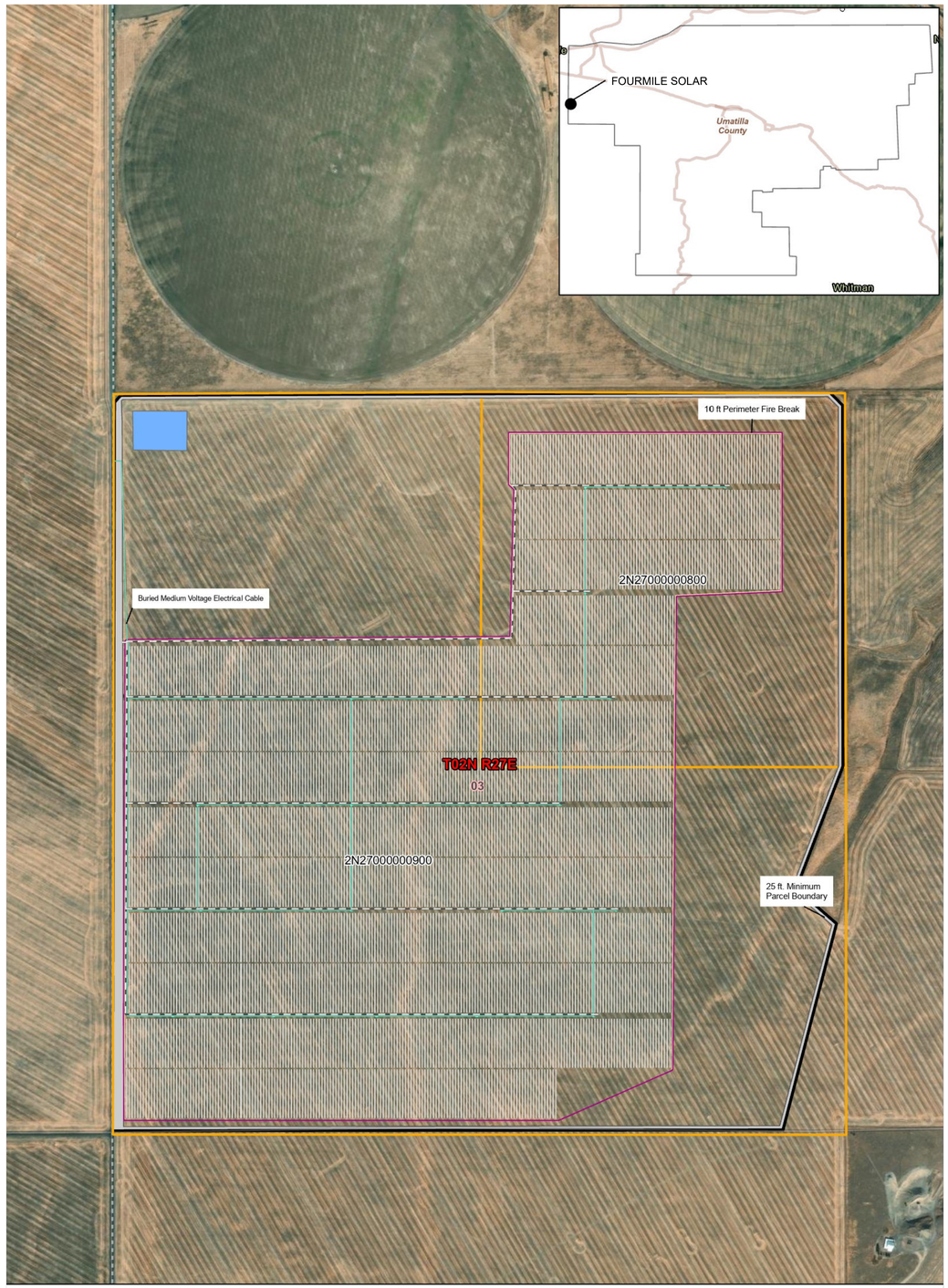
Attachment K

PRELIMINARY SITE PLAN

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com



FOURMILE SOLAR

UMATILLA COUNTY, OREGON

SOLAR PV PROJECT
92.5764 MWDC / 77.600 MWAC

PROJECT DETAILS

THIS PROJECT CONSISTS OF THE DESIGN AND INSTALLATION OF 77.600 MWAC SOLAR PHOTOVOLTAIC SYSTEM. MODULES ARE TO BE MOUNTED IN A SINGLE AXIS TRACKERS, WHICH FOLLOW THE SUN FROM EAST TO WEST THROUGHOUT THE DAY.

SITE DETAILS:

PARCEL ID	2N27000000800, 2N27000000900
OWNER:	TIMOTHY & SHANNON RUST
ACREAGE:	649.00
EXISTING ZONE:	EXCLUSIVE FARM USE

LAND USE SUMMARY:

TOTAL PARCEL AREA (ACRES):	649.00
HVF / AVA FARMLAND IMPACTED (ACRES):	62.60
TOTAL FENCED AREA (ACRES):	421.99
GRAVEL ACCESS ROAD (ACRES):	8.23
LAYDOWN AREA (ACRES):	2.53

ADDITIONAL NOTES:

- BASEMAP DEVELOPED FROM GIS DATA
- PARCEL DATA TAKEN FROM GIS DATA
- DNR & FEMA FLOOD HAZARD ZONE FROM GIS DATA

DESIGN SUMMARY:

MODULE POWER:	535W
MODULE COUNT:	173,040
ARRAY DC VOLTAGE:	1,500 V
INVERTER SIZE:	4200kVA (840kVA*5)
INVERTER COUNT:	19
DC SIZE:	92.5764 MWDC
AC SIZE:	77.600 MWAC
DC/AC RATIO:	1.30
GROUND COVERAGE RATIO:	37.50%
ASCE 7-16 GSL:	15.0 PSF (0.104 PSI) - NOTE: THIS IS NOT FROM A SITE-SPECIFIC STUDY, AND NO DATA IS AVAILABLE FROM THE ASCE/SEI 7-16, TABLE 7.2-7 HAZARD TOOL. THE ESTIMATE IS FROM THE STRUCTURAL ENGINEERS ASSOCIATION OF OREGON AND PRISM CLIMATE GROUP OF OREGON STATE UNIVERSITY. (2013)
ASCE 7-16 WIND SPEED:	93 VMPH (FROM ASCE HAZARD TOOL NOT FROM A SITE-SPECIFIC STUDY)

OneEnergy RENEWABLES
2003 Western Ave, Suite 225
Seattle, WA 98121
oneenergyrenewables.com
206 922 7072

WRITTEN DIMENSIONS ON THIS PLAN SHALL SUPERCEDE SCALED DIMENSIONS. CONTRACTORS ARE RESPONSIBLE FOR FIELD VERIFYING ALL DIMENSIONS. THIS DRAWING, DESIGN, CONCEPT AND ARRANGEMENT REMAIN THE PROPERTY OF ONEENERGY RENEWABLES AND SHALL NOT BE COPIED, DISCLOSED OR REPRODUCED WITHOUT CONSENT.

PRELIMINARY

NOT FOR CONSTRUCTION

REVISION LOG

REV	DESCRIPTION	DATE	BY	CK'D	SME
00	PERMIT LAYOUT	10.07.2025	LH	AB	

FOURMILE SOLAR
ONEENERGY DEVELOPMENT, LLC
45.69003°, -119.432425°
MORROW COUNTY, OREGON

SHEET TITLE:
DEVELOPMENT PLAN

SHEET NO:
EX-1
Exhibit 1 - Applications and Attachments

PUBLISHED ON: 10/7/2025 2:38 PM

Attachment L

LETTER OF INTENT WITH KREBS SOLAR GRAZING

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

@oneenergyinc

2003 WESTERN AVE.
SUITE 225
SEATTLE, WA 98121
206.922.7072

oneenergy
renewables
.com

September 30, 2025

Cameron Krebs
Krebs Solar Grazing, LLC
68171 Kunze Lane
Boardman, OR 97818

RE: INTENT FOR SOLAR GRAZING

DEAR MR. KREBS,

This non-binding Letter of Intent is to confirm the intent of Krebs Solar Grazing, LLC ("Krebs") to negotiate with Fourmile Solar OR, LLC ("Fourmile") to establish a vegetation management agreement utilizing rotational sheep grazing with respect to the Fourmile Solar Project ("Project"), a solar photovoltaic project under development in Umatilla County, Oregon.

Krebs and Fourmile agree to use reasonable efforts to negotiate and execute a definitive vegetative management agreement relating to the solar project prior to commencement of construction of the Project ("Definitive Agreement"). Krebs authorizes Fourmile to include this letter of intent with OneEnergy's permit application to Umatilla County.

This letter is intended only to confirm the parties' mutual interest in further discussions and interest in completing a Definitive Agreement and does not constitute a legally binding agreement.

We look forward to working with you on this project.

Sincerely,

Tanner Gillespie
Associate Director – Project Development
Fourmile Solar OR, LLC
By: OneEnergy Development, LLC it's sole member

ACCEPTED:

C 2 Krebs

Name: Cameron Krebs

Title: Krebs Solar Grazing, Manager

Date: 10/03/2025

Attachment M

GLARE ANALYSIS - FORGE SOLAR

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

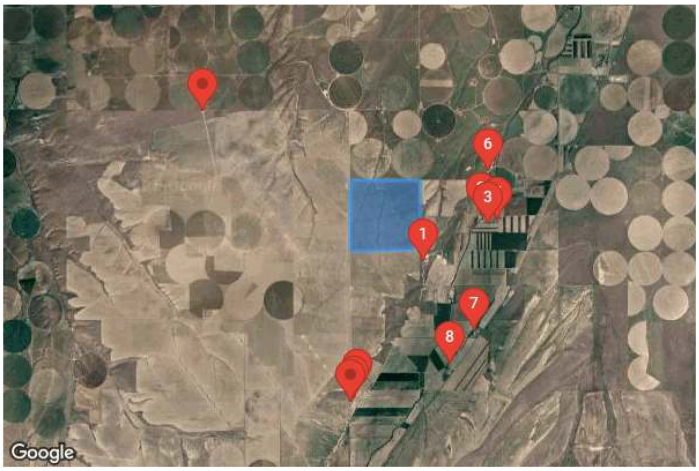
ForgeSolar

Fourmile_Solar

Fourmile Residences

Created Sep 18, 2025
Updated Sep 19, 2025
Time-step 1 minute
Timezone offset UTC-12
Minimum sun altitude 0.0 deg
Site ID 159877.15987

Project type Advanced
Project status: active



Misc. Analysis Settings

DNI: **varies (1,000.0 W/m^2 peak)**
Ocular transmission coefficient: **0.5**
Pupil diameter: **0.002 m**
Eye focal length: **0.017 m**
Sun subtended angle: **9.3 mrad**

PV Analysis Methodology: **Version 2**
Enhanced subtended angle calculation: **On**

Summary of Results No glare predicted!

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced
	deg	deg	min	min	kWh
PV array 1	SA tracking	SA tracking	0	0	220,400,000.0

Component Data

PV Array(s)

Total PV footprint area: 636.6 acres

Name: PV array 1
Footprint area: 636.6 acres
Axis tracking: Single-axis rotation
Backtracking: None
Tracking axis orientation: 180.0 deg
Tracking axis tilt: 0.0 deg
Tracking axis panel offset: 0.0 deg
Maximum tracking angle: 60.0 deg

Rated power: 74000.0 kW
Panel material: Light textured glass with AR coating
Vary reflectivity with sun position? Yes
Correlate slope error with surface type? Yes
Slope error: 9.16 mrad

Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	45.690296	-119.434739	1010.80	7.00	1017.80
2	45.690296	-119.413882	1010.26	7.00	1017.26
3	45.682861	-119.413710	1000.98	7.00	1007.98
4	45.680402	-119.414998	1009.54	7.00	1016.54
5	45.679713	-119.414139	1021.71	7.00	1028.71
6	45.675785	-119.415813	1033.41	7.00	1040.41
7	45.675582	-119.434598	1038.22	7.00	1045.22

Discrete Observation Receptors

Number	Latitude	Longitude	Ground elevation	Height above ground	Total Elevation
	deg	deg	ft	ft	ft
OP 1	45.673435	-119.412720	1038.56	6.00	1044.56
OP 2	45.683029	-119.395558	824.55	6.00	830.55
OP 3	45.681118	-119.393482	811.47	6.00	817.47
OP 4	45.682036	-119.391173	803.81	6.00	809.81
OP 5	45.681915	-119.390674	805.39	6.00	811.39
OP 6	45.692070	-119.393695	824.69	6.00	830.69
OP 7	45.658986	-119.397662	888.26	6.00	894.26
OP 8	45.651986	-119.404964	910.14	6.00	916.14
OP 9	45.644822	-119.433561	976.00	6.00	982.00
OP 10	45.644121	-119.434499	982.54	6.00	988.54
OP 11	45.646251	-119.432364	972.70	6.00	978.70
OP 12	45.704407	-119.478207	989.72	6.00	995.72

Summary of PV Glare Analysis

PV configuration and total predicted glare

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced	Data File
	deg	deg	min	min	kWh	
PV array 1	SA tracking	SA tracking	0	0	220,400,000.0	-

PV & Receptor Analysis Results

Results for each PV array and receptor

PV array 1 no glare found

Predicted energy output: 220,400,000.0 kWh (assuming sunny, clear skies)

Component	Green glare (min)	Yellow glare (min)
OP: OP 1	0	0
OP: OP 2	0	0
OP: OP 3	0	0
OP: OP 4	0	0
OP: OP 5	0	0
OP: OP 6	0	0
OP: OP 7	0	0
OP: OP 8	0	0
OP: OP 9	0	0
OP: OP 10	0	0
OP: OP 11	0	0
OP: OP 12	0	0

No glare found

Summary of Vertical Surface Glare Analysis

Assumptions

- Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.
- Glare analyses do not automatically account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographi obstructions.
- Detailed system geometry is not rigorously simulated.
- The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual values and results may vary.
- The system output calculation is a DNI-based approximation that assumes clear, sunny skies year-round. It should not be used in place of more rigorous modeling methods.
- Several V1 calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for larg PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare.

- The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)
- Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid. Actual ocular impact outcomes encompass a continuous, nc discrete, spectrum.
- Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.
- Refer to the **Help page** for detailed assumptions and limitations not listed here.

ForgeSolar

Fourmile_Solar

Flight Path

Created Sep 18, 2025
Updated Sep 18, 2025
Time-step 1 minute
Timezone offset UTC-12
Minimum sun altitude 0.0 deg
Site ID 159800.15987

Project type Advanced
Project status: active

Misc. Analysis Settings

DNI: **varies (1,000.0 W/m^2 peak)**
Ocular transmission coefficient: **0.5**
Pupil diameter: **0.002 m**
Eye focal length: **0.017 m**
Sun subtended angle: **9.3 mrad**

PV Analysis Methodology: **Version 2**
Enhanced subtended angle calculation: **On**

Summary of Results No glare predicted!

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced
	deg	deg	min	min	kWh
PV array 1	SA tracking	SA tracking	0	0	220,400,000.0

Component Data

PV Array(s)

Total PV footprint area: 636.6 acres

Name: PV array 1
Footprint area: 636.6 acres
Axis tracking: Single-axis rotation
Backtracking: None
Tracking axis orientation: 180.0 deg
Tracking axis tilt: 0.0 deg
Tracking axis panel offset: 0.0 deg
Maximum tracking angle: 60.0 deg

Rated power: 74000.0 kW
Panel material: Light textured glass with AR coating
Vary reflectivity with sun position? Yes
Correlate slope error with surface type? Yes
Slope error: 9.16 mrad

Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	45.690296	-119.434739	1010.80	7.00	1017.80
2	45.690296	-119.413882	1010.26	7.00	1017.26
3	45.682861	-119.413710	1000.98	7.00	1007.98
4	45.680402	-119.414998	1009.54	7.00	1016.54
5	45.679713	-119.414139	1021.71	7.00	1028.71
6	45.675785	-119.415813	1033.41	7.00	1040.41
7	45.675582	-119.434598	1038.22	7.00	1045.22

Route Receptor(s)

Name: Route 1
Route type Two-way
Azimuthal view angle: 50.0 deg
Downward view angle: 90.0 deg

Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	45.703374	-119.408825	979.18	1000.00	1979.18
2	45.703015	-119.476030	990.97	1000.00	1990.97

Summary of PV Glare Analysis

PV configuration and total predicted glare

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced	Data File
	deg	deg	min	min	kWh	
PV array 1	SA tracking	SA tracking	0	0	220,400,000.0	-

PV & Receptor Analysis Results

Results for each PV array and receptor

PV array 1 no glare found

Predicted energy output: 220,400,000.0 kWh (assuming sunny, clear skies)

Component	Green glare (min)	Yellow glare (min)
Route: Route 1	0	0

No glare found

Summary of Vertical Surface Glare Analysis

Assumptions

- Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.
- Glare analyses do not automatically account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographi obstructions.
- Detailed system geometry is not rigorously simulated.
- The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual values and results may vary.
- The system output calculation is a DNI-based approximation that assumes clear, sunny skies year-round. It should not be used in place of more rigorous modeling methods.
- Several V1 calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for larg PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare.
- The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)
- Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid. Actual ocular impact outcomes encompass a continuous, nc discrete, spectrum.
- Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.
- Refer to the **Help page** for detailed assumptions and limitations not listed here.

Fourmile Solar

CONDITIONAL USE PERMIT NARRATIVE

October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

Fourmile Solar
Conditional Use Permit Application Narrative
Umatilla County, Oregon

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Section 1. OVERVIEW

Applicant:

Fourmile Solar OR, LLC,
a wholly-owned subsidiary of OneEnergy Development, LLC
2003 Western Ave, Suite 225
Seattle, WA 98121

Applicant Contact:

Elaine Albrich
Davis Wright Tremaine, LLP
560 SW 10th Ave, Suite 700
Portland, OR 97205

Property Owner:

Timothy M. Rust and Shannon L. Rust,
Trustees of the Timothy and Shannon Rust Living Trust
dated August 18, 2015
77252 Mader Rust Lane
Echo, OR 97826

The Shannon Rust Share of the Frank & LaVonne Mader Living Trust
77252 Mader Rust Lane
Echo, OR 97826

AND

Clarkston Development Company
1836 NW Boulevard
Coeur d'Alene, ID 83814

Proposed Action:

Obtain a Conditional Use Permit to construct and operate Fourmile Solar (Project), a solar photovoltaic (PV) energy generation facility sized up to 90 megawatts alternating-current (MWac) on up to 450 acres within the Exclusive Farm Use zone. Applicant is concurrently seeking a Goal 3 exception for the Project.

Project Tract:

The Project would be situated on six tax lots located in Township 02 North, Range 27 East, Section 2, 3, 10 and 15 as listed below in Table 1 (Project Tract).

Tax Lot	Acres
02N27000000700U3	158
02N27000000800U3	163
02N27000000900U2	486
02N27000001000U3	483
02N27000001100U2	201
02N27000001700U2	131
TOTAL	**1,622**

Table 1: Tax Lots in Project Tract

Section 2. PROJECT OVERVIEW

SECTION 2A: INTRODUCTION

Fourmile Solar OR, LLC (Applicant), a wholly-owned subsidiary of OneEnergy Development, LLC (OneEnergy), proposes to develop Fourmile Solar, a solar PV project sized up to 90 MWac with an optional battery energy storage system located in Umatilla County, Oregon (Project).

The Project would be located on private land between the Naval Weapons Systems Training Facility Boardman (or commonly, the Boardman Bombing Range) and Highway 207, approximately 7.5 miles south of the intersection of I-82 and I-84 and approximately 11 miles southwest of Echo, OR (see Figures 1 and 2). The Project would interconnect to a previously-approved solar photovoltaic power generation facility located in Morrow County, directly west of the Project (as discussed further below). See ***Attachment A*** for the Preliminary Site Plan.

The Project would be sited on property zoned exclusive farm use (EFU) under the Umatilla County Development Code (UCDC). The Project requires a Conditional Use Permit (CUP) under UCDC152.060 and a Goal 3 exception under OAR 660-033-0130(38) because the Project will occupy more than 12 acres of Columbia Valley AVA soils designated as high-value farmland (HVF) under ORS 195.300(10)(f)(C) and more than 20 acres of arable land. The Applicant is concurrently filing the CUP permit application and the Goal 3 exception request. The landowner supports the Project and has given the Applicant authorization to apply for all necessary permits on its behalf. See ***Attachment B*** for Landowner Support Letter.

SECTION 2B: PROJECT LOCATION

The Project would be located on up to 450 acres across two parcels (02N27000000800 and 02N27000000900) within the Project Tract (defined in Section 1), approximately 7.5 miles southwest of the intersection of I-82 and I-84 and approximately 11 miles southwest of Echo, OR (see Figures 1 and 2) and located on the western boundary of Umatilla County. The Project Tract is privately-owned by Timothy M. Rust and Shannon L. Rust,

The Shannon Rust Share of the Frank & LaVonne Mader Living Trust and Clarkston Development Company (Landowner). The Applicant has executed a site control agreement with the Landowner and provided a support letter for this application (***Attachment B***).

The Project Area Extent (defined in Section 2D) historically consisted of undeveloped/vacant lands and agricultural areas from the early 1900s to 1950s. Agricultural cultivation increased between the 1960s and 1980s and continues today. Currently the Project Area Extent is cultivated for dryland agriculture. No tree cutting or clearing will be required. No wetlands or floodplains will be affected (See FEMA Map ***Attachment C***). The Project Area Extent is considered Category 6 habitat by ODFW, which does not require any mitigation, so the impacts to habitat are limited.

The Project will be located directly adjacent to the proposed Passage Solar Facility, located in Morrow County on Tax Lots 02N27000000100 and 03N27000001200. The Passage Solar Facility, including its associated 115 kV transmission line, received a conditional use permit and a Goal 3 exception from Morrow County in 2024 (CUP-N-364-24/AC-153-24/ LUD-N-069-24) (Passage Solar). The Project will interconnect to Passage Solar by constructing a buried medium voltage cable approximately 200 feet in length, connecting to Passage Solar's collector substation. Once connected to the Passage Solar collector substation, power generated from the Project will utilize the Passage Solar electrical infrastructure via a shared facilities agreement and connect to the electrical grid at the Umatilla Electric Cooperative's Oregon Trail Substation.

The main access point for the Project utilizes an existing private access road located in Morrow County, OR. The private access road has an existing permitted approach intersecting Lexington-Echo Highway OR-207 and is managed by the Oregon Department of Transportation (ODOT). The Applicant has consulted with ODOT and has obtained the required easement with the private landowner to allow for ingress and egress to the Project. The Project is not anticipated to use public roads within Umatilla County other than OR-207.

Figure 1: Regional Context Map

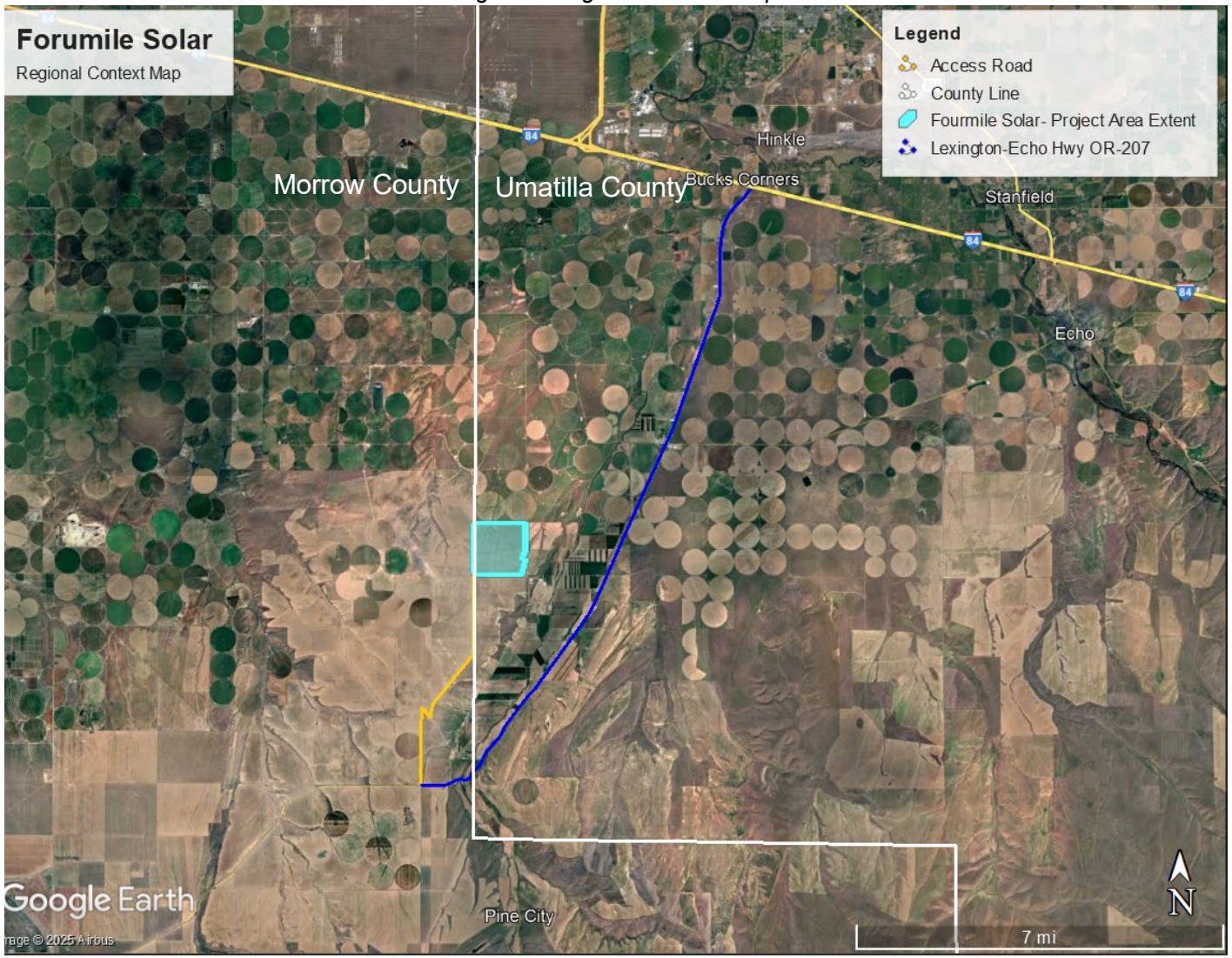
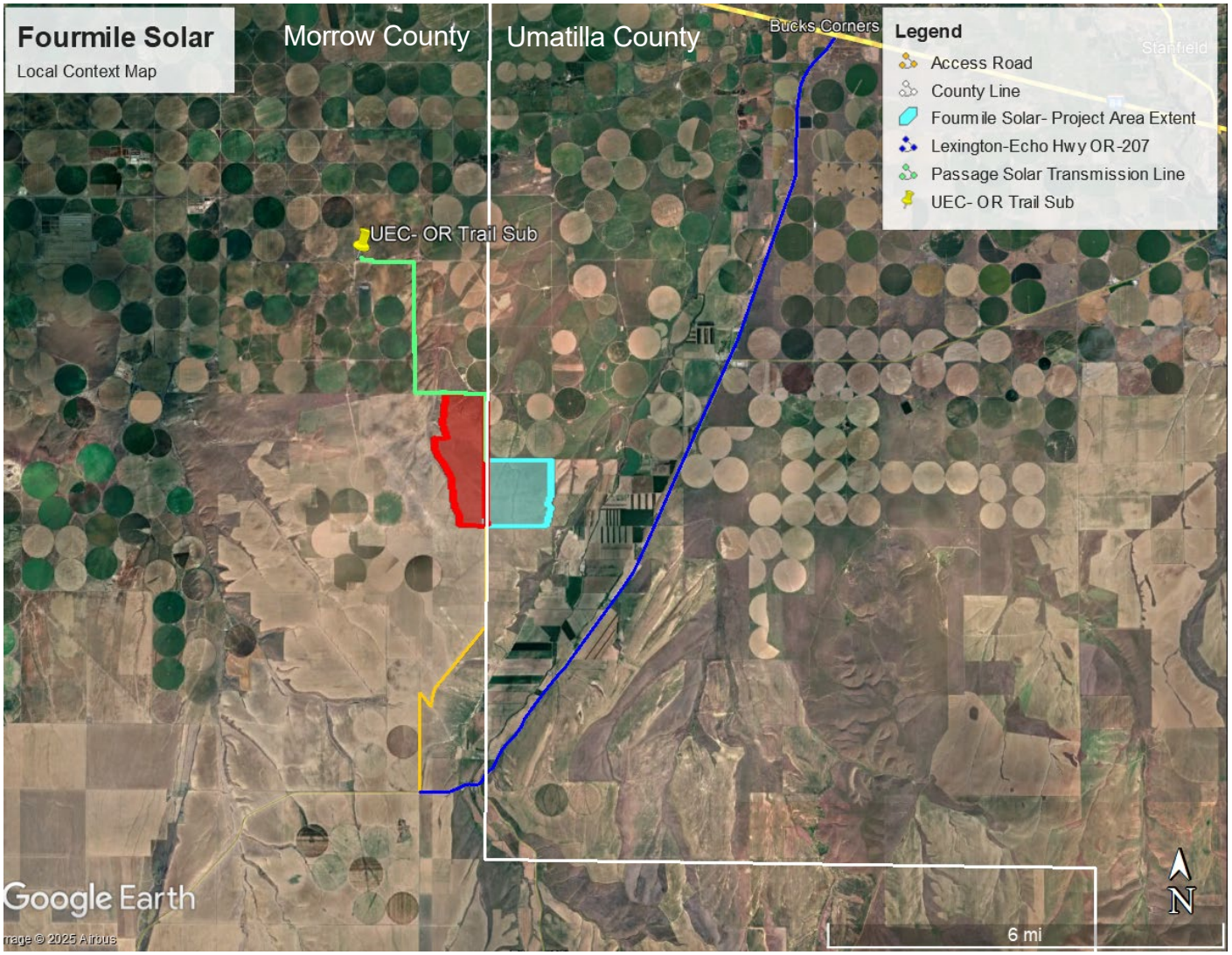


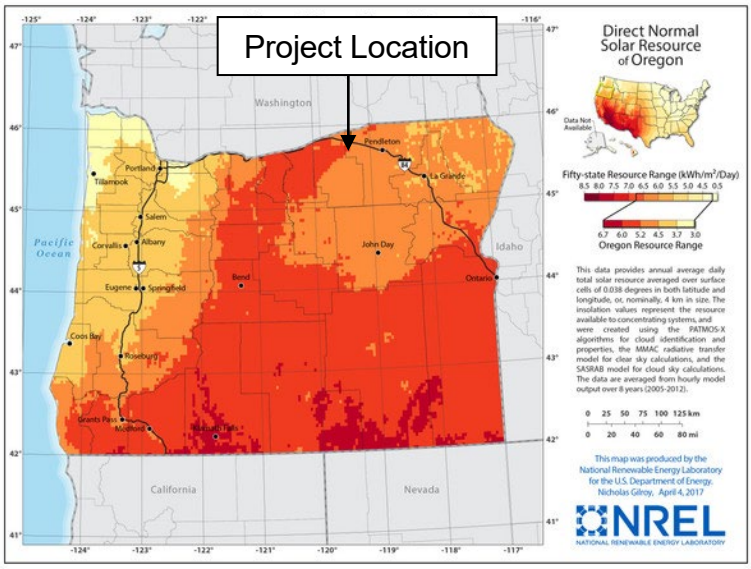
Figure 2: Local Context Map



SECTION 2C: PROJECT SITING CHARACTERISTICS

The Applicant selected this location in Umatilla County after consideration of many suitability characteristics, including but not limited to: the high solar energy resource, the underlying topography and land traits, access to electrical infrastructure, compatible zoning criteria, and low impacts to land use and habitat.

Figure 3: Solar Resource Map, National Renewable Energy Lab



As shown in Figure 3, the northern portion of Umatilla County has some of the highest solar energy resource areas in Oregon. This higher resource means that each solar panel can produce more electricity on an annual basis than one sited in a lower resource area. While the solar resource is superior to the east of the Cascade Mountains, often there is limited existing electrical infrastructure with the available interconnection capacity to connect a project of this size, which creates a limiting factor for where solar energy projects could be located. Here, the Project Tract is near Umatilla Electric Cooperative's (UEC) new Oregon Trail Substation, constructed in 2021. Passage Solar has sufficient electrical capacity to support the additional generation without cost-prohibitive upgrades to the grid (more information on interconnection is provided in Section 2E below). This combination of a good solar resource and direct access to low-cost interconnection constitutes a unique resource upon which the Project is dependent.

As further described in the Alternatives Analysis associated with the Goal 3 exception request, the Applicant considered multiple locations and ultimately selected this site for several reasons. It has direct access to the existing electrical infrastructure. It is predominately located on disturbed land due to past agricultural activity. The site has robust access routes already built. The topography is relatively flat. The landowner desires to develop their property for this use. And finally, the zoning allows the Project subject to the County's review and approval.

SECTION 2D: PROJECT AREA DEFINITIONS

The Project's total maximum footprint would not exceed 450 acres, defined as the Project Area. As currently designed, the Project Area includes 422 acres of fenced area, including internal access roads and the buried medium voltage cable located outside of

the fenced area. The Project Area would be located wholly within a broader micrositing boundary of 626 acres, defined as the Project Area Extent. The Project Area Extent is wholly within the 1,622-acre Project Tract.

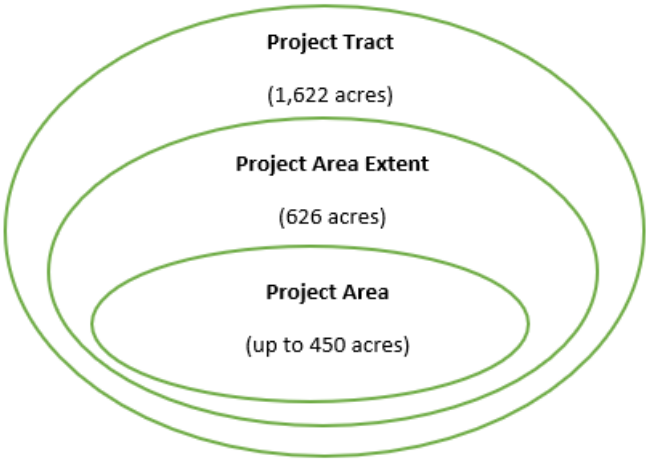


Figure 4: Project Area Definitions

The Applicant requests that the County allow the Applicant flexibility to microsite the precise location of Project components within the Project Area Extent and provide an updated site plan prior to construction. This gives the Applicant the ability to refine the spacing of solar modules, associated access roads, collector lines, staging areas and above-ground facilities within the Project Area Extent as design is finalized. The requested flexibility to microsite the final Project Site Plan within the Project Area Extent also allows the Applicant to minimize potential impacts and deliver the most effective and efficient Project consistent with the landowners' needs. In total, the Project will not exceed 450 acres, regardless of the MW capacity.

SECTION 2E: PROJECT COMPONENTS

As shown in the Preliminary Site Plan (***Attachment A***), the Project would consist of PV panels, inverters, mounting infrastructure, an electrical collection system, access roads, security fencing, and electrical interconnection infrastructure. The Applicant anticipates that the Project would utilize a single-axis tracking system designed to optimize system output by slowly rotating the solar PV panels to follow the path of the sun. The Applicant proposes an optional battery storage system within the fenced area that would support the solar generation by balancing the resource and injecting energy onto the power grid during lower solar resource conditions.

The Project would interconnect to Passage Solar located adjacent to the Project on Tax Lots 02N27000000100 and 03N27000001200. The Project will connect to the Passage Solar project through a buried medium voltage connection, approximately 200 feet in length, that crosses into Morrow County and connects to the Passage Solar transmission line for delivery at the UEC owned Oregon Trail Substation.

As identified and confirmed through the UEC and Bonneville Power Administration (BPA) interconnection study processes, the interconnection is feasible at this location. The utility interconnection facilities would be constructed, owned and operated by UEC and BPA.

The Preliminary Site Plan (***Attachment A***) is based upon technical studies completed to-date and is subject to changes within the Project Area Extent, but the Project size would not exceed 450 acres in size. The final locations of Project components would depend upon results from outstanding technical studies and design (e.g. civil design and interconnection studies) and ongoing stakeholder consultations which may require changes to the Project configuration to either minimize potential impacts to natural resources, landowner operations or to optimize Project economics. Changes would be driven by Applicant's best management practices (BMPs), which are to site with the least disturbance necessary for the lowest impact feasible. A Final Site Plan would be provided to Umatilla County upon completion of construction.

While the Preliminary Site Plan (***Attachment A***) does not include an Operations and Maintenance (O&M) building in its current state, the Project may include an O&M building which would consist of a single-story structure with office space and warehousing space. Based on further technical studies with the utilities, the Project may also consist of a Control House which would consist of a single-story building used to house communications equipment. A graveled parking area with at least three spaces for employees and visitors would be located within the fenced area. Relevant building permits would be obtained for the O&M building and Control House if necessary.

The Project would be accessed via a private access road located in Morrow County. The private access road begins at OR-207 and heads north to the Project Tract, crossing private farmlands. The Applicant has executed an Easement Agreement with the private landowners for all nessecary access rights (See Transportation Plan, ***Attachment D)***.

The Project would be enclosed by a perimeter chain-link fence at least seven (7) feet in height. Access to the Project would be gated and locked with gates 20 feet in width with accessible hardware per Echo Fire District requirements.

Lighting may be needed for security and occasional after-hours work, however the Applicant would limit the amount of lighting and would shield lighting as needed to minimize light pollution concerns.

SECTION 2F: CONSTRUCTION

Project construction is estimated to take 9 to 18 months. At peak construction the Project would employ up to 70 workers. All features would be designed in accordance with Oregon State and Umatilla County regulations, including those for erosion, sediment control, and stormwater. Additionally, the Applicant will obtain an Electrical Construction Permit from the Umatilla County Building Codes Division.

During the initial site preparation there would be clearing and grubbing activities and grading of access roads. Construction personnel would be limited during the initial site preparation phase. Once the Project construction begins, the onsite head count would begin to increase and peak at approximately 70 workers. During the final phase, the electrical work would be completed, and the headcount would begin dropping back down. After construction there would be some additional onsite work for plant start-up and testing and would involve utility company personnel.

Vehicle traffic for onsite personnel is expected to be at a ratio of 1 vehicle per 2-3 workers carpooling together with arrival times being spread across a two-hour window in the mornings. The delivery of materials should not exceed ten to fifteen deliveries per day at peak and would taper off significantly once all the panels and trackers are onsite.

The Project would require the typical equipment used in many construction projects. Because solar farms are low to the ground, there is very minimal work performed at great heights. The installation work would be performed utilizing the following equipment: skid steers, light dozers, excavators, pile drivers, reach fork lifts, light duty utility vehicles, heavy duty utility vehicles, and semi-trailer delivery trucks.

SECTION 2G: OPERATIONS AND MAINTENANCE

The expected life of the Project is assumed to be 35 years. However, depending on the commercial market for renewable energy, the Project could be updated with more efficient components over time which could extend its useful life. Minimal on-site maintenance would be required over the life of the Project. Routine maintenance checks on the equipment would occur quarterly. Routine mowing and herbicide treatment for invasive grasses would occur in the spring and the fall and would follow the plan outlined in the Draft Vegetation and Weed Management Plan (***Attachment E***). Additionally, the Applicant proposes to incorporate sheep grazing across the Project Area to supplement the vegetation management, reducing mowing and herbicide applications across the site. By reducing mowing and herbicides across the site, the grazing will promote reduced emissions like noise and dust, and support healthier soils through reduced herbicide treatments and natural fertilization. The Applicant has executed a Letter of Intent with Krebs Solar Grazing, LLC (***Attachment F***). Additional maintenance would occur as needed on the electrical equipment, but it is not anticipated the Project will employ any full-time staff.

SECTION 2H: DECOMMISSIONING

The capital investment represented by the Project will create significant value from the materials used to construct the Project. The salvage value of the electronics, semiconductor materials, aluminum, steel, and copper from the decommissioned Project, typically cover most or all the decommissioning cost.

The average cost for decommissioning solar facilities is estimated at $30,000 - $50,000 per megawatt alternating current (MWac). Based on these estimates, the expected total

cost of decommissioning would cost approximately $4.5 million for a 90 MWac project. However, when taking salvage value into consideration, the salvage value typically exceeds the decommissioning value.

As further described in the Decommissioning Plan (***Attachment G***), the Applicant proposes to provide financial assurance for 100% of the estimated costs of the decommissioning efforts as required under the Project's Lease Agreement with the Landowner.

The Applicant will nominate a qualified professional with experience in the decommissioning of utility scale solar facilities to prepare a decommissioning plan for the Project which outlines required steps to remove the Project, dispose of or recycle its components, and perform any required site restoration.

Prior to the Applicant staging or storing any materials or commencing construction of the Project, Applicant will procure a solar facilities decommissioning bond for a five-year term. The Decommissioning Bond will be for the Bond Principal Amount and name the Landowner and Umatilla County as the bond obligees.

The Applicant will direct a Qualified Estimator to review and adjust the Solar Facility Decommissioning Plan and the Bond Principal Amount determined by estimated decommissioning costs at five-year intervals to accommodate changes in performance costs and compounding inflationary impact.

The Project Area would be returned to agricultural use following decommissioning of the Project, at the landowner's discretion.

Section 3. RESPONSE TO APPLICABLE CRITERIA

SECTION 3A: UMATILLA COUNTY DEVELOPMENT CODE – REVIEW CRITERIA

The Umatilla County Development Code (UCDC) applicable review criteria and development standards that apply to this CUP are as follows:

A. UCDC Review Criteria
   - 152.060. Conditional uses permitted in an EFU Zone
   - 152.061 Standards for all conditional uses
   - 152.611 New Conditional Uses; Conformance with Requirements; performance Bond
   - 152.615 Additional Conditional Use Permit Restrictions
   - 152.617. Standards for Review: Conditional Uses on EFU Zoned Lands

In addition to the UCDC requirements, provisions in OAR 660-033-0130(5), 660-033-0130(38), and ORS 215.446 directly apply to this application because Umatilla County has yet to amend the UCDC to incorporate certain OAR and ORS language. Applicant

addresses OAR 660-033-0130(38) in line with the UCDC in Section 3a and OAR 660-033-0130(5) and ORS 215.446 separately in Section 3b and 3c, respectively.

UCDC 152.060 Conditional uses permitted in an EFU Zone

In an EFU zone the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of this section, the applicable criteria in § 152.061, §§ 152.610 through 152.615, 152.617 and §§ 152.545 through 152.626. A zoning permit is required following the approval of a conditional use pursuant to § 152.025.

***

***(BB) Photovoltaic solar power generation facility* as provided in OAR 660-033-0130(38).**

Response: OAR 660-033-0130(38)(f) states that a "'photovoltaic solar power generation facility' includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components." Under this definition, the Project, including the potential optional battery energy storage system, is considered a "photovoltaic solar power generation facility." The Project is therefore allowed as a conditional use in the EFU zone.

UCDC 152.060(BB) directly applies the current provisions of OAR 660-033-0130(38) (DLCD solar siting standards), and therefore Applicant has applied the DLCD solar siting standards below.

OAR 660-033-0130(38)(a) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

Response: The Project Tract is predominately cultivated; therefore, the Project Area Extent is considered arable land.

OAR 660-033-0130(38)(b) "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

Response: Based on the definition of non-arable soils below (which states non-arable soils are NRCS Class V-VIII, the Applicant is considering "arable soils" to mean soils with a NRCS Class I-IV. As demonstrated in Table 4 of the Soils Analysis, there are 626.48 acres of Class I-IV soils within the Project Area Extent. However, the definition states that arable soils "do not include high-value farmland

soils." There are 157.92 acres of arable soils that overlap with high-value farmland soils within the Project Area Extent, therefore, the Project Area Extent has 468.56 acres of arable soils, not including those already designated as HVF. See Soils Analysis (***Attachment H***) for more details.

OAR 660-033-0130(38)(d) "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

Response: The Project Tract is predominately cultivated; therefore, the Project Area Extent is not considered nonarable land.

OAR 660-033-0130(38)(e) "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

Response: The Project Tract is predominately cultivated. Therefore, the soils cannot be considered "nonarable land" and it is not predominately comprised of nonarable soils. See Soils Analysis (***Attachment H***) for more details.

OAR 660-033-0130(38)(f) "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

Response: The Project will include an assembly of equipment that converts sunlight into electricity and then stores or transfers, that electricity. Therefore, the Project is a photovoltaic solar power generation facility under OAR 660-033-

0130(38)(f). The Project may be up to 450 acres of permanent footprint.

The Project is within 1,320 feet of Passage Solar. Passage Solar is subject to a Goal 3 exception under Docket No. AC-153-24. Therefore, the calculated acreage for the Project is limited to the Project's permanent footprint only. Further, the County may find that the review and approval of the Project is solely within the County's jurisdiction based on the fact that the Project, combined with Passage Solar, will not permanently occupy more than 240 acres of high-value farmland or 2,560 acres of arable land. Passage Solar's Project Area Extent includes 152.9 acres of HVF and the Project's includes 157.92 acres of HVF (Table 5 of ***Attachment H*** Soils Analysis). The Applicant has proposed to microsite the Project Area within the broader Project Area Extent ensuring that the total combined HVF impacts do not impact more than 240 acres of HVF. The Applicant will provide final site plan to each respective County jurisdiction demonstrating that the combined acreage will not permanently occupy more than 240 acres of high-value farmland.

OAR 660-033-0130(38)(g) For high-value farmland described at ORS 195.300, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless:

(A) The provisions of paragraph (h)(H) are satisfied.

Response: As demonstrated in the response to OAR 660-033-0130(38)(k) below, the Applicant is pursuing a Goal 3 exception pursuant to ORS 197.732 and OAR chapter 660, division 4 to exceed 12 acres of high-value farmland impact.

OAR 660-033-0130(38)(h) The following criteria must be satisfied in order to approve a photovoltaic solar power generation facility on high-value farmland described at ORS 195.300(10).

(A) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

Response: For purposes of applying this standard, Applicant defines the "subject property" as the Project Tract. The agricultural operations and accepted farming practices on the majority of the Project Tract are defined as unirrigated agriculture. The Project will not create unnecessary negative impacts on agricultural operations and farm access around the Project will be maintained. As further described in the Landowner Support Letter (***Attachment B***), the Landowners will

continue to utilize the adjacent land for agriculture. The Preliminary Site Plan (***Attachment A***) also shows that the Project will not result in small, irregular shaped or isolated pieces of property. Beyond the fenced project footprint, no roads or other facilities will be constructed. The remainder of the Project Tract can continue to be farmed using current accepted farming practices. For these reasons, the Project meets subsection (38)(h)(A).

(B) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied. The approved plan shall be attached to the decision as a condition of approval;

Response: The Project will not result in unnecessary soil erosion or soil loss that would limit agricultural productivity on the remainder of the Project Tract. During construction limited grading would occur across the Project Area. Grading typically generates fugitive dust emissions, which will be mitigated through the implementation of best management practices such as dust control (i.e. watering trucks) or other fugitive dust-abatement measures, traffic speeds would be limited to 25 miles per hour, and erosion-control measures would be implemented to limit deposition to roadways. All civil work will be conducted in compliance with the Project's Erosion and Sediment Control Plan, required as part of the Project's NPDES Construction Stormwater Permit issued by the Oregon Department of Environmental Quality (DEQ). This document will be drafted once final site plans are completed.

The Applicant will work with Umatilla County officials to ensure all grading results in minimal fugitive dust generation and meets standard code for stormwater and sediment erosion control.

After construction, the areas under the panels will be planted with a native grass seed mix as referenced within the Draft Vegetation and Weed Management Plan. These grasses will help reduce soil erosion. For these reasons, the Project meets subsection (38)(h)(B).

(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of 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;

Response: Construction and maintenance of the Project will avoid unnecessary soil compaction that reduces the productivity of agricultural production on the

remaining Project Tract. Construction and maintenance will be confined to the Project Area within the Project Area Extent. Additionally, the Applicant will develop an Erosion and Sediment Control Plan once the Site Plan is finalized, outlining further actions and "best management practices" to prevent unnecessary soil compaction and erosion during construction. For these reasons, the Project meets subsection (38)(h)(C).

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;

Response: The Draft Vegetation and Weed Management Plan (***Attachment E***) provides measures to prevent or reduce the introduction or spread of noxious weeds and other undesirable weed species on the Project site. This plan was drafted in accordance with guidance provided by the Umatilla County Weed Control Supervisor. For these reasons, the Project meets subsection (38)(h)(D).

(E) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

Response: OAR 660-033-0020(8)(a) defines high-value farmland as "(A) Irrigated and classified prime, unique, Class I or Class II; or (B) Not irrigated and classified prime, unique, Class I or Class II." As noted in the Soils Analysis (***Attachment H***), the Project Area Extent does not include any soils that fit this definition.

(F) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:

(i) Non high-value farmland soils are not available on the subject tract;

(ii) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils.

Response: As shown in Figure 3 of the Soils Analysis (***Attachment H***), the Project Area Extent has HVF soils spread throughout. There are 157.92 acres of HVF soils within the Project Area Extent, therefore, the Project will not impact more than 157.92 acres of HVF. Completely avoiding HVF soils would result in an irregularly shaped layout and reduced Project efficiency. Additionally, it would create small,

irregularly shaped patches of HVF incapable of being farmed due to their small size and lack of accessibility.

(G) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(i) If fewer than 48-acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

(ii) When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

Response: The Applicant confirmed with Umatilla County on September 10, 2025, there are no other solar projects constructed or permitted within a one-mile study area from the Project Area Extent in Umatilla County. The Applicant accessed the Morrow County Energy Explorer Map on September 25th, 2025, and confirmed only one photovoltaic solar power generation facility (Passage Solar) has been constructed or received land use approvals and obtained building permits within a one-mile study area. The Passage Solar project includes up to 753 acres (CUP-N-364-24). Passage Solar and the Project are both sited on land leased by the same landowner and have been sited in locations desirable to the landowner. The Applicant has consulted with the landowner to ensure the Project will not create unnecessary negative impacts on agricultural operations and farm access around the Project will be maintained. As further described in the Landowner Support Letter (***Attachment B***), the Landowners will continue to utilize the adjacent land for agriculture. The Preliminary Site Plan (***Attachment A***) also shows that the Project will not result in small, irregular shaped or isolated pieces of property, inaccessible to the landowner. Beyond the fenced project footprint, no roads or other facilities will be constructed. The remainder of the Project Tract can continue to be farmed using current accepted farming practices.

(H) A photovoltaic solar power generation facility may be sited on more than 12 acres of high-value farmland described in ORS 195.300(10)(f)(C) without taking an exception pursuant to ORS 197.732 and OAR chapter 660, division 4, provided the land:

Response: This section does not apply.

OAR 660-033-0130(38)(i) For arable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 20 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on arable land:

Response: The Project will occupy or cover more than 20 acres of arable lands. Applicant is pursuing a Goal 3 exception pursuant to ORS 197.732 and OAR chapter 660, division 4 to exceed 20 acres of arable land.

(A) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

Response: OAR 660-033-0020(8)(a) defines high-value farmland as "(A) Irrigated and classified prime, unique, Class I or Class II; or (B) Not irrigated and classified prime, unique, Class I or Class II." As noted in the Soils Analysis (***Attachment H***), the Project Area Extent does not include any soils that fit this definition.

(B) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:

(i) Nonarable soils are not available on the subject tract;

(ii) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

Response: The Project Tract is composed predominately of arable soils, with nonarable soils limited primarily to ridges and gullies associated with the topographical features located to the north and east of the Project Area Extent. These areas are unsuitable for the Project and would reduce the Project's successful operations because of the steeper terrain and because they are non-contiguous with limited area to fit the Project.

(C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

Response: This standard does not apply. Applicant is pursuing a Goal 3 exception.

(D) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(i) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

(ii) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

Response: The Applicant confirmed with Umatilla County on September 10, 2025, there are no other solar projects constructed or permitted within a one-mile study area from the Project Area Extent in Umatilla County. The Applicant accessed the Morrow County Energy Explorer Map on September 25th, 2025, and confirmed only one photovoltaic solar power generation facility (Passage Solar) has been constructed or received land use approvals and obtained building permits within a one-mile study area. The Passage Solar project includes up to 753 acres (CUP-N-364-24).

Passage Solar and the Project are both sited on land leased by the same landowner and have been sited in locations desirable to the landowner. The Applicant has consulted with the landowner to ensure the Project will not create unnecessary negative impacts on agricultural operations and farm access around the Project will be maintained. As further described in the Landowner Support Letter (***Attachment B***), the Landowners will continue to utilize the adjacent land for agriculture. The Preliminary Site Plan (***Attachment A***) also shows that the Project will not result in small, irregular shaped or isolated pieces of property. Beyond the fenced project footprint, no roads or other facilities will be constructed. The remainder of the Project Tract can continue to be farmed using current accepted farming practices.

(E) The requirements of [OAR 660-033-0130(38)](h)(A), (B),F (C) and (D) are satisfied.

Response: The Project Tract is primarily used for unirrigated agriculture. The Project is designed to avoid negative impacts on agricultural operations and maintain farm access. Landowners will continue to farm adjacent lands, and the layout has been designed in consultation with the landowner to avoid creating irregular or isolated areas.

Limited grading during construction will follow best management practices to control dust, limit traffic speeds, and prevent erosion. All civil work will comply with the Project's Erosion and Sediment Control Plan under the NPDES Construction Stormwater Permit. No additional roads or facilities will be built beyond the fenced footprint, allowing continued farming on the remainder of the Project Tract. Construction and maintenance will avoid unnecessary soil compaction and preserve agricultural productivity by utilizing BMPs. And the Draft Vegetation and Weed Management Plan (***Attachment E***) measures will prevent and reduce noxious weed spread, following guidance from the Umatilla County Weed Control Supervisor. Overall, the Project is planned to minimize impacts on agriculture while enabling construction and maintenance within the designated Project Area.

The Applicant has reviewed the criteria under subsections OAR 660-033-0130 (38)(h)(A), (B), (C) and (D), and has found that the proposed project will be designed and operated to avoid unnecessary negative impacts on agricultural operations, prevent soil erosion or loss, minimize soil compaction, and control the introduction or spread of noxious and undesirable weeds on the subject property.

OAR 660-033-0130(38)(j) For nonarable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 320 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on nonarable land: [. . .]

Response: The Project Tract is composed predominately of arable soils, therefore this rule does not apply.

OAR 660-033-0130(38)(k) An exception to the acreage and soil thresholds in subsections (g), (h), (i), and (j) of this section may be taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

Response: The Applicant seeks a Goal 3 exception in conjunction with this CUP and the CUP will be conditioned upon the Project obtaining a Goal 3 exception to ensure compliance with this subsection.

OAR 660-033-0130(38)(l) The county governing body or its designate shall require as a condition of approval for a photovoltaic solar power generation facility, that

the project owner sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

Response: The landowner has agreed to execute the required covenant.

OAR 660-033-0130(38)(m) Nothing in this section shall prevent a county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

Response: Applicant prepared a draft Decommissioning Plan (***Attachment G***) that provides financial assurance for 100% of the estimated costs of the decommissioning efforts. Prior to the Applicant staging or storing any materials or commencing construction of the Project, Applicant will procure a solar facilities decommissioning bond for a five-year term and adjust the Bond Principal Amount at five-year intervals to accommodate for changes in performance costs and compounding inflationary impact. The Decommissioning Bond will be for the Bond Principal Amount and name Landowner and Umatilla County as the bond obligees.

The financial assurance shall be in the form of a bond from an individual or entity engaged in the construction business, a letter of credit issued by a financial institution, a corporate guarantee, or a cash deposit. The amount of the financial assurance shall be based on a written estimate from a company with experience with such matters which sets forth such company's estimate of the cost of removing the solar facilities, net of their estimated salvage value.

UCDC 152.061 Standards for All Conditional Uses.

The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

Response: The Project will be located on private property and will occupy a maximum of 450 acres of the Landowners' approximately 1,622 acres in Umatilla County. The Landowners will continue to utilize land in all surrounding directions for their current farm uses. The Landowners have provided a letter of support (***Attachment B***).

For purposes of this analysis, Applicant considers a ¼ mile from the Project Area Extent as "surrounding lands." Within the defined surrounding lands, there are no

forestlands and no accepted forest use practices. The accepted farm use practices on surrounding lands include irrigated and dryland agriculture. Potential impacts from the Project construction on these ongoing operations are likely minimal and temporary, limited to dust, weeds, and traffic during the construction period.

The Applicant has already secured the necessary access easements and is in discussions with the landowners to mitigate the temporary construction traffic and to reduce impacts during high traffic periods, such as harvest season and during major equipment deliveries to the Project. The Applicant will mitigate temporary dust and erosion impacts to neighboring fields by employing best management practices (BMPs), including dust control, limited grading and soil disturbance, and reduced vehicle speed limits. Such temporary and minimal impacts would not rise to the level of significance within the meaning of UCDC 152.061(A).

During operations, potential impacts would be more limited to weeds given the passive nature of the solar operation. The Applicant proposes to use an adaptive management approach to control the vegetation and weeds within the proposed Project Area. As set out in the Draft Vegetation and Weed Management Plan (***Attachment E***), the Applicant will deploy biological vegetation control through the application of sheep grazing along with mechanical (i.e. mowing) and chemical (i.e. herbicide) control methods, as needed. Additionally, the Applicant will continue to consult the Umatilla County Weed Control Supervisor and ODFW on choosing a low-growing native seed mix or mix that will support sheep grazing within the Project Area that will reduce the likelihood of impacts to surrounding lands and support the Project's management goals and objectives. None of these potential impacts, however, would rise to the level of significance within the meaning of UCDC 152.061(A). None of these potential impacts, however, would rise to the level of significance within the meaning of UCDC 152.061(A).

Tilling, planting, and harvesting patterns will continue unchanged in the surrounding lands, as the Applicant has designed the site in consultation with the landowners, ensuring continued use of the surrounding lands. Given the nature and intensity of the existing farm uses and the isolated nature and minimal impacts associated with the Project's construction and operation, the County may conclude that the Project would not force a significant change in accepted farm practices on surrounding lands and, in turn, would also not significantly increase the cost of such practices.

As discussed above, the Applicant will coordinate with the Umatilla County Weed Control Supervisor to control weeds at the Project, and continue coordination on the Final Vegetation and Weed Management Plan.

The Project will not result in small, irregular shaped or isolated pieces of property. Beyond the fenced project footprint and the underground medium voltage electrical lines, no roads or other facilities will be constructed. The adjacent property will continue to be farmed using common farming practices. For these reasons, the

Project will not force any change in accepted farm use practices on surrounding lands or increase the cost of those practices.

Applicant also demonstrates that the Project will not significantly impact accepted farming practices under OAR 660-033-0130(5) below.

UCDC 152.611 New Conditional Uses; Conformance with Requirements; Performance Bonds

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(D) The County may require an applicant to furnish the County with a performance bond or such other form of assurance that the County deems necessary to guarantee development in accordance with the standards established and conditions attached in granting a conditional use or land use decision.

Response**:** Applicant will construct and operate the Project consistent with the conditions of approval contained in the final conditional use permit. Other than the decommissioning bond as described in the Decommissioning Plan (***Attachment G***), the Applicant maintains that no performance bond or other form of financial assurance is necessary to ensure compliance with the County's approval for the Project's construction and operation.

UCDC 152.615 Additional Conditional Use Permit Restrictions

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare or odor;

Response: During construction, the Applicant would implement dust control measures using Best Management Practices. Any noise associated with construction would be limited in duration and would typically only occur during daylight hours. There are a few residences near the project, with one being located within 1,000 feet of the Project Area Extent boundary. A GIS viewshed analysis reveals that only the one nearby residence, located approximately 1,000 feet from the Project Area Extent, falls into the 3-mile viewshed of the Project. The Applicant conducted a Forge Solar Glare Analysis (***Attachment I***) to assess potential impact on nearby residences including the single residence identified within the viewshed. Based on the results of the Forge Solar Glare Analysis, no impacts were identified to any nearby residences or structures.

The Applicant conducted outreach to the Federal Aviation Administration ("FAA") and the U.S. Navy during due diligence. The Project was determined to not exceed notice criteria by the FAA Notice Criteria Tool, indicating that no hazard or obstruction was noted (see FAA Notice Criteria Tool Result, ***Attachment J***). The Navy, through the Community Planning and Liaison Officer at the Northwest Training Range Complex, also confirmed that the Project will have only minor, mitigable impacts to the Navy's operations (see Navy Correspondence Letter, ***Attachment K***).

(B) Establishing a special yard, other open space or lot area or dimension.

Response: Given the Project location and orientation on the Project Tract, Applicant mantains that no special yard or other conditions are needed.

(C) Limiting the height, size or location of a building or other structure.

Response: If built, the O&M building and Control House would be limited to one story in height. The PV panels are not anticipated to exceed a total height of 14 feet.

(D) Designating the size, number, location and nature of vehicle access points;

Response: The Project does not require any new access points to public roads within Umatilla County. The Project will be accessed via an existing private access route located entirely within Morrow County.

(E) Increasing the required street dedication, roadway width or improvements within the street right of way;

Response: The Project does not require increasing roadway width or improvements within any street right of way within Umatilla County.

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;

Response: During construction the Project will include an approximately 2.5 acre area, to be used as a temporary parking and equipment laydown area. Upon construction completion, the laydown area will be restored. During operations, the Project will include a designated parking area with enough space to accommodate approximately 3 vehicles. See Preliminary Site Plan (***Attachment A***) depicting the temporary construction parking and equipment laydown area. After construction the temporary laydown area will be restored to pre-construction conditions, except for temporary laydown areas that are within project fenceline and will be repurposed for other project operation uses (such as emergency vehicle turnnaround areas).

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;

Response: No lighting of signs will be installed for the Project.

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;

Response: The Project would limit the number of lighting fixtures within the Project Area and would use motion-activated or timed lighting and downshielded fixtures. Lighting may be needed for security and occasional after-hours work. All lighting installed within the Project Area would meet local or state regulations.

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.

Response: This standard is not applicable because the landowners own the lands surrounding the project and do not require screening or other property protection methods.

(J) Designating the size, height, location and materials for a fence;

Response: The Project will include a security fence at least seven (7) feet in height, designed to allow small-animal ingress and egress in accordance with Oregon Department of Fish and Wildlife (ODFW) recommendations (***Attachment E***). The fence material will be either chain-link or a welded-wire mesh wildlife fence.

(K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other natural.

Response: The Applicant would minimize impacts on surrounding habitat and ecosystem functions (e.g., water conveyances, wildlife movement corridors) to the extent practical. Areas with temporary Project impacts would be restored and revegetated using industry-accepted best management practices. All such measures are described in the Draft Vegetation and Weed Management Plan (***Attachment E***) and were developed in coordination with the Umatilla County Weed Supervisor.

The Applicant has conducted wildlife, wetlands and cultural surveys across the Project Area Extent, and has identified the Project Area Extent to be highly disturbed due to the ongoing agricultural operations. The survey results did not identify any wetlands or waters within the Project Area Extent, nor sensitive or protected wildlife species. The wildlife and habitat surveys concluded that the entire Project Area Extent is made up of Category 6 habitat, including agriculture and pasture disturbed by active agriculture uses.

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter.

Response: During construction, sufficient space for storage of vehicles and materials and for personnel passenger vehicle parking will be provided within the temporary laydown area. During operations, adequate space for parking up to 3 vehicles will be provided.

UCDC 152.617. Standards for Review: Conditional Uses and Land Use Decisions on EFU and GF Zoned Lands

(I) EFU and GF Zone Conditional Uses

(C) Commercial Utility Facilities

Commercial utility facilities for the purposes of generating and distributing power for public use by sale. Such facilities shall include, but are not limited to, electrical substations, power trams, water storage tanks, sewage disposal facilities, water treatment facilities, towers or transmitting facilities for radar and television, and dams. This does not include Wind Power Generation Facility (See specific criteria, § 152.616 (HHH), or local distribution lines for sewer, water, gas, telephone, and power and similar minor facilities. These uses are allowed provided that:

(1) Facility is designed to minimize conflicts with scenic values and adjacent forest, farming and recreational uses as outlined in policies of the Comprehensive Plan;

Response: The Project has been designed to minimize conflicts with scenic values, adjacent forest and farming and recreational uses. There are no nearby forested areas within the vicinity of the Project Area. Recreational use on surrounding lands are those of the landowners, and the Applicant has consulted with the landowner on the project design to ensure for the continued enjoyment of the surrounding land.

Under the Umatilla County Comprehensive Plan Chapter 8, Policy 20 states, in relevant part:

"Developments of potentially high visual impacts shall address and mitigate adverse visual effects in their permit application, as outlined in the Development Ordinance standards."

The Project panels will not exceed 14 feet in height and will be enclosed by a security fence at least seven (7) feet tall. The Project will utilize single-axis tracking technology, allowing the panels to follow the sun from east to west throughout the day. This tracking system also helps reduce glare by maintaining optimal panel angles that absorb, rather than reflect, sunlight. Overall, this design minimizes

visual obstruction within the surrounding viewshed and helps ensure that impacts on the area's scenic character remain minimal.

The Project is located in a remote area of Umatilla County, situated on a plateau that is accessible only by a private access road, with few nearby residences. A GIS viewshed analysis reveals that only the one nearby residence, located approximately 1,000 feet from the Project Area Extent, falls into the 3-mile viewshed of the Project. The Applicant conducted a Forge Solar Glare Analysis (***Attachment I***) to assess potential impact on nearby residences including the single residence identified within the viewshed. Based on the results of the Forge Solar Glare Analysis, no impacts were identified to any nearby residences or structures.

Therefore, the Applicant has minimized the conflicts with scenic and aesthetic values through proper siting of the Project.

Under the Umatilla County Comprehensive Plan Chapter 6, Policy 8 states:

"The county shall require appropriate procedures/ standards/policies be met in the Comprehensive Plan and Development Ordinance when reviewing non-farm uses for compatibility with agriculture."

Under ORS 215.283(2), regarding non-farm uses on EFU lands establishes that "Commercial utility facilities," for the purpose of generating power for public use by sale," includes photovoltaic solar power generation facilities. The Project will be located on private property and will occupy a maximum of 450 acres of the Landowners' approximately 1,622 acres in Umatilla County. As further described in the Landowner Support Letter (***Attachment B***), the Landowners desire to develop their property for the use and will continue to utilize the adjacent land for agriculture. The Preliminary Site Plan (***Attachment A***) also shows that the Project will not result in small, irregular shaped or isolated pieces of property, inaccessible to the landowner. Beyond the fenced project footprint, no roads or other facilities will be constructed. The remainder of the Project Tract can continue to be farmed using current accepted farming practices.

(2) Facility be of a size and design to help reduce noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a recreational residential zone;

Response: The Project Area Extent is located in an area with agricultural development and accompanying existing sources of noise. Contributors to the existing noise environment likely include motor vehicle traffic, mobile farming equipment, farming activities such as tilling and harvesting operations, all-terrain vehicles, and natural sounds from farm animals. There is one noise receptor, a private residence, located within 1,000 feet from the Project Area Extent.

Construction of the Facility may cause short-term, unavoidable noise impacts. Noise levels will vary depending on equipment type, condition, and use. Construction will generally occur during daytime hours, Monday through Friday, and standard noise reduction measures will be implemented to minimize impacts. The construction management protocols would include the following noise mitigation measures to minimize noise impacts:

- Maintain all construction tools and equipment in good operating order according to manufacturers' specifications.
- Limit use of major excavating and earth-moving machinery to daytime hours.
- To the extent practicable, schedule construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable.
- Equip any internal combustion engine with a properly operating muffler that is free from rust, holes, and leaks.
- For construction devices that utilize internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines if possible.

  Given the limited duration, restricted hours, and mitigation measures, temporary construction noise is anticipated to be less than significant.

  During operations, limited noise will be generated by transformers and inverters. The Project is not expected to have significant noise impacts during operations.

(3) Facility be fenced when located adjacent to dwelling(s) or a Mountain Recreational or Forest Residential Zone and landscaping, buffering and/or screening be provided;

Response: The Project is not located adjacent to a Mountain Recreational or Forest Residential Zone. However, the Project would be enclosed by a perimeter fence of a minimum seven (7) feet in height. The fence material will be either chain-link or a welded-wire mesh wildlife fence. Access to the Project would be gated and locked with gates 20 feet in width with accessible hardware per fire department requirements.

(4) Facility does not constitute an unnecessary fire hazard and consideration be made of minimum fire safety measures if located in a forested area, which can include, but is not limited to:

(a) The site be maintained free of litter and debris;

(b) Use of non-combustible or fire-retardant treated materials for structures and fencing;

(c) Removal of all combustible materials within 30 feet of structures.

Response Applicant has consulted with the Echo Fire District and has received a letter dated September 23, 2025, outlining the applicable state fire code. The Applicant continue to coordinate with the Echo Fire District pending a final site plan. Project roads will be sufficiently sized for emergency vehicle access in accordance with 2022 Oregon Fire Code, unless an exception is granted by the local Fire Marshall. Specifically, roads will be all-weather gravel, compacted and 20 feet wide, with an internal turning radius of 28 feet and less than 10 percent grade. Dead-end roads will be provided with turnaround provisions as detailed in the 2022 Oregon Fire Code. Access to the Project will be gated and locked with gates 20 feet in width with accessible hardware per fire department requirements.

Subsection 1205.5 of the 2022 Oregon Fire Code requires a 10-foot non-combustible base or maintained vegetative surface be installed and maintained under and around the installation (see Fire District Approval, ***Attachment L***).

(5) Major transmission towers, poles and similar gear shall consider locations within or adjacent to existing rights-of way in order to take the least amount of timber land out of production and maintain the overall stability and land use patterns of the area, and construction methods consider minimum a soil disturbance to maintain water quality;

Response: The Project will not include utility poles, transmission lines or similar gear.

(6) Facility shall not alter accepted timber management operations on adjacent forest land;

Response: The Project is not located adjacent to any timber management operations.

(7) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

Response: Wildlife and Habitat Survey Report (***Attachment M***) demonstrates that there are no sensitive bird nesting sites within half a mile of the Project (the radius of the survey area). The Wildlife and Habitat Survey Report included surveys for wildlife species listed by federal and state agencies as threatened, endangered and sensitive species, and raptor nests. The Wildlife and Habitat Survey concluded that the entire Project Area Extent is made up of Category 6 habitat, including agriculture and pasture. Although this habitat type may provide some

value to wildlife, the Wildlife and Habitat Survey Area is entirely disturbed by active agriculture.

During 2023 surveys, Tetra Tech did not observe any special status species. One stick nest suitable for raptor use was identified within the Raptor Nest Survey Area and was occupied by common ravens. Minimal raptor nesting substrate is available within the Raptor Nest Survey Area. Additionally, the Applicant completed wetland surveys throughout the Project Area Extent and it was determined that there are no wetlands present (See ***Attachment N***).

During the design process, the Applicant would minimize impacts on surrounding habitat and ecosystem functions (e.g., water conveyances, wildlife movement corridors) to the extent practical. Areas with temporary Project impacts would be restored and revegetated using industry best management practices. All such measures are described in the Draft Vegetation and Weed Management Plan (***Attachment E***) and were developed in coordination with the Umatilla County Weed Supervisor.

(8) Access roads or easements be improved to the County's Transportation Plan standards and follow grades recommended by the Public Works Director;

Response: The Project will not have any access roads or easements located in Umatilla County. The only new roads will include maintenance roads constructed within the fenced area. Access for the Project utilizes an existing private access road located in Morrow County, OR. The private access road has an existing permitted approach intersecting OR-207 and is managed by the Oregon Department of Transportation (ODOT). The Applicant has consulted with ODOT and has obtained the required easement with the private landowner to allow for ingress and egress to the Project.

(9) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

Response: The Project access roads constructed within the Project Area would be built consistent with the intent and purposes set forth in the 208 Water Quality Program. Additionally all new access roads will be constructed to the latest Oregon State Fire Code standards, and in consultation with the Echo Fire District and Umatilla Planning Department. Roads would be constructed of an all-weather road surface, have a minimum width of 20 feet, and approved turning radii and turnarounds per fire marshall guidance.

(10) Complies with other conditions deemed necessary.

Response: The Applicant will comply with all other conditions deemed necessary by the County.

SECTION 3B: OAR 660-033-0130(5)

(5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Response: Applicant demonstrates under UCDC 152.061 that the Project will not cause a significant increase in accepted farm practices on surrounding farmlands because impacts are temporary and minimal, and limited to dust, weeds, and traffic during the construction period. Applicant demonstrates that the Project also will not result in significant changes to, or the cost of, accepted farming practices on surrounding lands, as required by OAR 660-033-0130(5)(a) and (b) using the methodology prescribed in OAR 660-033-0130(5)(c).

(c) For purposes of subsection (a) and (b), a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:

(A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;

Response: For this analysis, the Applicant defines “surrounding lands” as the area within ¼ mile of the Project Area Extent. No accepted forest use practices occur within this area. Farming practices include both irrigated and dryland agriculture, with dryland wheat and hay production as well as irrigated crops such as grass and canola. The Project landowner owns all land to the west and south of the Project Area, while the lands to the north and east are owned by three other private landowners.

(B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and

Response: Potential impacts from the Project construction on these ongoing operations are likely minimal and temporary, limited to dust, weeds, and traffic during the construction period. The Applicant has already secured the necessary access easements and is in discussions with the landowners to mitigate the temporary construction traffic and to reduce impacts during high traffic periods,

such as harvest season and during major equipment deliveries to the Project. The Applicant will mitigate temporary dust, and erosion impacts to neighboring fields by employing best management practices (BMPs), including dust control, limited grading and soil disturbance, and reduced vehicle speed limits.

Once operational, the Project will require limited maintenance and operations staff associated with vegetation management and equipment maintenance. Traffic impacts resulting from operations will be minimal and confined to the access route defined in the Transportation Plan (***Attachment D***). Additionally, the Applicant has prepared a Draft Vegetation and Weed Management Plan (***Attachment E***) in consultation with the Umatilla County Weed Supervisor. Implementation of this plan's protocols and procedures will ensure that impacts from weeds and vegetation are minimized on surrounding lands.

(C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.

Response: The Applicant has evaluated potential impacts of the proposed Project, including their combined effect on surrounding agricultural practices. With the use of Best Management Practices and careful project siting, the Project will not cause significant impacts to farming operations on surrounding lands.

(D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.

Response: The potential impacts to the existing accepted farming practices will be avoided and minimized and will not rise to the level of significant. Applicant will implement the following plans that will ensure potential impacts are appropriately avoided or minimized:

- Vegetation and Weed Management Plan
- Transportation Plan
- Erosion and Sediment Control Plan (ESCP)
- Spill Prevention, Control and Countermeasures Plan (SPCC)
- Emergency Management Plan
- Stormwater Pollution Prevention Plan (SWPPP)
- Inadvertent Discovery Plan
- Decommissioning Plan

(E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use

itself for the purpose of conducting a review under subsections (a) and (b).

Response: The Applicant has considered potential impacts from Project construction as well as Project operation.

(E) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection (a) and (b).

Response: Not applicable to Applicant.

SECTION 3C. ORS 215.446

The Oregon Legislature adopted House Bill (HB) 2329 (2019) and HB 3874 that impose additional siting standards on "mid-tier" sized solar projects. The Project triggers ORS 215.446(1)(c)(A)(i) and (ii) because it has more than 100 acres but not more than 240 acres located on high-value farmland as defined in ORS 195.300 and more than 100 acres but not more than 2,560 acres located on land that is predominantly cultivated.

HB 2329 and HB 3874 are implemented through ORS 215.446, which has not yet been adopted into the UCDC. Accordingly, the Applicant responds to the applicable standards in ORS 215.446 directly.

ORS 215.446 Renewable energy facility; application; standards; notices.

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(3) In order to issue a permit, the county shall require that the applicant:

(a)(A) Consult with the State Department of Fish and Wildlife, prior to submitting a final application to the county, regarding fish and wildlife habitat impacts and any mitigation plan that is necessary;

Response: A site review for any potential impact to Federal endangered species was completed in September 2025 via the United States Fish & Wildlife Service's (USFWS) Information for Planning and Conservation (IPaC) Trust Resource Report. No critical habitats were found within the Project Area Extent (see ***Attachment O***).

The Applicant began consultation for the Project with ODFW on April 10, 2023, which led to ODFW issuing a letter dated April 12, 2023, outlining their recommendations for wildlife and habitat surveys (included in ***Attachment M***). Additionally, ODFW reviewed Fourmile Solar's Habitat, Wildlife and Raptor Nest Survey Report and the Botanical Survey Report. ODFW issued an official correspondence on September 10, 2025, concurring that impacts to wildlife

habitats have been avoided and minimized, and recommended best management practices during project design and construction to reduce impacts to wildlife and wildlife habitats.

(B) Conduct a habitat assessment of the proposed development site;

Response: The Applicant contracted with Tetra Tech, Inc. (Tetra Tech) to complete a Threatened Endangered and Sensitive Species (TESS) survey, raptor nest survey and habitat mapping and botanical surveys for the Project Area Extent in June 2023. The wildlife and habitat surveys followed recommendations and protocols as shared by ODFW on April 12, 2023. The full results of these surveys are found in the Wildlife and Habitat Survey Report (***Attachment M***).

The Project Area Extent includes Category 6 habitat, as defined under OAR

635-415-0025. The report shows that the Project Area Extent is composed entirely of Category 6 habitat. Category 6 habitat is made up of unirrigated wheat fields. Table 2 below details the results of the habitat assessment within the Project Area Extent. The Wildlife and Habitat Surveys identified one nest within or near the survey area, which was occupied by common ravens. Available nest substrate in the Raptor Nest Survey Area is limited to power poles and utility towers.

Table 2: ODFW habitat categories within the Project Area Extent

Habitat Type	ODFW Habitat Category	Acres
Cropland	6	626.5
Total		626.5

(C) Develop a mitigation plan to address significant fish and wildlife habitat impacts consistent with the administrative rules adopted by the State Fish and Wildlife Commission for the purposes of implementing ORS 496.012; and

Response: Pursuant to ongoing consultation with ODFW, the Applicant has been advised that a Habitat Mitigation Plan is not required for this project, since only Category 6 Habitat will be impacted. See ***Attachment M*** for response from ODFW.

(D) Follow administrative rules adopted by the State Fish and Wildlife Commission and rules adopted by the Land Conservation and Development Commission to implement the Oregon Sage-Grouse Action Plan and Executive Order 15-18.

Response: There is no Oregon Sage-Grouse habitat within the Project Area Extent or vicinity.

(b) Demonstrate that the construction and operation of the renewable energy facility, taking into account mitigation, will not result in significant adverse impacts to historic, cultural and archaeological resources that are:

(A) Listed on the National Register of Historic Places under the National Historic Preservation Act (P.L. 89-665, 54 U.S.C. 300101 et seq.);

(B) Inventoried in a local comprehensive plan; or

(C) Evaluated as a significant or important archaeological object or archaeological site, as those terms are defined in ORS 358.905.

Response: The Applicant has consulted with the Oregon State Historic Preservation Office (SHPO), the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the Burns Paiute Tribe and the Confederated Tribes of Warm Springs for the Project. CTUIR and SHPO both responded to requests for reviews and based on feedback from these groups, the Applicant hired Tetra Tech to complete a cultural resources survey with support from CTUIR personnel. The findings of the Cultural Resources Survey Report are included under the confidential ***Attachment P***. The report was submitted to SHPO, and confirmation of receipt was sent from SHPO on July 23, 2024. The assigned SHPO Case Number is 23-1030 (see ***Attachment Q***).

Additionally, the Applicant submitted the Cultural Resources Survey Report to the interested tribes on January 25, 2024.

No archaeological or built environment resources were identified in the survey area outlined within the Cultural Resources Survey Report. During the survey a previously recorded Historic Property of Religious or Cultural Significance to Indian Tribes (HPRCSIT) was identified. The HPRCSIT has been determined NRHP-eligible by SHPO. Impacts to the HPRCSIT are being mitigated through a Confidential Mitigation Agreement that has been executed between the Applicant and CTUIR. CTUIR has shared this Confidential Mitigation Agreement with Umatilla County.

(c) Demonstrate that the site for a renewable energy facility, taking into account mitigation, can be restored adequately to a useful, nonhazardous condition following permanent cessation of construction or operation of the facility and that the applicant has a reasonable likelihood of obtaining financial assurances in a form and amount satisfactory to the county to secure restoration of the site to a useful, nonhazardous condition.

Response: As further described in the Decommissioning Plan (***Attachment G***), the Applicant proposes to provide financial assurance for 100% of the estimated costs of the decommissioning efforts as required under the Project's Lease

Agreement with the Landowner.

Prior to the Applicant staging or storing any materials or commencing construction of the Project, Applicant will procure a solar facilities decommissioning bond for a five-year term. The Decommissioning Bond will be for the Bond Principal Amount and name Landowner and Umatilla County as the bond obligees.

The Applicant will direct a Qualified Estimator to review and adjust the Solar Facility Decommissioning Plan and the Bond Principal Amount determined by estimated decommissioning costs at five-year intervals to accommodate changes in performance costs and compounding inflationary impact.

The financial assurance shall be in the form of a bond from an individual or entity engaged in the construction business, a letter of credit issued by a financial institution, a corporate guarantee, or a cash deposit. The amount of the financial assurance shall be based on a written estimate from a company with experience with such matters which sets forth such company's estimate of the cost of removing the solar facilities, net of their estimated salvage value.

(d) Meet the general and specific standards for a renewable energy facility adopted by the Energy Facility Siting Council under ORS 469.470 (2) and 469.501 that the county determines are applicable.

Response: None of these standards apply as Umatilla County has not incorporated any of the standards into the UCDC.

(e) Provide the financial assurances described in paragraph (c) of this subsection in the form and at the time specified by the county.

Response: As further described in the Decommissioning Plan (***Attachment G***), the Applicant proposes to provide financial assurance for 100% of the estimated costs of the decommissioning efforts prior to the Applicant staging or storing any materials or commencing construction of the Project. The Decommissioning Bond will be for the Bond Principal Amount and name Landowner and Umatilla County as the bond obligees.

The Applicant will direct a Qualified Estimator to review and adjust the Solar Facility Decommissioning Plan and the Bond Principal Amount determined by estimated decommissioning costs at five-year intervals to accommodate changes in performance costs and compounding inflationary impact.

(f) For a renewable energy facility that is a solar photovoltaic power generation facility using the number of acres described in subsection (4) of this section, provide a decommissioning plan to accomplish the restoration of the site to a useful, nonhazardous condition as described in paragraph (c) of this subsection. A decommissioning plan provided under this paragraph must include bonding or other security as the financial assurances described in paragraph (c) of this

subsection.

Response: As further described in the Decommissioning Plan (***Attachment G***), the Applicant proposes to provide financial assurance for 100% of the estimated costs of the decommissioning efforts prior to the Applicant staging or storing any materials or commencing construction of the Project. The Decommissioning Bond will be for the Bond Principal Amount and name Landowner and Umatilla County as the bond obligees.

The Applicant will direct a Qualified Estimator to review and adjust the Solar Facility Decommissioning Plan and the Bond Principal Amount determined by estimated decommissioning costs at five-year intervals to accommodate changes in performance costs and compounding inflationary impact.

Prior to decommisioning, the project owner will schedule a pre-closure meeting with the Umatilla County Planning Department up to one year prior to the planned decommissioning. Before work begins, all necessary permits will be acquired, and coordination will occur with relevant agencies and local departments. The Project will be disconnected from the electric grid in coordination with the utilites, after which decommissioning activities will be completed within 12 months. These activities include disconnecting and removing PV modules, electrical cabling, aluminum racking, steel foundation piles, electric interconnection equipment, inverters, transformers, and concrete foundations, all for salvage, recycling, or proper disposal. Additionally, fencing will be removed, and soils disturbed during the process will be re-graded to existing contours and reseeded at the landowner's request.

(4) The requirements in subsection (3)(f) of this section apply to a solar photovoltaic power generation facility using:

(a) More than 160 acres but not more than 240 acres located on high-value farmland as defined in ORS 195.300 (Definitions for ORS 195.300 to 195.336);

Response: The Applicant anticipates the Project impacting more than 160 acres but not more than 240 acres of high-value farmland soils as defined under ORS 195.300. Therefore, subsection (3)(f) applies, above.

(5) Upon receipt of a reasonable cost estimate from the state agency or tribe, the applicant and county may jointly enter into a cost reimbursement agreement administered by the county with:

(a) The State Department of Fish and Wildlife to receive comments under subsection (3)(a) of this section.

(b) The State Historic Preservation Officer or any affected federally recognized Indian tribe to receive comments under subsection (3)(b) of this section.

(c) The State Department of Energy to receive comments under subsection (3)(c) and (d) of this section as well as comments regarding other matters as the county may require.

Response: Given the size and scale of the Project, Applicant does not anticipate Umatilla County will need to enter into a cost reimbursement under ORS 215.446(4).

(6) A county that receives an application for a permit under this section shall, upon receipt of the application, provide notice to persons listed in subsection (6) of this section. The notice must include, at a minimum:

(a) A description of the proposed renewable energy facility;

(b) A description of the lots or parcels subject to the permit application;

(c) The dates, times and locations where public comments or public testimony on the permit application can be submitted; and

(d) The contact information for the governing body of the county and the applicant.

(7) The notice required under subsection (6) of this section must be delivered to:

(a) The State Department of Fish and Wildlife;

(b) The State Department of Energy;

(c) The State Historic Preservation Officer;

(d) The Oregon Department of Aviation;

(e) The United States Department of Defense; and

(f) Federally recognized Indian tribes that may be affected by the application.

Response: Applicant will coordinate with Umatilla County to confirm that the notices are issued as required by ORS 215.446(5) and (6).

Section 4. ATTACHMENTS

A. Preliminary Site Plan
B. Landowner Support Letter
C. FEMA Map
D. Transportation Plan
E. Draft Vegetation and Weed Management Plan
F. Letter of Intent with Krebs Solar Grazing
G. Decommissioning Plan
H. Soils Analysis
I. Glare Analysis - Forge Solar
J. FAA Pre-screening Results
K. Department of Defense/Navy Correspondence
L. Fire District Approval Letter- Echo Fire District
M. Wildlife and Habitat Survey Report
N. Wetland Delineation Report
O. UFWS IPaC Report
P. *CONFIDENTIAL* - Cultural Resources Survey Report
Q. SHPO Submission
R. Alternatives Analysis

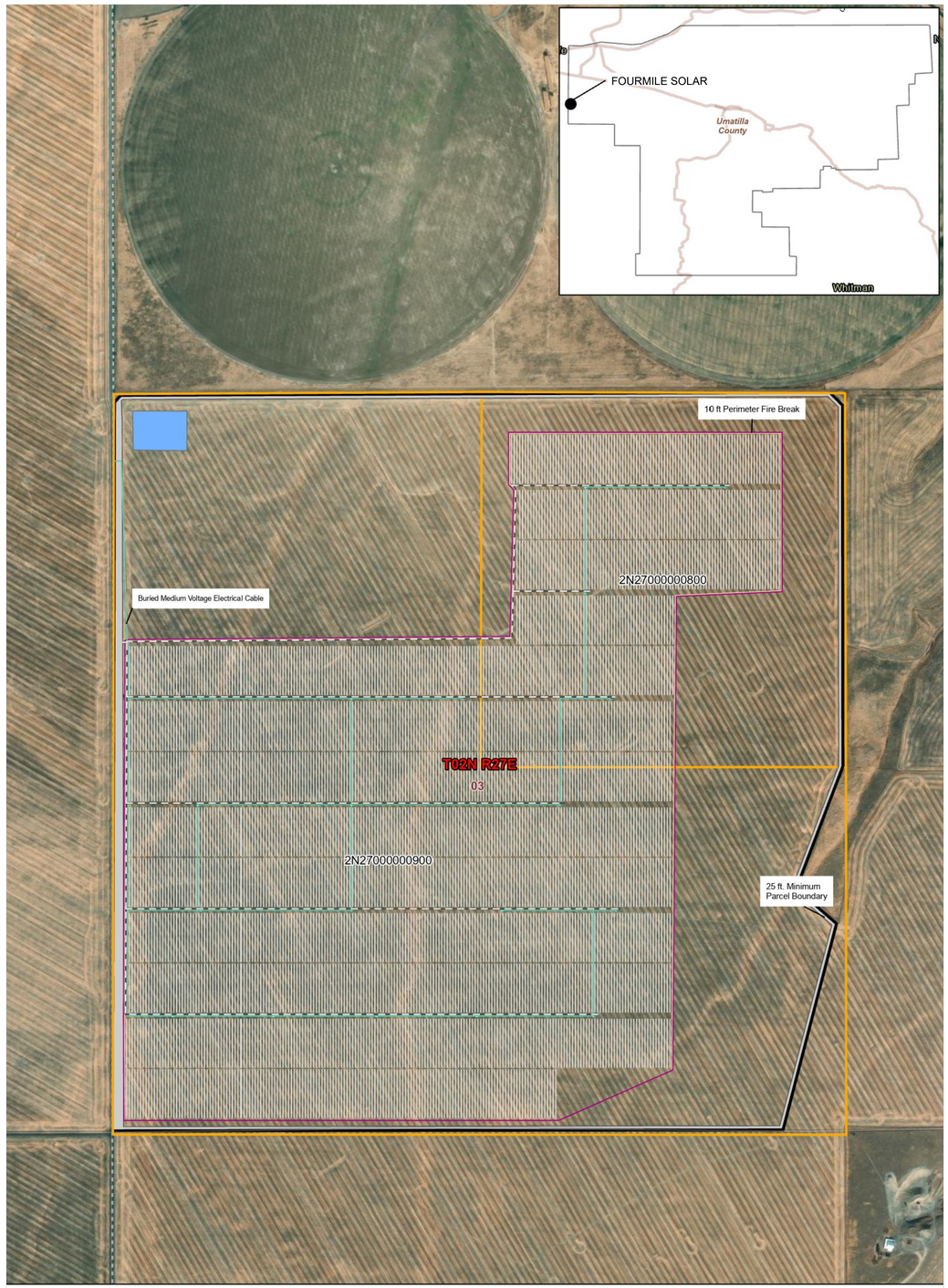
Attachment A

PRELIMINARY SITE PLAN

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com



FOURMILE SOLAR

UMATILLA COUNTY, OREGON

SOLAR PV PROJECT
92.5764 MWDC / 77.600 MWAC

PROJECT DETAILS

THIS PROJECT CONSISTS OF THE DESIGN AND INSTALLATION OF 77.600 MWAC SOLAR PHOTOVOLTAIC SYSTEM. MODULES ARE TO BE MOUNTED IN A SINGLE AXIS TRACKERS, WHICH FOLLOW THE SUN FROM EAST TO WEST THROUGHOUT THE DAY.

SITE DETAILS:

PARCEL ID	2N27000000800, 2N27000000900
OWNER:	TIMOTHY & SHANNON RUST
ACREAGE:	649.00
EXISTING ZONE:	EXCLUSIVE FARM USE

LAND USE SUMMARY:

TOTAL PARCEL AREA (ACRES):	649.00
HVF / AVA FARMLAND IMPACTED (ACRES):	62.60
TOTAL FENCED AREA (ACRES):	421.99
GRAVEL ACCESS ROAD (ACRES):	8.23
LAYDOWN AREA (ACRES):	2.53

ADDITIONAL NOTES:

- BASEMAP DEVELOPED FROM GIS DATA
- PARCEL DATA TAKEN FROM GIS DATA
- DNR & FEMA FLOOD HAZARD ZONE FROM GIS DATA

DESIGN SUMMARY:

MODULE POWER:	535W
MODULE COUNT:	173,040
ARRAY DC VOLTAGE:	1,500 V
INVERTER SIZE:	4200kVA (840kVA*5)
INVERTER COUNT:	19
DC SIZE:	92.5764 MWDC
AC SIZE:	77.600 MWAC
DC/AC RATIO:	1.30
GROUND COVERAGE RATIO:	37.50%
ASCE 7-16 GSL:	15.0 PSF (0.104 PSI) - NOTE: THIS IS NOT FROM A SITE-SPECIFIC STUDY, AND NO DATA IS AVAILABLE FROM THE ASCE/SEI 7-16, TABLE 7.2-7 HAZARD TOOL. THE ESTIMATE IS FROM THE STRUCTURAL ENGINEERS ASSOCIATION OF OREGON AND PRISM CLIMATE GROUP OF OREGON STATE UNIVERSITY. (2013)
ASCE 7-16 WIND SPEED:	93 VMPH (FROM ASCE HAZARD TOOL NOT FROM A SITE-SPECIFIC STUDY)

OneEnergy RENEWABLES
2003 Western Ave, Suite 225
Seattle, WA 98121
oneenergyrenewables.com
206 922 7072

WRITTEN DIMENSIONS ON THIS PLAN SHALL SUPERCEDE SCALED DIMENSIONS. CONTRACTORS ARE RESPONSIBLE FOR FIELD VERIFYING ALL DIMENSIONS. THIS DRAWING, DESIGN, CONCEPT AND ARRANGEMENT REMAIN THE PROPERTY OF ONEENERGY RENEWABLES AND SHALL NOT BE COPIED, DISCLOSED OR REPRODUCED WITHOUT CONSENT.

PRELIMINARY
NOT FOR CONSTRUCTION

REVISION LOG

REV	DESCRIPTION	DATE	BY	CK'D	SME
00	PERMIT LAYOUT	10.07.2025	LH	AB	

FOURMILE SOLAR
ONEENERGY DEVELOPMENT, LLC
45.69003°, -119.432425°
MORROW COUNTY, OREGON

SHEET TITLE:
DEVELOPMENT PLAN

SHEET NO:
EX-1 Exhibit 1 - Applications and Attachments

PUBLISHED ON: 10/7/2025 2:38 PM

Attachment B

LANDOWNER SUPPORT LETTER

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

Timothy and Shannon Rust
77252 Mader Rust Lane
Echo, OR 97826

October 1, 2025

Community Development
216 SE 4th Street, Room 104
Pendleton, OR 97801

RE: Fourmile Solar Project

Dear Umatilla County,

The Fourmile Solar project is a proposed photovoltaic solar power generation facility with optional battery storage in Umatilla County on land owned by Timothy M. Rust and Shannon L. Rust, Trustees of the Timothy and Shannon Rust Living Trust dated August 18, 2015, The Shannon Rust Share of the Frank & LaVonne Mader Living Trust and Clarkston Development Company. The Project is located on tax parcels 2N27000000800 and 2N27000000900 on portions of Township 2 North, Range 27 East Section 3. As the landowners, we support the project and provide the following information in support of Fourmile Solar OR, LLC's application for a Conditional Use Permit and Goal 3 Exception.

This property has been owned for 45 years by our family. My folks who made the purchase of this property in 1979 are no longer living. Tim & I are the 2nd generation to live on & operate this farm. The 3rd generation (our daughter & her husband) are now running the operation...producing crops & making improvements to make it sustainable for the 4th generation who are now growing up on the property.

We have chosen to lease our land to construct the Fourmile Solar project at the proposed site, which will be a higher and better use of this portion of our land while we continue to cultivate our more productive farmland. The annual lease payments from the project will provide long-term, predictable revenue while diversifying the income generated by our landholdings. Moreover, the project will not adversely impact or increase the cost of farming practices near the project. We do not anticipate any changes to our ongoing operations nor those of our neighbors resulting from the construction or operation of the proposed project.

Sincerely,

Timothy and Shannon Rust and Clarkston Development Company

The legal landowners of the proposed Project, hereby give authorization to Fourmile Solar OR, LLC to submit for a Conditional Use Permit, Land Use Permit and Goal 3 Exception for Fourmile Solar.

Timothy and Shannon Rust Living Trust dated August 18, 2015

By: Timothy M. Rust, Trustee

Name/Title: Timothy M. Rust, Trustee

Date: 10/7/2025

By: Shannon L. Rust, Trustee

Name/Title: Shannon L. Rust, Trustee

Date: 10-7-2025

Shannon Rust Share of Frank and LaVonne Mader Living Trust

By: Shannon Rust, Trustee

Name/Title: Shannon L. Rust, Trustee

Date: 10-7-2025

Clarkston Development Company

By: _____

Name/Title: _____

Date: _____

The legal landowners of the proposed Project, hereby give authorization to Fourmile Solar OR, LLC to submit for a Conditional Use Permit, Land Use Permit and Goal 3 Exception for Fourmile Solar.

Timothy and Shannon Rust Living Trust dated August 18, 2015

By: _____

Name/Title: Timothy M. Rust, Trustee

Date: _____

By: _____

Name/Title: Shannon L. Rust, Trustee

Date: _____

Shannon Rust Share of Frank and LaVonne Mader Living Trust

By: _____

Name/Title: Shannon L. Rust, Trustee

Date: _____

Clarkston Development Company

By: Robert H. Tomlinson Pres.

Name/Title: ROBERT H. TOMLINSON

Date: 10/9/2025

Attachment C

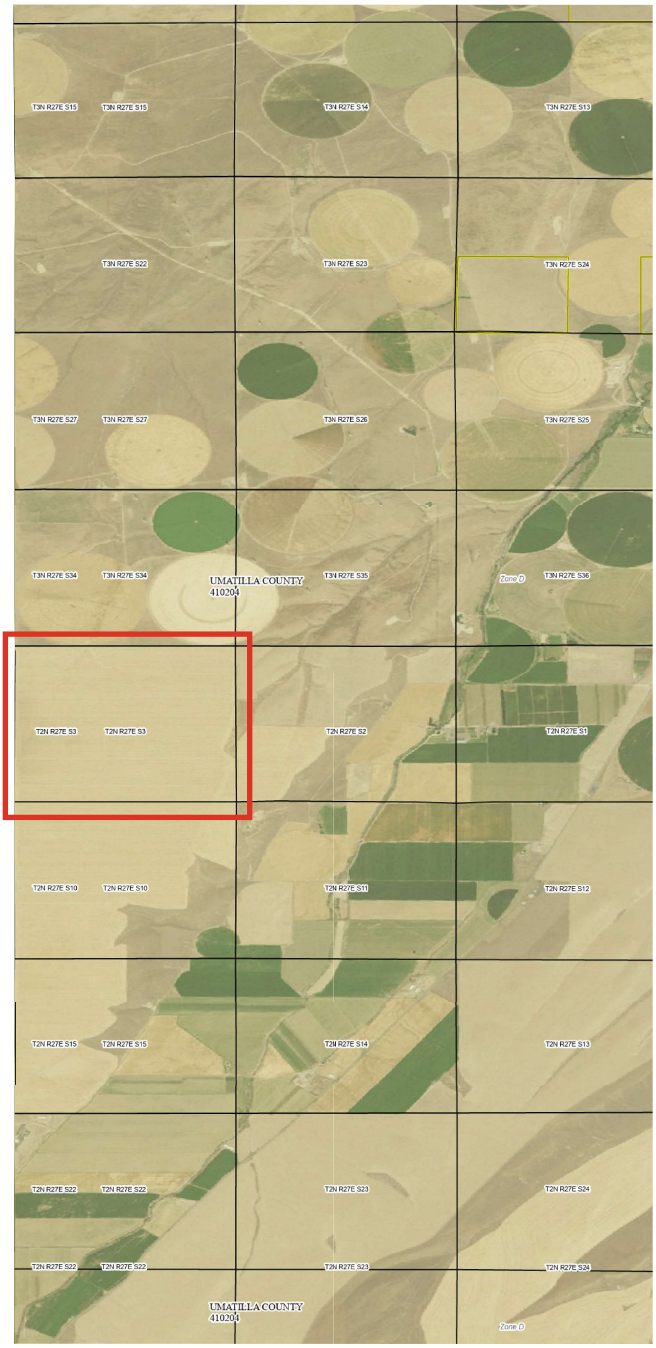
FEMA MAP

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

119°28'4.15"W 45°45'26.41"N



119°20'30.72"W 45°37'3.7"N

FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR DRAFT FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) Zone A, V, 499
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee See Notes Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at https://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates, refer to the Flood Insurance Study Report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Basemap information shown on this FIRM was provided in digital format by USDA, Farm Service Agency (FSA). This information was derived from NAIP, dated April 11, 2018.

This map was exported from FEMA's National Flood Hazard Layer (NFHL) on 9/23/2025 8:28 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time. For additional information, please see the Flood Hazard Mapping Updates Overview Fact Sheet at https://www.fema.gov/media-library/assets/documents/115418.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. This basemap shown complies with FEMA's basemap accuracy standards. This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date.

SCALE

Map Projection:
GCS, Geodetic Reference System 1980;
Vertical Datum: No elevation features on this FIRM
For information about the specific vertical datum for elevation features, datum conversions, or vertical monuments used to create this map, please see the Flood Insurance Study (FIS) Report for your community at https://msc.fema.gov

N

1 inch = 2,000 feet 1:24,000

0 1,000 2,000 4,000 6,000 8,000 Feet

Meters

0 210 420 840 1,260 1,680

FEMA National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

PANEL 900 OF 1975

Panel Contains:

COMMUNITY	NUMBER	PANEL
MORROW COUNTY	410172	0900
UMATILLA COUNTY BUREAU OF LAND MANAGEMENT	410172 41FED	0900

MAP NUMBER
41059C0900G
EFFECTIVE DATE
September 03, 2010

Attachment D

TRANSPORTATION PLAN

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

GENERAL TRANSPORTATION INFORMATION

No Umatilla County roads will be utilized for the construction or operations of this Project.

The main access point for the Project utilizes an existing private access road located in Morrow County, OR. The private access road has an existing permitted approach intersecting Lexington-Echo Highway OR-207 and is managed by the Oregon Department of Transportation (ODOT). The Applicant has consulted with ODOT and has obtained the required easement with the private landowner to allow for ingress and egress to the Project (see Exhibit A). Please see ODOT emails attached as Exhibit B.

Transportation routes will be used to bring in equipment, materials and the labor force to the Project. The route will enter Umatilla County on Interstate 84, then exit onto OR-207. It will follow OR-207 south and cross into Morrow County before turning onto a private access road. From the intersection of OR-207 and the private access road, vehicles will continue north along the private road for approximately 4.75 miles until reaching the Project.

Figure 1: Map of Transportation Route

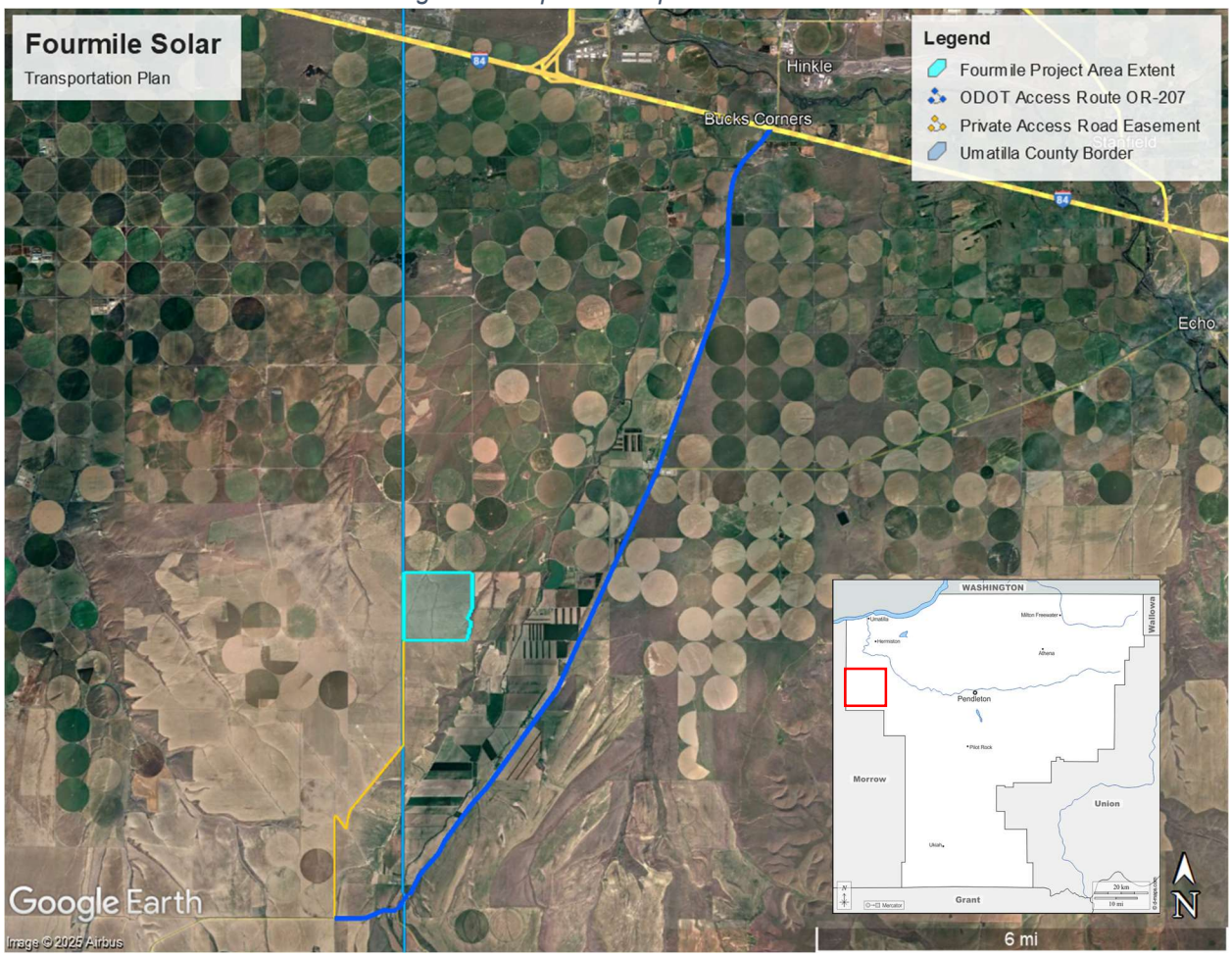


EXHIBIT A: MEMORANDUM OF EASEMENT

State of Oregon
County of Umatilla
REC-DE-EAS

2025-05334
07/15/2025 01:30:01 PM

Pgs=12 $60.00 $11.00 $10.00 $60.00 **$151.00**

Office of County Records

Steve Churchill

UMATILLA COUNTY

Prepared by and after recording return to:

OneEnergy Development, LLC
Attn: Tanner Gillespie
2003 Western Avenue, Suite 225
Seattle, WA 98121

ACCESS EASEMENT

THIS ACCESS EASEMENT (the "Easement Agreement"), is effective as of the 29th day of March, 2024 (the "Effective Date") by and among N & C Land, LLC, an Oregon Limited Liability Company, formerly known as N & C Farms, LLC ("Grantor"), whose address is 71062 Perkins Rd., Echo, OR 97826, Passage Solar OR, LLC, a Delaware Limited Liability Company ("Passage"), whose address is 2003 Western Ave., Suite 225, Seattle, WA 98121, and Fourmile Solar OR, LLC, a Delaware Limited Liability Company, whose address is 2003 Western Ave., Suite 225, Seattle, WA 98121 ("Fourmile," and together with Passage, the "Grantees" and each a "Grantee"). Grantor and Grantees may hereafter be referred to together as the "Parties" and each, a "Party."

RECITALS

A. Grantor is the owner of that certain real property situated in the County of Morrow, State of Oregon, as more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Grantor Property").

B. Passage (as assignee of OneEnergy Development, LLC) is party to that certain Trail 1 Lease Option and Solar Easement Agreement dated April 28, 2023 (the "Trail 1 Lease Option") with the Timothy and Shannon Rust Living Trust, the Shannon Rust Share of the Frank & LaVonne Mader Living Trust, and the Clarkston Development Company (collectively herein, "Lessor"), a memorandum of which is recorded in the Umatilla County Deed Records as Instrument No. 2023-03197 and in the Morrow County Deed Records as Instrument No. 2023-53004, and Fourmile (as assignee of OneEnergy Development) is party to that certain Trail 2 Lease Option and Solar Easement Agreement dated April 28, 2023 with the Lessor (the "Trail 2 Lease Option," and together with the Trail 1 Lease Option, the "Options"), whereby Lessor granted options to Grantees to lease portions of certain real property owned by Lessor and described on Exhibit B attached hereto and incorporated herein by this reference (the "Benefitted Property"), for the purpose of developing, planning, constructing, operating and maintaining solar energy generating systems and related electrical or other energy distribution and collection infrastructure (the "Projects").

C. Grantor agrees to grant and convey to Grantees a non-exclusive easement over and across a portion of the Grantor Property for pedestrian and vehicular ingress to and egress from certain facilities to be constructed on portions of the Benefitted Property in connection with the Projects.

AGREEMENT

IN CONSIDERATION of the foregoing and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties hereto agree as follows:

1. **Definitions**. The following terms have the definitions ascribed to such terms in the table below:

Term	Definition
"Easement Area"	A strip of land on the Grantor Property being approximately two (2) miles in length and approximately twenty feet (20') wide, running approximately ten feet (10') on either side of a center line of the existing driveway, generally overlapping the existing driveway, provided that the Easement Area increases to eighty feet (80') wide at the point where the existing driveway meets with the entrance to Lexington Echo Hwy 207, generally overlapping the existing gravel driveway entrance, a sketch of said Easement Area being attached hereto as Exhibit C. Grantor agrees to execute an amendment to this Easement Agreement setting forth the exact legal description of the Easement Area, which shall be recorded in the real property records of Morrow County, Oregon and Umatilla County, Oregon at Grantees' sole discretion and expense.

2. **Grant of Easement**. Grantor does hereby grant and convey unto both Grantees, and each of their respective successors, assigns, lessees, licensees, employees, contractors, visitors, lenders, investors, representatives, officers, managers, directors and consultants (collectively, the "Grantee Parties"), as a perpetual, non-exclusive easement appurtenant to the Benefitted Property and the Projects, the right to vehicular and pedestrian ingress to and egress from the Benefitted Property and the Projects on, over and along the Easement Area (the "Easement"). The Easement includes all of the rights and privileges necessary and incidental to the full use and enjoyment of the Easement for the purposes permitted in this Easement Agreement.

3. **Survey**. In connection with the Easement, Grantor does hereby grant and convey unto both Grantees, and each of their respective Grantee Parties, the right to conduct, at Grantees' sole cost and expense, a survey of the Easement Area.

4. **Consideration**. As consideration for this Easement Agreement and the Easement rights granted to Grantees herein, Grantees agree to pay to Grantor a mutually agreeable amount in immediately available funds, with such amount being paid to Grantor in one lump sum payment promptly upon the execution of this Easement Agreement by all Parties.

5. **No Interference**. Grantor shall not construct, install, or permit to be constructed or installed, any improvements, fences, structures, buildings, foliage or vegetation, utility lines or other improvements of any type whatsoever upon, in, on, under or near the Easement Area which would inhibit or impair any of Grantees' rights or benefits as set forth in this Easement Agreement. Grantor shall not grant to any person any right of way, encumbrance, easement or other right in or affecting the Easement Area that may interfere with Grantees' use and enjoyment of the Easement. In the event that there are one or more mortgages or deeds of trust encumbering the Grantor Property as of the date of this Easement Agreement, Grantor agrees to assist Grantees in obtaining a written subordination and non-disturbance agreement executed by each

mortgagee under the terms of which the mortgagee agrees, for itself and its successors and assigns, not to disturb the rights and other interests under this Easement Agreement of the Grantees or the Grantee Mortgagees in the event of foreclosure, judicial sale or other proceedings in connection with such mortgage or deeds of trust. Each such subordination and non-disturbance agreement must be in a form reasonably acceptable to Grantees and the Grantee Mortgagees, and may be recorded in the real property records of Morrow County, Oregon and Umatilla County, Oregon at Grantees' sole discretion and expense.

6. **Authority**. Grantor hereby represents and warrants to Grantees that it owns the Grantor Property in fee simple and is fully authorized and empowered, without any consent or approval of any third party, to grant the rights and benefits granted to Grantees in this Easement Agreement.

7. **Assignment**. Grantees shall each have the right, without Grantor's consent, to sell, convey, lease, transfer or assign all or any portion of their respective rights relating to the Easement or this Easement Agreement, and to apportion, grant sub-easements, co-easements, separate easements, leases, licenses or similar rights, however denominated, to one or more persons or entities. Grantor shall not have the right to transfer or assign the Easement or this Easement Agreement without the prior written consent of Grantees, which shall not be unreasonably withheld; notwithstanding the foregoing, however, Grantor may sell, transfer or assign the Grantor Property to any third party without the prior consent of Grantees provided that this Easement Agreement shall be concurrently assigned by Grantor to any such purchaser, transferee or assignee.

8. **Right to Mortgage**. Grantees may, without Grantor 's consent or approval, mortgage, collaterally assign, or otherwise encumber and grant security interests in all or any part of its interest respective interest in this Easement Agreement, the Easement, and the Easement Area (collectively, the "Assets"), which said security interest in all or a part of the Assets are collectively referred to herein as "Mortgages" and the holders of the Mortgages, their designees and assigns are referred to herein as "Grantee Mortgagees."

9. **Default**. If either Grantee fails to perform their respective obligations hereunder (an "Event of Default"), then neither Grantee shall be in default hereunder unless either fails to cure such Event of Default within sixty (60) days after receiving written notice from Grantor stating with particularity the nature and extent of such Event of Default and specifying the method of cure (a "Notice of Default"); provided, however, that if the nature or extent of the obligation or obligations is such that more than sixty (60) days are required, in the exercise of commercially reasonable diligence, for performance of such obligations(s), then neither Grantee shall be in default if either commences such performance within such sixty (60) day period and thereafter pursues the same to completion with commercially reasonable diligence. Grantor acknowledges and agrees that should Grantor breach any of its obligations hereunder or otherwise fail to permit Grantees to exercise any of the rights and privileges granted herein, Grantees shall have the right, in addition to any of their other rights and remedies, to seek specific enforcement of this Easement Agreement. Grantor further agrees that each Grantee shall have the right, but not the obligation, to cure a default on behalf of the other Grantee and such cure tendered by the non-defaulting Grantee shall be accepted by Grantor as if tendered by the defaulting Grantee.

10. **Notices**. Any notice to be given hereunder or which any Party wishes to give to the others shall be in writing and may be delivered personally to the other or given by mailing by depositing the same in the U.S. Mail, with all postage and certification charges thereon prepaid, in a sealed envelope and sent by registered or certified mail with return receipt requested, addressed as set forth in the first paragraph of this Easement Agreement or to such other address as any Party shall hereafter specify by written notice to the other. Any notice shall be deemed delivered three days after deposit in the mail in accordance with the foregoing provision.

11. **Binding Nature**. The Parties hereby agree that all of the covenants and agreements contained in this Easement Agreement touch and concern the real estate described in this Easement Agreement and are expressly intended to, and shall, be covenants running with the land and shall be binding and a burden upon the Easement Area, the Grantor Property and each Parties' present or future estate or interest therein and upon each of the Parties, their respective heirs, administrators, executors, legal representatives, successors and assigns as holders of an estate or interest in the Easement Area and/or the Grantor Property (including without limitation, any mortgagee, lender or other person acquiring title from any such person upon foreclosure or by deed in lieu of foreclosure), and shall benefit the Benefitted Property, the Projects, Grantees, and their respective heirs, administrators, executors, legal representatives, successors and assigns. Further, Grantor agrees that this Easement Agreement and the Easement rights granted herein will continue in full force and effect in the event that a Grantee exercises its respective option and enters into a Solar Lease Agreement with the Lessor. In the event that a Grantee does not exercise its option and does not enter into a Solar Lease Agreement with the Lessor, such Grantee agrees to notify Grantor and this Easement Agreement will terminate with respect to that Grantee (but will continue in full force and effect with respect to the other Grantee who has entered into a Solar Lease Agreement with the Lessor). If neither Grantee exercises their respective option and neither Grantee enters into a Solar Lease Agreement with the Lessor, the Grantees shall notify Grantor and this Easement Agreement shall terminate, and the Grantees shall remove this Easement Agreement of record in the county land records, at Grantees' sole cost and expense. To the extent any of the provisions of this Easement Agreement are not enforceable as covenants running with the land or the status of such as appurtenant is extinguished, the Parties agree that they shall be as assignable and alienable easements in gross.

12. **Miscellaneous**. This Easement Agreement may be executed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document. This Easement Agreement constitutes the entire agreement between the Parties and no promises or representations, express or implied, either written or oral, not herein set forth shall be binding upon or inure to the benefit of the Parties and all prior or contemporaneous proposals, agreements, understandings and representations, whether oral or written, shall be deemed to have been merged herein and superseded hereby. This Easement Agreement shall not be modified by any oral agreement, either express or implied, and all modifications hereof shall be in writing and signed by all Parties. Grantees shall each have the right to amend this Easement Agreement into separate easement agreements benefitting each respective Grantee, or to request that Grantor enter into two new Easement Agreements that are materially the same as this Easement Agreement, but separately benefitting each respective Grantee, if deemed necessary by a Grantee or the Grantees in connection with financing the Projects. Grantor shall also provide Grantees with such further assurances and shall execute any estoppel certificates, consents to assignments or additional documents that may be reasonably necessary for recording purposes or requested by Grantees or any of their lenders or financiers. The provisions hereof shall be governed by and construed in accordance with the laws of the State of Oregon.

SIGNATURES TO FOLLOW ON NEXT PAGES

IN WITNESS WHEREOF, the Parties have executed this Easement Agreement as the Effective Date.

Grantor:

N & C Land, LLC,
an Oregon limited liability company

By: Curtis N. Perkins
Name: Curtis N. Perkins
Its: Manager
Date: October 16, 2024

STATE of Oregon)
) ss.
County of Umatilla)

The foregoing instrument was acknowledged before me this 16th day of October, 2024, by Curtis Perkins, as Manager of N & C Land, LLC, an Oregon limited liability company.

OFFICIAL STAMP
KOLBY JAMES CURRIN
NOTARY PUBLIC - OREGON
COMMISSION NO. 1027736
MY COMMISSION EXPIRES SEPTEMBER 07, 2026

Kolby Currin
NOTARY PUBLIC

My Commission Expires: 9/7/2026

Signatures continued on following page.

Grantees:

Fourmile Solar OR, LLC
By: OneEnergy Development, LLC, its sole member

By: _____
Name: Travis Bryan
Its: Authorized Signatory
Date: 10/17/24

STATE of Washington)
) ss.
County of King)

The foregoing instrument was acknowledged before me this 17 day of October, 2024, by Travis Bryan, as Authorized Signatory of OneEnergy Development, LLC, the sole member of Fourmile Solar OR, LLC.

RAYME QUIBAN
COMMISSION EXPIRES
02/10/2027
NOTARY
PUBLIC
Commission Number 23005373
STATE OF WASHINGTON

_____
NOTARY PUBLIC

My Commission Expires: 2/10/2027

Signatures continued on following page.

Passage Solar OR, LLC
By: OneEnergy Development, LLC, its sole member

By: _____
Name: Travis Bryan
Its: Authorized Signatory
Date: 10/17/2024

STATE of Washington)
) ss.
County of King)

The foregoing instrument was acknowledged before me this 17 day of October, 2024, by Travis Bryan, as Authorized Signatory of OneEnergy Development, LLC, the sole member of Passage Solar OR, LLC.

RAYME QUIBAN
COMMISSION EXPIRES
02/10/2027
NOTARY
PUBLIC
Commission Number 23005373
STATE OF WASHINGTON

_____
NOTARY PUBLIC

My Commission Expires: 2/10/2027

Remainder of page left blank.

EXHIBIT A
Legal Description of Grantor Property

Map and Taxlot: 2N2700-00-00301

A parcel of land in Section 20, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon, more particularly described as follows:

COMMENCING at the center quarter corner of Section 20, said township and range; thence South 00°14' West 436 feet along the North-South center line of said Section 20 to the TRUE POINT OF BEGINNING; thence continuing South 00°14' West 80.0 feet along the North-South center line of said Section 20; thence North 89°46' West 40 feet; thence North 00°14' East 80.0 feet; thence South 89°46' East 40 feet to the TRUE POINT OF BEGINNING.

ALSO a parcel of land in Sections 19, 20, 29 and 30, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon, more particularly described as follows:

COMMENCING at the center quarter corner of Section 20, said township and range; thence South 00°14' West 2673 feet along the North-South center line of said Section 20 to the TRUE POINT OF BEGINNING; thence North 89°46' West 90 feet; thence 6265.61 feet along the arc of a 1320-foot radius circle whose center is located South 2673 feet and West 1410 feet from the center quarter corner of said Section 20 and whose arc angle is 271°57'52"; thence South 02°10' East 2.7 feet; thence 6175.09 feet along the arc of a 1320-foot radius circle whose center is located South 5315 feet and West 1320 feet from the center quarter corner of said Section 20 and whose arc angle is 268°02'08" to the intersection with the North-South center line of Section 29, said township and range; thence North 00°14' East 2642 feet, more or less, along the North-South center line of said Sections 29 and 20 to the TRUE POINT OF BEGINNING.

ALSO the East half of Section 20, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

ALSO the East half of Section 29, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

EXHIBIT B
Legal Description of Benefitted Property

That certain property located in Morrow and Umatilla Counties, Oregon, as shown in the hatched area on the map below and described as:

TRACT ONE: (2N27 - 100)
All of Section 4, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

ALSO all of Section 9, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

ALSO all of Section 16, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

ALSO all of Section 21, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

ALSO the North half of Section 28, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

TRACT TWO: (3N27 - 1200)
ALSO all of Section 32, Township 3 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

ALSO all of Section 33, Township 3 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

TRACT THREE: (2N27 - 800)
The Northeast Quarter of Section 3, Township 2 North, Range 27, East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

TRACT FOUR: (2N27 - 900)
The Northwest Quarter, and the South Half of Section 3, Township 2 North, Range 27, East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

EXHIBIT C
Easement Area

A strip of land on the Grantor Property being approximately two (2) miles in length and approximately twenty feet (20') wide, running approximately ten feet (10') on either side of a center line of the existing driveway, generally overlapping the existing driveway, provided that the Easement Area shall be expanded up to eighty feet (80') wide at the point where the existing driveway meets with the entrance to Lexington Echo Hwy 207, generally overlapping the existing driveway entrance. Said Easement Area is generally depicted as shown in the maps below.

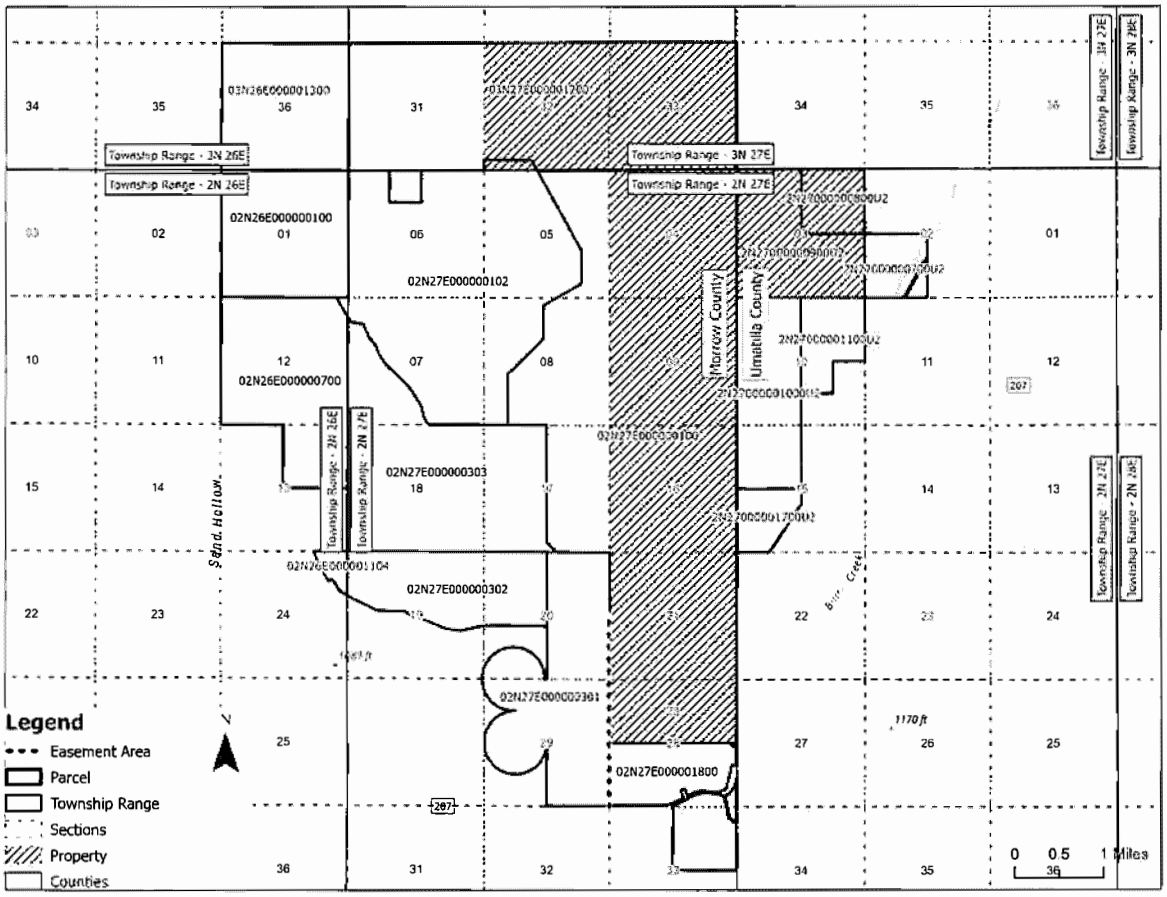


Exhibit C continued on following page.

EXHIBIT C
Easement Area

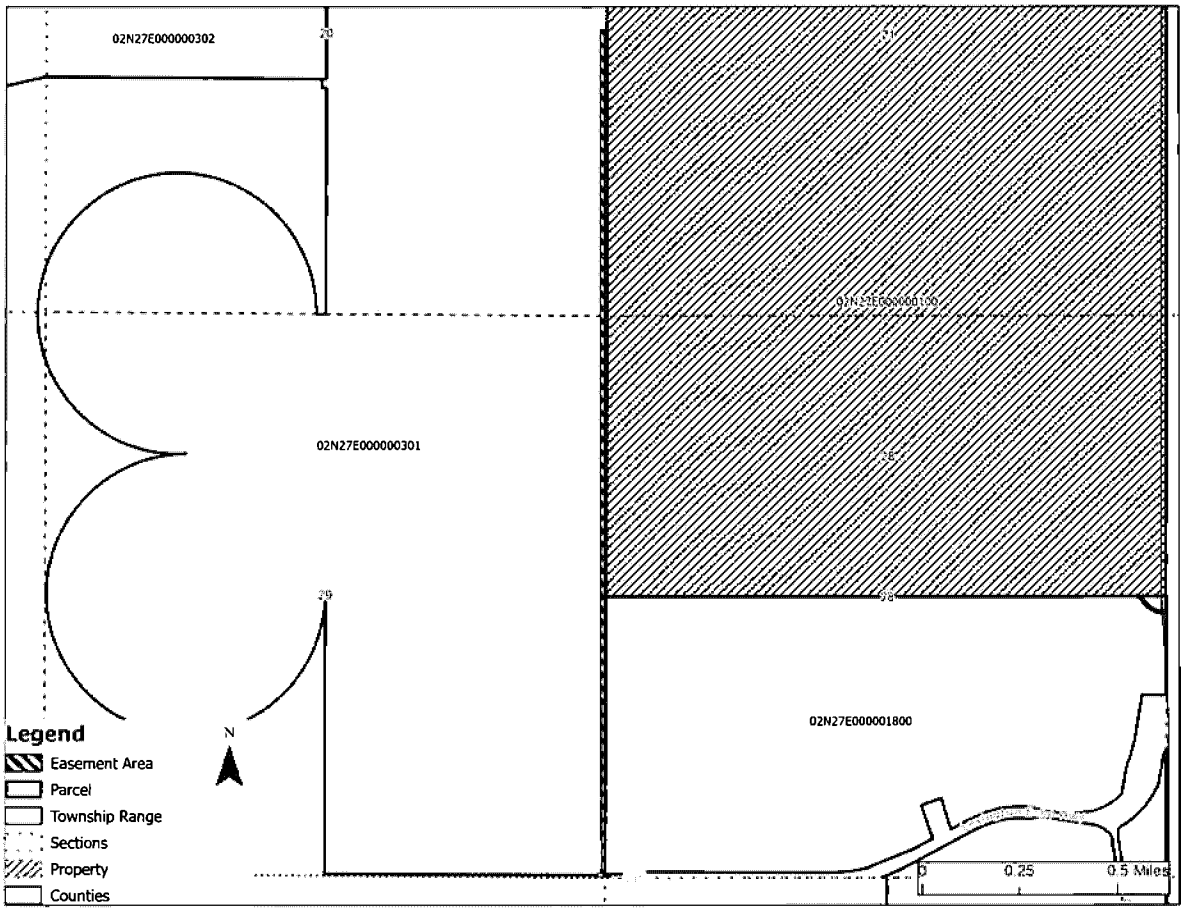


Exhibit C continued on following page.

EXHIBIT C
Easement Area

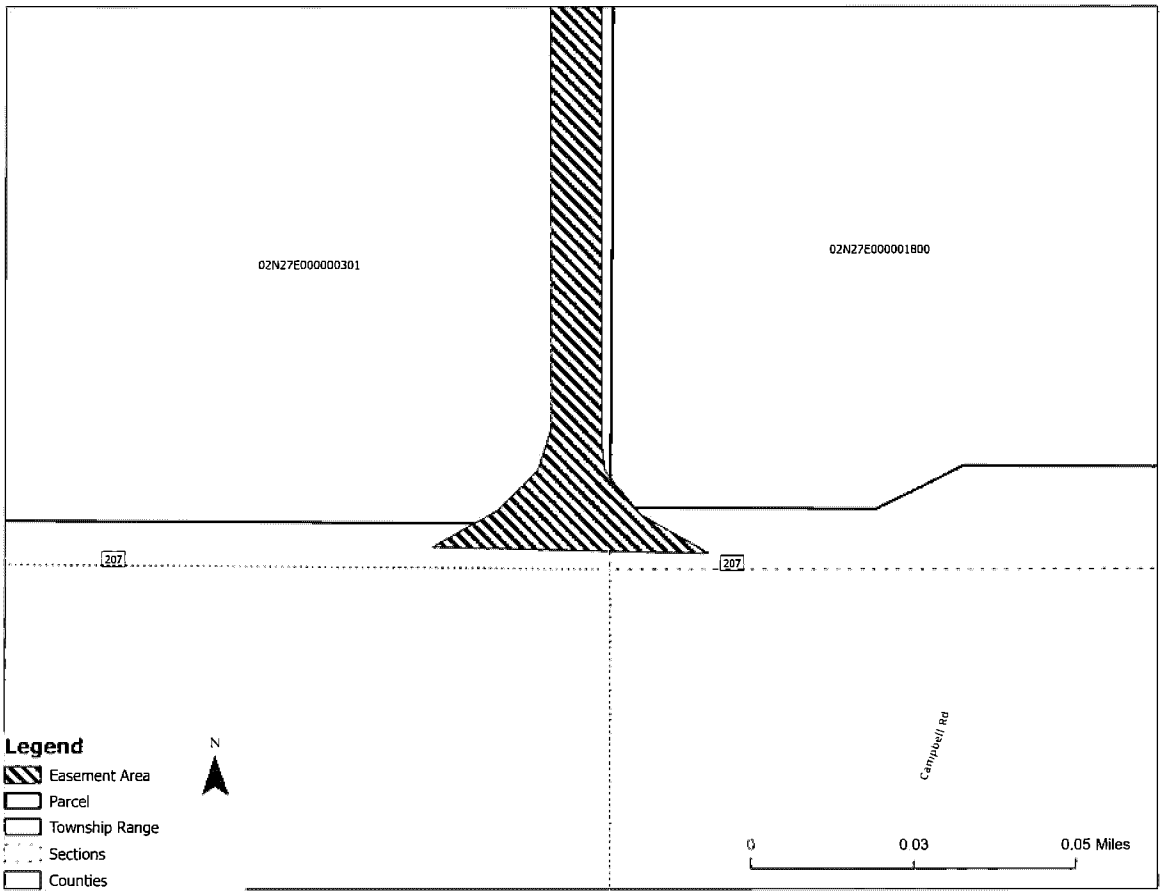


EXHIBIT B: OREGON DEPARTMENT OF TRANSPORTATION CORRESPONDENCE

Bobby Wenger

From: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Sent: Monday, October 13, 2025 8:10 AM
To: Bobby Wenger
Cc: Tanner Gillespie; OTTOSEN Jordan; HAGUEWOOD Tony W; MARTIN Kelli N; HOWLAND Paul L; LANI Richard
Subject: RE: Proof of permitted approach for Umatilla County development AMES 8308.

Follow Up Flag: Flag for follow up
Flag Status: Completed

Caution! This message was sent from outside your organization. Allow sender | Block sender

Bobby,

You can print my email and save it to verify what I told you Bobby. I confirmed this permit is valid for the connection so until I get clear of several other previous permit obligations I won't get back to this one very soon. If you aren't being stopped from using the connection then use it knowing you have easements in place.
Staff in this office (permits) is being cut on Nov. 1st so you may want to contact the current owner of tax lot 301 and get confirmation that the owner has no objection to using the approach until this can be straightened out.

Thomas Lapp
District 12 Permit Specialist
1327 SE 3rd Street
Pendleton, OR 97801
Ph (541)278-3450
Fax (541)276-5767

From: Bobby Wenger <bobby@oneenergyrenewables.com>
Sent: Friday, October 10, 2025 8:45 AM
To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>; OTTOSEN Jordan <Jordan.OTTOSEN@odot.oregon.gov>; HAGUEWOOD Tony W <Tony.W.HAGUEWOOD@odot.oregon.gov>; MARTIN Kelli N <Kelli.N.MARTIN@odot.oregon.gov>
Subject: RE: Proof of permitted approach for Umatilla County development AMES 8308.

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hey Thomas,

Is it possible to get an updated permit, or more clarification on the tax lot history? We are worried that this will create too much confusion as is.

Thank you,

BOBBY WENGER
He/Him
Associate, Development
303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

From: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Sent: Tuesday, October 7, 2025 3:09 PM
To: Bobby Wenger <bobby@oneenergyrenewables.com>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>; OTTOSEN Jordan <Jordan.OTTOSEN@odot.oregon.gov>; HAGUEWOOD Tony W <Tony.W.HAGUEWOOD@odot.oregon.gov>; MARTIN Kelli N <Kelli.N.MARTIN@odot.oregon.gov>
Subject: RE: Proof of permitted approach for Umatilla County development AMES 8308.

Bobby

The permit copy you received is correct for the road connection. I didn't do the original permitting work so my thought is 301 was misinterpreted as tax lot 300 when the permit was processed, and in fact the application shows it as tax lot 300. It looks like the applicant, the permit specialist and the Morrow County Planner all missed the fact it was actually tax lot 301.
Are we in agreement it's correct for the mile point and highway engineer's station? The current owner of tax lot 301 appears to be N & C Farms, LLC, and the permit stays with and serves the property it abuts.
If you want me to trace the origin of the tax lot issue further, and get into that in more depth and correct it, I will do that, but not for a couple of weeks or so due to our current work load.

Let me know if this is an issue for your projects.

Thomas Lapp
District 12 Permit Specialist
1327 SE 3rd Street
Pendleton, OR 97801
Ph (541)278-3450
Fax (541)276-5767

From: Bobby Wenger <bobby@oneenergyrenewables.com>
Sent: Tuesday, October 7, 2025 11:08 AM
To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>; OTTOSEN Jordan <Jordan.OTTOSEN@odot.oregon.gov>; HAGUEWOOD Tony W <Tony.W.HAGUEWOOD@odot.oregon.gov>
Subject: RE: Proof of permitted approach for Umatilla County development

You don't often get email from bobby@oneenergyrenewables.com. Learn why this is important

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hey Thomas,

I was confirming the details of this permit and found some confusing information. I measured 18.71 miles to the correct intersection, but the private road is on tax lot 301. Tax lot 300, which is on the permit, is one lot west of our access route. Can you please confirm that this permit is for the intersection shown below:

Thank you,

BOBBY WENGER
He/Him
Associate, Development
303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

From: Bobby Wenger
Sent: Tuesday, October 7, 2025 8:29 AM
To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>; OTTOSEN Jordan <Jordan.OTTOSEN@odot.oregon.gov>; HAGUEWOOD Tony W <Tony.W.HAGUEWOOD@odot.oregon.gov>
Subject: RE: Proof of permitted approach for Umatilla County development

Thank you! Sorry for the double request.

BOBBY WENGER
He/Him
Associate, Development
303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

From: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Sent: Monday, October 6, 2025 12:37 PM
To: Bobby Wenger <bobby@oneenergyrenewables.com>

Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>; OTTOSEN Jordan <Jordan.OTTOSEN@odot.oregon.gov>; HAGUEWOOD Tony W <Tony.W.HAGUEWOOD@odot.oregon.gov>
Subject: RE: Proof of permitted approach for Umatilla County development

Bobby,

This is the use permit you need. I will upload the easement you provided into the file for a record to back the right to use the road.
Tanner Gillespie asked for the same information so this permit will suffice unless you both need something else.

Thanks,

Thomas Lapp
District 12 Permit Specialist
1327 SE 3rd Street
Pendleton, OR 97801
Ph (541)278-3450
Fax (541)276-5767

From: Bobby Wenger <bobby@oneenergyrenewables.com>
Sent: Wednesday, October 1, 2025 3:40 PM
To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Subject: Proof of permitted approach for Umatilla County development

You don't often get email from bobby@oneenergyrenewables.com. Learn why this is important

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hello Thomas,

We reached out to you about a project named Passage Solar in Morrow County last year. I have attached the full email chain of that conversation as well as a kmz of the access route. Here is the statement from you that we are referencing now:

> The road approach the solar project intends to use for construction is a permitted approach that abuts current tax lot
> 301, on map 2N27E, at MP 18.69. This is a private approach road.

We are now preparing to apply for a permit for an adjacent project across the county line in Umatilla County named Fourmile Solar. Fourmile will use the same private road as Passage Solar, referenced above. While we have obtained the necessary access easements for the private road we are using to access the project site, Umatilla County's application requires a copy of the Access Permit onto OR-207. Is this something you can provide? Or can you direct me to where I can get a copy of the Access Permit?

Thank you!

BOBBY WENGER
He/Him
Associate, Development

303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

Oregon Department of Transportation
Application for State Highway Approach

FOR OFFICE USE ONLY

Date Received Stamp

Permit Specialist _____

Permit Type: New Change of Use Temporary Restricted

Modification of Existing: ☐ Yes ☐ No Deviation: ☐ Yes ☐ No

NOTES: _____

Hwy #: _____ Milepoint: _____ Station: _____ CHAMPS ID #: 9303

Required Information

The applicant must submit the following information with the Application for State Highway Approach. ODOT will notify the applicant if additional information is required.

- All attachments required by answers on the application form, including applicant signature.
- If the applicant is not the owner of the property to be served by the approach, then the property owner must authorize the applicant as a designated agent. The applicant must have the property owner complete the *Authorization of Designated Agent* block on this form OR submit a signed letter from the property owner authorizing the applicant as the designated agent .
- Site plan and vicinity map approved or currently being reviewed by the local government
- A *Land Use Compatibility Statement (LUCS) for a State Highway Approach* (page 4 of this application) **must be completed by the local government.**
- A copy of the current County tax lot map for the property served by the approach. Map must highlight *all* property that would be served by the approach and list *all* owner name(s) on adjacent properties. Make a note on map if ownership of adjacent property is same as subject property. Identify the location of the proposed approach on map.
- A copy of the recorded easement(s), if the subject property has an existing easement(s) for access to the property.
- A copy of any existing state or local government approach permits for the property.

In addition to the above submittals, the applicant may be required to place stakes or markings near the highway shoulder at the proposed approach location.

Definitions for commonly used terms are in the attached brochure. The brochure is also available on the ODOT website located at: http://www.oregon.gov/ODOT/HWY/ACCESSMGT/

Applicant Information

Last Name: Silvey Enterprises INC	First Name: Aubrey		Company: SAME
Street Address: 12901 SE 97th AVE Ste 450			
City: Clackamas	State: OR	Zip Code: 97015	County: Multnomah
Mailing Address: SAME			
City:	State:	Zip Code:	County:
Phone Number: 503-496-3450 / 3255		FAX Number: 503-496-3369	
Cell Phone Number: 503-550-3065			
E-mail Address: landerson@Silvey.com			

Is applicant working as an Agent of the Owner? YES: ☒ NO: ☐

If YES, the owner must complete the Authorization of Designated Agent section below, OR ATTACH a letter from the owner authorizing applicant to act as his/her agent.

Approach Location

Highway Name – May be a statewide highway name such as Pacific Highway, or a local name like East Main Street.
Route Number - The posted highway number, e.g. I-5 or US-84

Highway Name: Echo-Lexington Hwy Route Number: 207 County: MORROW

Mile Point : ~~19.42~~ 18.67 Side of Highway: North ☒ South ☐ East ☐ West ☐

Is the highway in a national forest area?: Yes ☐ No ☒

MP 18.67

Authorization of Designated Agent

I Tim Hawkins / Hawkins Co. Inc (*printed name of property owner*) authorize Aubrey Silvey Enterprises Inc / Lee Anderson (*printed name of applicant*) to represent me as my agent in the matter of this highway approach permit application.

Owner Signature: [signature] Date: July 9, 08

Applicant Signature

NOTIFICATION TO APPLICANT: The ODOT District Office will contact you when your application has been reviewed. If additional documents are required to continue the application process you will be notified. When all of the necessary documents have been received, the application will be deemed complete. If your completed application is approved, preliminary construction specifications will be issued. A performance bond and liability insurance will be required before any construction work can begin on the highway right of way. For the complete rules regarding approach permitting, see OAR Chapter 734 Division 51.

The Applicant declares, certifies, and affirms under penalty of applicable state or federal laws that all information provided on this form and attachments are true and complete to the best of his/her knowledge.

Printed Name: Lee Anderson (Silvey) Signature: [signature] Date: 7/10/08

Additional Approach Information

Application is a request for (check all that apply)

☐ New Approach - There is no existing permitted or grandfathered approach road at the location requested in this application

☒ Temporary Approach – The approach requested will be removed after a specified period of time

☒ Existing Approach - This application affects, or may affect, an existing approach

☐ Restricted Use Approach - The approach requested is for emergency services, government, utility access or similar specific uses with limited traffic

Vehicle Turning Movements

Turn movements requested (check all that apply)

All movements: ☒ OR Right In: ☐ Right Out: ☐ Left In: ☐ Left Out: ☐

Property Owner Information (If different than applicant)

Last Name: Hawkins Co. Inc.		First Name:	
Street Address: ~~Hwy 207~~ 70930 Hwy 207			
City: Echo	State: OR	Zip Code: 97826	County: Umatilla
Mailing Address: 78771 Eggers Rd			
City: Pendleton	State: OR	Zip Code: 97801	County: Umatilla
Phone Number: 541-276-6332		FAX Number: 541-278-6092	
Cell Phone Number: 541-969-8214			
E-mail Address:			

Are there additional owners of the subject property? YES: ☐ NO: ☒

If YES, ***ATTACH*** the same contact information as above for each of the co-owners on a separate sheet of paper.

Property Information (attach additional page(s) if space is insufficient)

Subject property address(es): 70930 Hwy 207			
City: Echo		Zip Code: 97826	County: Morrow
Township(s) 2N	Range(s) 27E	Section(s) 29	Tax lot(s) 300
Current zoning:		Proposed zoning:	

In the boxes below, describe the existing and proposed land use(s) on the property, including square footage or acreage.

Existing:	Proposed:

DATE RECEIVED BY ODOT

CHAMPS ID #

Oregon Department of Transportation

Land Use Compatibility Statement (LUCS)

What is a LUCS? A Land Use Compatibility Statement (LUCS) is the form ODOT uses to ensure that Highway Approach Permits are consistent with local land use requirements.

Why is a LUCS Required? ODOT Coordination Rules, OAR 731-015, identify Highway Approach Permits as permits that affect land use. State law requires ODOT activities that affect land use to be consistent with acknowledged local comprehensive plans...

When is a LUCS Required? An ODOT LUCS must be submitted with every ODOT Highway Approach Permit Application.

How to Complete the LUCS: The applicant completes Section 1. Section 2 must be completed by the local jurisdiction. The applicant then submits the completed LUCS to ODOT as part of the Highway Approach Permit Application.

SECTION 1: Applicant & Site Information

Print applicant name: Aubrey Silvey Ent. Inc	Applicant signature: Lee Anderson (Silvey)
Property owner name: Hawkin's Co. Inc	
Subject property address: 70930 Hwy 207 Echo, OR 97826	
Site description: Farm Field Access/Approach	
Describe the proposed activity, use, or development, including type and volume of traffic it will generate. Trucks + Pick-ups Transportation of WTG Components / 20 Vehicles Per day.	

Township(s)	Range(s)	Section(s)	Tax lot(s)
T2N	R. 27E.	29	300

SECTION 2 must be filled out by a Local Planning Official

SECTION 2: Determination of Compliance with Local Land Use Requirements

The subject property is: ☐ Inside ☒ Outside City Limits ☐ Inside ☒ Outside UGB

Current Comprehensive Plan designation: _____ Current zoning: ✓

Is a Comprehensive Plan or zoning amendment proposed? YES ☐ NO ☒

If YES, list the proposed plan designation: _____ proposed zoning: _____

Does the activity, use, or development require land use review to determine compliance with land use regulations? **YES** ☐ **NO** ☒

If NO, it means that no local land use review is needed. **Skip to Local Planning Official Information below.**

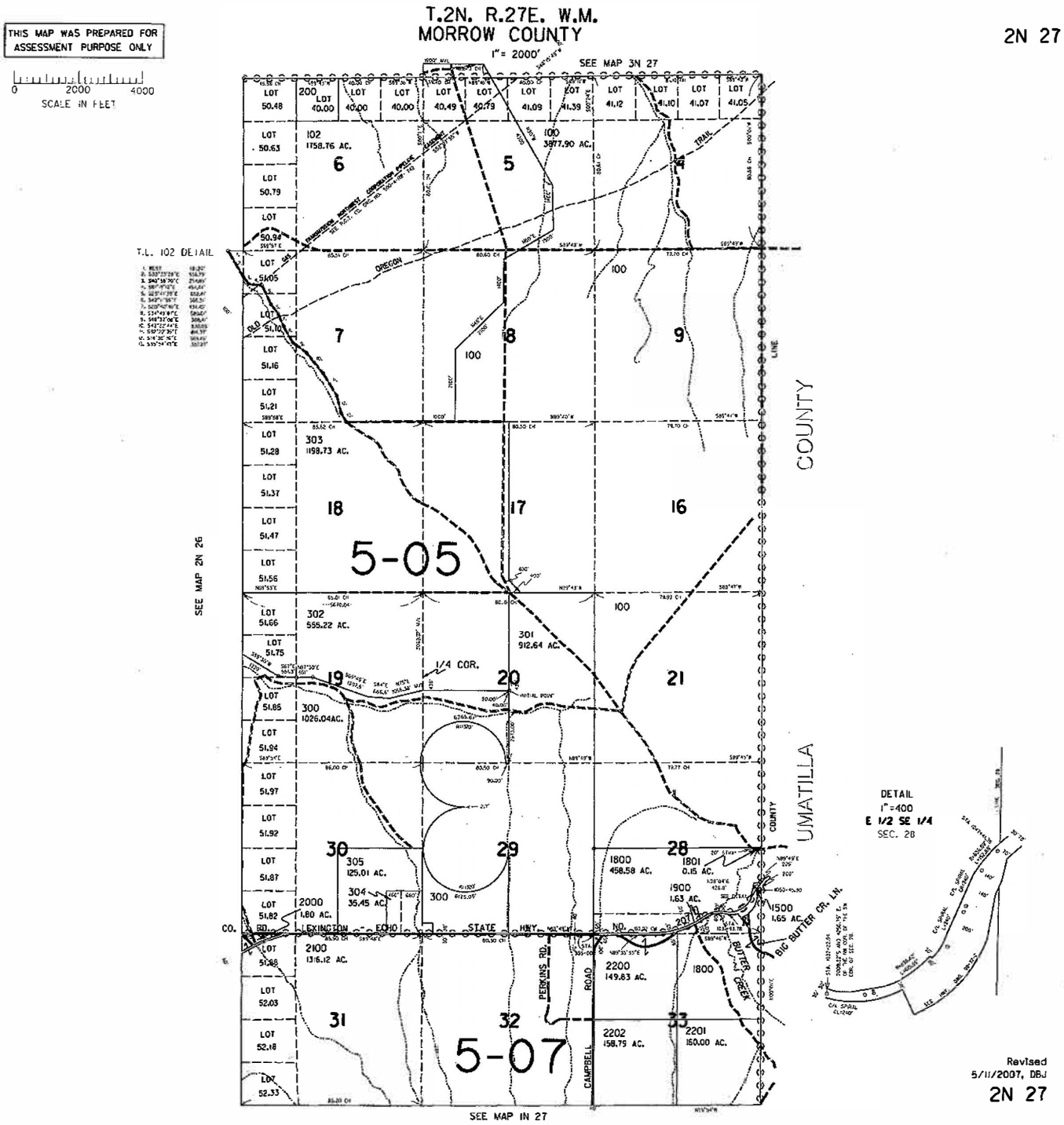
If **YES**, what is the status of the land use application: ☐ **Approved** ☐ **Denied** ☐ **Under review** ☐ **Not yet received**

List file number(s): _____ Is the decision final: YES ☐ NO ☐

Comments: _____

Local Planning Official Information (Required):

Jurisdiction: Morrow County Planning Dept.	
Print planning official's name and title: Carla McLane, Planning Director	
Mailing Address: P.O. Box 40	
City: Irrigon OR	Zip Code: 97844
Phone: 541-922-4624	Fax: 541-922-3472
Email: Cmclane@co.morrow.or.us	
Planning Official's Signature: Carla McLane	Date: 7/17/2008


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY
0 2000 4000
SCALE IN FEET
T.2N. R.27E. W.M.
MORROW COUNTY
1" = 2000'
2N 27
SEE MAP 3N 27
T.L. 102 DETAIL
OREGON
TRAIL
COUNTY LINE
SEE MAP 2N 26
5-05
5-07
1/4 COR.
UMATILLA COUNTY
DETAIL
1" =400
E 1/2 SE 1/4
SEC. 28
BIG BUTTER CR. LN.
BUTTER CREEK
PERKINS RD.
CAMPBELL ROAD
LEXINGTON ECHO STATE HWY NO. 207
SEE MAP IN 27
Revised
5/11/2007, DBJ
2N 27

Attachment E

DRAFT VEGETATION AND WEED MANAGEMENT PLAN

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy renewables .com

1. INTRODUCTION

Fourmile Solar OR, LLC (the Applicant) proposes to construct and operate Fourmile Solar (Project), a solar photovoltaic project sized up to 450 acres located in Umatilla County, Oregon.

This document addresses vegetation management activities related to the Project construction and operation and specifically methods that will be implemented for effective noxious weed control and revegetation. The Applicant has consulted with the Umatilla County Noxious Weed Control Board to develop these methods.

2. VEGETATION MANAGEMENT

2.1 CURRENT VEGETATON

The Project may be located on up to 450 acres (Project Area). The Project Area is comprised of land owned by the Timothy and Shannon Rust Living Trust, the Shannon Rust Share of the Frank and LaVonne Mader Living Trust, and the Clarkston Development Company consisting of two parcels (2N27000000800 and 2N27000000900) including a total of approximately 645 acres (Figure 1).

The Project is located on the Umatilla Plateau on private land that is used for unirrigated crop cultivation. The Project Area also includes access roads and other developed areas. The terrain consists of generally flat topography with the exception of Fourmile Canyon which is located directly west of the Project. The Project Area is accessed via a private road that intersects with Hwy-207 to the south of the site.

Land use surrounding the Project Area consists primarily of agriculture and livestock grazing. An existing conditions survey was completed in October 2023 during the habitat assessment by Tetra Tech, Inc. (Attachment E of the CUP). The entire Project Area is entirely disturbed by agricultural activities and has been cultivated with dryland wheat.

2.2 CONSTRUCTION IMPACTS TO VEGETATON

During construction, the Applicant will employ Best Management Practices (BMPs). These include erosion control and temporary fencing protection. In addition, site preparation will consist of clearing the existing vegetation only in those areas where construction, grading, and road improvements will occur and leaving existing vegetation intact when feasible. Once the site is prepared, the installation of racking systems, modules and inverter pads will use internal access roads. Reclamation measures will be implemented to restore the temporarily disturbed near-surface soils at the Project site. Permanent impacts from project construction will be minimized whenever possible, enabling the land to return to agricultural uses at the end of the Project's useful life.

2.3 REVEGETATION

Revegetation will be conducted following construction and decommissioning. However, the Applicant may implement some pre-construction seeding prior to any ground disturbance, based

on coordination with the County Weed Supervisor, Oregon Department of Fish and Wildlife, contracted vegetation manager, and the landowners. At the conclusion of construction, disturbed areas will be re-seeded with a certified weed-free, low-growing native seed mix or mix that will support sheep grazing within the Project Area, selected in coordination with the County Weed Supervisor, Oregon Department of Fish and Wildlife, contracted vegetation manager, and the landowners. The existing conditions will inform the selection of the appropriate seed mix. The method and timing of planting will depend on the seed mix, site conditions and weather, with typical seeding occurring around Fall or Spring during the wetter months.

2.4 OPERATIONAL VEGETATON MANAGEMENT

Minimal on-site maintenance will be required over the life of the Project. Once the Project is operational, mechanical (i.e. mowing), chemical (i.e. herbicides), and biological (i.e. grazing) control will be conducted based on the growing season and as needed, over the entire lifespan of the Project. The Applicant is exploring alternative and additive vegetation management strategies, such as sheep grazing. The Applicant has executed a Letter of Intent with Krebs Solar Grazing, LLC (see Exhibit L) enabling the Applicant to engage on project design and operational vegetation management strategies while implementing sheep grazing. The Applicant will submit a Final Vegetation and Weed Management plan incorporating a sheep grazing program, including criteria for determining successful implementation of the grazing program. If the program fails to meet the success criteria after an opportunity to implement adaptive management measures, the County may require the applicant to amend the Vegetation and Weed Management Plan to provide additional measures to ensure success under the plan.

2.5 MONITORING

Operations and maintenance staff will routinely monitor the Project Area for vegetation loss to ensure vegetation replacement occurs quickly. A grounds maintenance schedule will be put into place prior to the start of construction to document the vegetation conditions across the Project Area and will include vegetation monitoring schedules. Generally, monitoring would be done at least four times a year for weeds, and more frequently during the growing season from March through October. Monitoring may be subject to periodic changes dependent upon site conditions and weather events throughout the Project's lifespan.

3. WEED MANAGEMENT

The Final Vegetation and Weed Management Plan will be submitted prior to construction. It will include vegetation management measures approved by the Umatilla County Weed Department Supervisor to control undesirable plant species, eliminate shading of panels, and maintain reliable access for operations, maintenance, and emergency response purposes.

The primary species of concern are described in the Umatilla County Noxious Weed Control List (excerpt included as Appendix 1), which is jointly maintained by the Oregon State Noxious Weed Control Board and the Umatilla County Weed Control Board. The list contains the non-native weeds classified as "A", and "B" state designated noxious weeds. As defined by the

Oregon Department of Agriculture Noxious Weed Policy, and ORS.569.350-569.520, “A” List weeds are of known economic importance which occur in the state in small enough infestations to make eradication or containment possible; or is not known by the Umatilla County Weed Control Board to occur, but its presence in neighboring states make future occurrence in Oregon seem imminent. “B” List weeds are defined as weeds of economic importance which are regionally abundant, but which may not occur or have limited distribution in some counties.

The Project will comply with OAR 603-052-1200 and ORS.569.350-569.520 related to the landowner’s duty to control the spread of noxious weeds. All “A” weeds found at the Project site before or during construction and during operation will be eradicated. “B” weeds will be controlled or eradicated, and the Project will work with the Oregon Department of Agriculture and/or the County to develop a plan for mitigating the risk of spreading those weeds. The Project operations and maintenance staff would conduct meetings with the County Weed Supervisor to ensure monitoring and treatments were a success and ensure re-vegetation sites were effective.

Applicant will exercise the following combination of efforts for the most cost-effective and practical approach to managing noxious weed populations:

- Preventative Measures: Monitoring, detection, best management practices, preventative planning and training;
- Control Measures: Mechanical treatment and biological treatment (sheep grazing) and/or herbicide treatment, as appropriate;
- Herbicide Application and Handling Guidelines: Relevant application standards, methods, and transport guidelines.

3.1 PREVENTATIVE MEASURES

Soil preservation and preparation techniques represent the foundation of successful noxious weed control as disturbed soils are the most common vector for noxious weeds to colonize an area. The likelihood of invasion by noxious weeds can be reduced by rehabilitating the ground that is temporarily disturbed during construction. The Project will minimize soil disturbance to the extent practicable and will replant disturbed areas with low-growing native seed mixes.

3.2 CONTROL MEASURES

Once the Project is operational, the Applicant will deploy a mix of biological control (i.e. grazing), mechanical control (i.e. mowing) and chemical control (i.e. herbicide) as needed dependent on the vegetation growth and noxious weed establishment throughout the Project Area over the entire lifespan of the Project.

The Project will retain a qualified vegetation contractor to provide regular weed control and eliminate the spread of noxious weed presence resultant from construction and operations activity at the Project site. If herbicide treatment is necessary, Applicant will only use herbicides that are approved for use in the state of Oregon by the U.S. Environmental Protection Agency (EPA) and the Oregon Department of Agriculture (ODA). In such cases, Applicant will notify landowners of the herbicide proposed for use on their lands and coordinate with the vegetation

contractor prior to application. Applicant will apply herbicides to identified treatable noxious weed populations as described below. If a weed population is deemed to be untreatable (e.g., too widespread and established in area to successfully control), Applicant will implement all the control measures discussed above except treatment with herbicides.

The success of the combined targeted chemical control, mechanical control, biological control, and low-growing native seed mix will be documented and reported by the operation and maintenance team responsible for maintaining the site.

3.3 HERBICIDE APPLICATION AND HANDLING GUIDELINES

Applicant will coordinate with the Umatilla County Weed Control District and reference the "Pacific Northwest Weed Management Handbook" in determining the appropriate application of herbicides. Herbicide application would adhere to EPA and ODA standards. Only herbicides approved by the EPA and ODA will be used. In general, application of herbicides would not occur when the following conditions exist:

- Wind velocity exceeds 15 miles per hour for granular application or 10 miles per hour for liquid applications;
- Snow or ice covers the foliage of target species; or
- Adverse weather conditions are forecasted in the next few days.

Hand application methods (e.g., backpack spraying) may be used in roadless areas or in rough terrain. Calibration checks of equipment would be conducted at the beginning of spraying and repeated periodically to ensure that proper application rates are achieved.

Herbicides would be transported to the Project site with the following provisions:

- Concentrate would be transported in original containers only, in a manner that prevents tipping or spilling, and in a compartment that is isolated from food, clothing, and safety equipment.
- Mixing would be done according to the specifications on the label of the specific herbicide.
- All herbicide equipment and containers would be inspected for leaks daily.
- Herbicide use would be in accordance with all manufacturer label recommendations and warnings. All herbicide treatments will fall within label guidelines since "the label is the law."

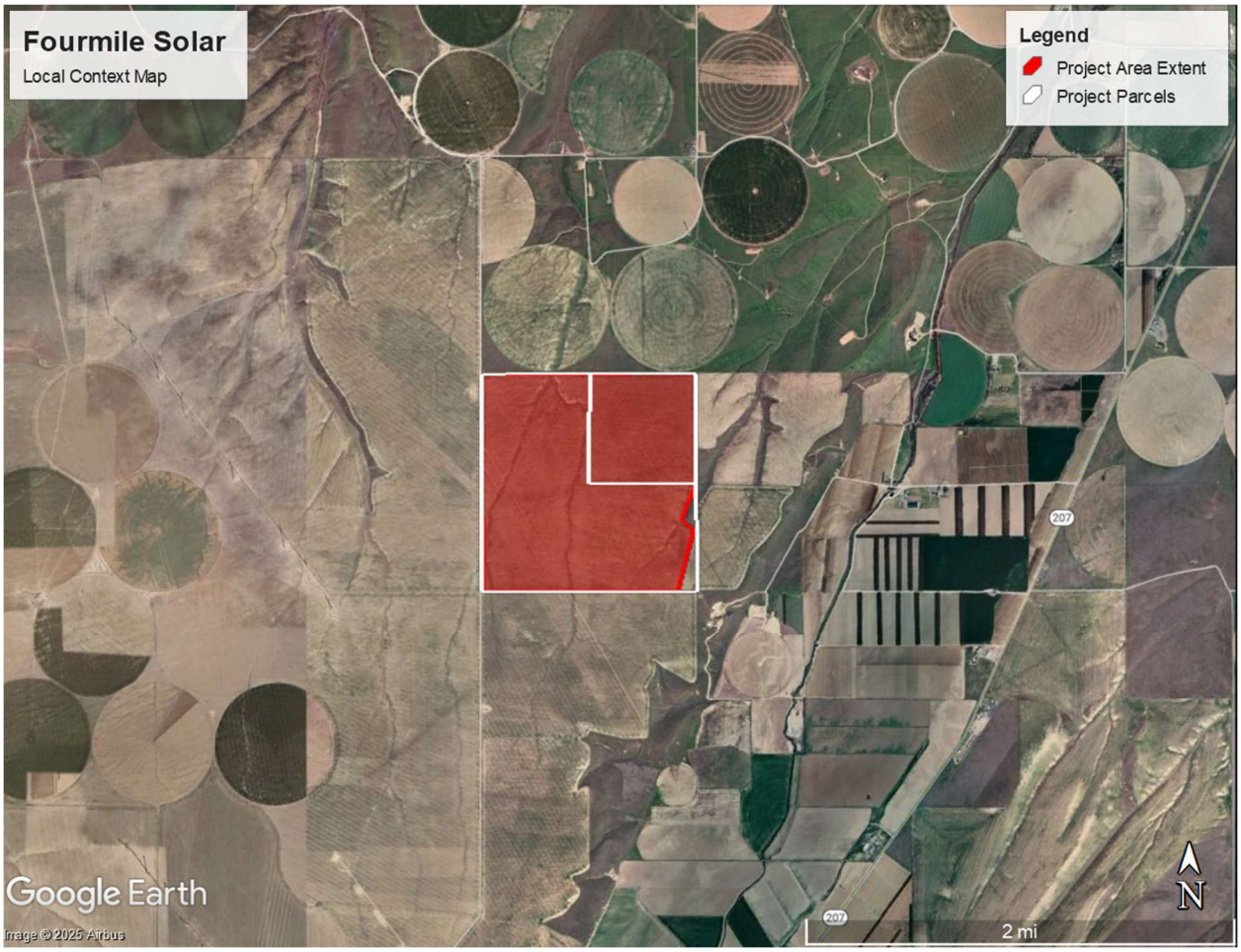
During the operation of the Project, chemical control measures shall be conducted on an as-needed basis in a frequency and intensity to be determined by trained professionals according to the guidelines set forth by the Pacific Northwest Weed Management Handbook (PEA, 2022).

4. ADAPTIVE MANAGEMENT

The plan outlined in this document will follow adaptive management practices, whereby management activities will be assessed on a continual basis and amendments to this plan may occur if specific site conditions warrant an alteration to this plan. The Applicant would coordinate

any amendments to this plan with the permitting authority and other parties involved in the management of the Project.

Figure 1:Local Context Map



SOURCES

Umatilla County, OR. 2017. Umatilla County Noxious Weed Control List https://www.co.umatilla.or.us/road/departments/road/weed/noxious-weed-control-list . Accessed September 4, 2025. (Enclosed as Appendix 1)

Oregon Department of Agriculture. 2020. Oregon Department of Agriculture Noxious Weed Policy and Classification System 2020. https://www.oregon.gov/ODA/shared/Documents/Publications/Weeds/NoxiousWeedPolicyClassification.pdf#:~:text=The%20Oregon%20Department%20of%20Agriculture%20%28ODA%29%20Noxious%20Weed,assessments%2C%20and%20maintaining%20the%20state%20noxious%20weed%20list. Accessed September 16, 2025

Peachey, E., editor. 2022. Pacific Northwest Weed Management Handbook. Corvallis, OR: Oregon State University.

APPENDIX 1: UMATILLA COUNTY NOXIOUS WEED CONTROL LIST

Excerpted from Umatilla County Weed Department website on September 4, 2025

"A" Designated Weed List

These Class "A" weeds have been found as single plants or in very limited populations in the county. Prevention, early detection, and eradication is high priority. Cost share may be available at the Weed Board discretion

Camelthorn (Alhagi pseudalhagi)
Common Bugloss (Anchusa officinalis)
Common Crupina (Cupina vulgaris)
Creeping Yellow Cress (Roripa sylvestris)
Flowering Rush (Botomus umbellatus)
Garlic Mustard (Alliaria petiolata)
Japanese Knotweeds [fleece flower] (Polygonum cuspidatum [Fallopia japonica])
Leafy Spurge (Euphorbia esula)
Marijuana (Cannabis sativa)
Meadow Knapweed (Centaurea jacea XC. Nigra)
Myrtyle Spurge (Euphorbia myrsinites)
Purple Loosestrife (Lythrum salicaria)
Purple Starthistle (Centaurea calcitrapa)
Rush Skeletonweed (Chondrilla juncea)
Spike Weed (Hemizonia pungens)
Spotted Knapweed (Centaurea maculosa)
Tansy ragwort (Senecio jacobaea)
Viper's bugloss (Echiuin vulgare)
Yellow flag iris (Iris pseudacorus)

RECOMMENDED ACTION: Infestations are subject to intensive control when and where found.

"B" Designated Weed List

RECOMMENDED ACTION: Limited to intensive control at state or county level as determined on a case-by case basis.

Austrian Peaweed (Sphaerophysa salsula)
Canada Thistle (Circium arvense)
Cereal Rye (Secale cereale)
Dalmation Toadflax (Linaria dalmatica)
Dodder (Cuscuta pentagona)

Diffuse Knapweed (Cuscuta pentagona)
Hoary Cress (Cardaria draba)
Johnsongrass (Sorghum halepense)
Jointed Goatgrass (Aegilopscylindrica)
Kochia (Kochia scoparia)
Mediterranean Sage (Salvia aethiopis)
Musk Thistle (Carduus nutans)
Puncturevine (Tribulus terrestris)
Poison hemlock (Coium maculatum)
Quackgrass (Agropyron repens)
Ragweed (Ambrosia artemisiifolia)
Russian Knapweed (Acroptilion repens)
Scotch Thistle (Onopordum acanthium)
St. Johswort (Hypericum perforatum)
Yellow Starthistle (Centaurea solstitialis)

Bobby Wenger

From: Theodore Orr <theodore.orr@umatillacounty.gov>
Sent: Tuesday, October 14, 2025 3:33 PM
To: Bobby Wenger
Subject: Re: Vegetation and Weed Management Plan for Fourmile Solar

Caution! This message was sent from outside your organization. Allow sender | Block sender

My apologies; yes, I am ok with those edits.

Thanks
Teddy

On Tue, Oct 14, 2025 at 1:54 PM Bobby Wenger <bobby@oneenergyrenewables.com> wrote:

> Hey Teddy,
>
> Pinging this as we are hoping to submit the application ASAP. Sorry for the hassle!
>
> If you can please reply with your approval so that I can include the email in the application, that should be all we need to get the project permitted. As stated in this plan, we will reach out again prior to starting construction. Of course, if you still have concerns, please let us know!
>
> Thank you,
>
> BOBBY WENGER
> He/Him
> Associate, Development
> 303.565.2374
> bobby@oneenergyrenewables.com
> www.oneenergyrenewables.com
>
> **From:** Bobby Wenger
> **Sent:** Wednesday, October 8, 2025 5:52 PM

To: 'Theodore Orr' <theodore.orr@umatillacounty.gov>
Subject: RE: Vegetation and Weed Management Plan for Fourmile Solar

Hi Teddy,

Please see the new draft of the Vegetation and Weed Management Plan for Fourmile Solar. We intend to submit this draft with the application, pending your approval. Since your comments are no longer included, here is a summary of the changes:

- At the conclusion of construction, disturbed areas will be re-seeded with a certified weed-free, low-growing native seed mix or mix that will support sheep grazing within the Project Area..
    - *Morrow County Grain Growers and Walla Walla County Grain growers have multiple varieties for these seed mixes if needed.*
        - Noted and thanks for the recommendation. No need to include in the text.
- The Applicant has executed a Letter of Intent with Krebs Solar Grazing, LLC (see Exhibit [TBD]) enabling the Applicant to engage on project design and operational vegetation management strategies while implementing sheep grazing. The Applicant will submit a Final Vegetation and Weed Management plan incorporating a sheep grazing program, including criteria for determining successful implementation of the grazing program as well as adaptive management measures to ensure success under the plan.
    - *Would this be limited to sheep grazing? Goats are also a option if needed.*
        - This will be limited to sheep grazing as we already have the LOI in place with Krebs Solar Grazing. Cameron Krebs only has sheep.
- Operations and maintenance staff will routinely monitor the Project Area for vegetation loss to ensure vegetation replacement occurs quickly.
    - *A 4-6 inch thatch height will help prevent weed occurrence. If grazed beyond that height, it have higher probability of weed encroachment.*
        - Noted and thanks for the recommendation. No need to include in the text but we will share this with Krebs
- The Final Vegetation and Weed Management Plan will include approved vegetation management measures to control undesirable plant species, eliminate shading of panels, and maintain reliable access for operations, maintenance, and emergency response purposes
    - *Is there a separate document outlining these measures?*
        - For the application, this preliminary plan is the only plan. This was rewritten to "The Final Vegetation and Weed Management Plan will be submitted prior to construction. It will include vegetation management measures approved by the Umatilla County Weed Department Supervisor to control undesirable plant species…" to make the process more clear.
- Applicant will implement all the control measures discussed above except treatment with herbicides

    - *There are various options to control the weeds with herbicides even when the infestations are vast. Sites along roads and travel areas would still need to be treated to prevent future spread of the weed.*
        - The landowner requested no herbicides.
- Hand application methods (e.g., backpack spraying) may be used in roadless areas or in rough terrain. Calibration checks of equipment would be conducted at the beginning of spraying and repeated periodically to ensure that proper application rates are achieved.
    - *Drones are available for this type of work if needed.*
        - Noted and thanks for the recommendation. No need to include in the text.
- Only the quantity needed for that day's work would be transported.
    - *Is there a reason for this comment? As long as it's transported in original container, I would not have a concern with transporting more. For example if I was from out of town I would need to find a site to store the herbicide needed for the week.*
        - Removed
- Concentrate would be transported in approved containers only
    - *Transported in original containers*
        - Changed "approved" to "original"
- Mixing would be done off site and at a distance greater than 200 feet from open or flowing water, wetlands, or other sensitive resources such as known Threatened and Endangered and sensitive species habitat. No herbicides would be applied at these areas unless authorized by the appropriate regulatory agencies.
    - *I would be ok with mixing on sites that are proposed for treatment. I would also refer to the label for buffers, unless otherwise specified with in the solar contract.*
        - This entire bullet was simplified to "Mixing would be done according to the specifications on the label of the specific herbicide."

If you can please reply with your approval so that I can include the email in the application, that should be all we need to get the project permitted. As stated in this plan, we will reach out again prior to starting construction. Of course, if you still have concerns, please let us know!

Thank you,

BOBBY WENGER
He/Him
Associate, Development
303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

From: Bobby Wenger
Sent: Monday, September 15, 2025 12:24 PM
To: 'Theodore Orr' <theodore.orr@umatillacounty.gov>
Subject: RE: Vegetation and Weed Management Plan for Fourmile Solar

Received, thank you! I will review your comments with my manage and send a follow up email to answer your questions and share the new version.

BOBBY WENGER
He/Him
Associate, Development
303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

From: Theodore Orr <theodore.orr@umatillacounty.gov>
Sent: Monday, September 15, 2025 12:55 PM
To: Bobby Wenger <bobby@oneenergyrenewables.com>
Subject: Re: Vegetation and Weed Management Plan for Fourmile Solar

I found it. I put the comments in the draft.

Thanks

Teddy

On Fri, Sep 5, 2025 at 1:02 PM Bobby Wenger <bobby@oneenergyrenewables.com> wrote:

> Hi Theodore,

I just left you a voicemail and am following it up with this email as promised. We are working on a permit application for a solar photovoltaic project, named Fourmile Solar, in Umatilla County and would appreciate your review of our Vegetation and Weed Management Plan. I have attached the current draft of the plan. The second attachment relates to Passage Solar, an adjacent project with the same landowner, but in Morrow County. We are still working to complete our LOI for Fourmile Solar, but it will be the same as the Passage Solar LOI with updates made to represent the appropriate project and county. Krebs Grazing will be grazing on both sides of the county line and will oversee vegetation and weed management as part of the deal.

Can you please review the plan and provide any additional comments/revisions, and your approval within the next 1-2 weeks? If you have any questions or concerns, please let me know ASAP.

Thank you!

BOBBY WENGER
He/Him
Associate, Development
303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

--

NEW EMAIL - theodore.orr@umatillacounty.gov

Theodore Orr

Umatilla County Vegetation Manager

3920 Westgate Pendleton OR 97801

(work) 541 278-5462 (cell) 541 969-9021

Attachment F

LETTER OF INTENT WITH KREBS SOLAR GRAZING

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

@oneenergyinc

2003 WESTERN AVE.
SUITE 225
SEATTLE, WA 98121
206.922.7072

oneenergy
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.com

September 30, 2025

Cameron Krebs
Krebs Solar Grazing, LLC
68171 Kunze Lane
Boardman, OR 97818

RE: INTENT FOR SOLAR GRAZING

DEAR MR. KREBS,

This non-binding Letter of Intent is to confirm the intent of Krebs Solar Grazing, LLC ("Krebs") to negotiate with Fourmile Solar OR, LLC ("Fourmile") to establish a vegetation management agreement utilizing rotational sheep grazing with respect to the Fourmile Solar Project ("Project"), a solar photovoltaic project under development in Umatilla County, Oregon.

Krebs and Fourmile agree to use reasonable efforts to negotiate and execute a definitive vegetative management agreement relating to the solar project prior to commencement of construction of the Project ("Definitive Agreement"). Krebs authorizes Fourmile to include this letter of intent with OneEnergy's permit application to Umatilla County.

This letter is intended only to confirm the parties' mutual interest in further discussions and interest in completing a Definitive Agreement and does not constitute a legally binding agreement.

We look forward to working with you on this project.

Sincerely,

Tanner Gillespie
Associate Director – Project Development
Fourmile Solar OR, LLC
By: OneEnergy Development, LLC it's sole member

ACCEPTED:

C 2 Krebs

Name: Cameron Krebs

Title: Krebs Solar Grazing, Manager

Date: 10/03/2025

Attachment G

DECOMMISSIONING PLAN

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

DECOMMISSIONING PLAN

The Project has an estimated useful life of 35 years, with the possibility of extending that useful life in the case of equipment replacement, upgrading, and repowering later in life. When the useful life of the Project has reached its end, power generation will cease, the Project will be decommissioned, and all components of the Project will be removed from the property.

Finally, the site will be returned to the farmable conditions in place prior to construction of the Project.

This Decommissioning Plan contains the current industry best practices and may change as these practices evolve and improve between now and the end of the useful life.

Decommissioning Process

The Project's infrastructure will consist of mostly recyclable materials, including semiconductor material, aluminum, glass, steel, copper, and plastic. At the time of decommissioning, these components will be dismantled, separated by material, and sorted according to salvageable value and recyclability. Salvage value is expected to provide a significant portion of the funding for the decommissioning of the Project.

Improvements made to the land (including access roads, driveways, and plantings) during the construction and operation will be reclaimed using best management practices. Some may remain on the site per the wishes of the landowner. All improvements not reclaimed and returned to agricultural use will be approved by the Umatilla County Planning Department and the landowners.

Decommissioning is planned to include the following steps:

1. The project owner will schedule a pre-closure meeting with the Umatilla County Planning Department up to one year prior to the planned decommissioning of the Project. Final details of the decommissioning will be discussed at this meeting and developed in coordination with Umatilla County.
2. Any necessary permits will be acquired prior to the commencement of decommissioning.
3. Any agencies and other local departments necessary will be contacted and coordinated with.
4. The Project will be disconnected from the electric grid in coordination with Umatilla Electric Cooperative (UEC) and Bonneville Power Administration (BPA).
5. Within 12 months of disconnection, the following decommissioning activities will take place:
    a. PV modules will be disconnected and removed for salvage or recycling.
    b. All electrical cabling (both above and below ground) shall be removed for salvage or recycling up to 48 inches below grade.
    c. Aluminum racking used to support PV modules will be removed for salvage or recycling.

d. Steel foundation piles will be removed for salvage or recycling. These piles will either be moved in their entirety or will be cut off at 48 inches below grade, deep enough to allow the land to return to agricultural use.
e. All electric interconnection equipment, including inverters and transformers, shall be removed for salvage or recycling.
f. All concrete foundations shall be removed and properly disposed of.
g. All fencing shall be removed for disposal, salvage or recycling.
h. All soils disturbed during the decommissioning process will be re-graded to meet existing contours and may be seeded dependent upon landowners request.

Financial Assurance

The capital investment represented by the Project will create significant value from the materials used to construct the Project. The salvage value of the electronics, semiconductor materials, aluminum, steel, and copper from the decommissioned Project, typically cover most or all the decommissioning cost.

The Applicant proposes to provide financial assurance for 100% of the estimated costs of the decommissioning efforts as required under the Project's Lease Agreement with the Landowner ("Landowner's Financial Assurance").

Applicant will nominate a qualified professional with experience in the decommissioning of utility scale solar facilities ("Qualified Estimator") to prepare a decommissioning plan for the Project which outlines required steps to remove the Project, dispose of or recycle its components, and perform any required site restoration ("Solar Facility Decommissioning Plan"). The Solar Facility Decommissioning Plan will include a calculation of the cost items identified by Exhibit A: Decommissioning Estimate Calculation Sheet, all other anticipated costs associated with the removal and disposal of the Project components and the Site Restoration, less the estimated salvage value of any materials or components with market scrap or resale value ("Bond Principal Amount").

Prior to the Applicant staging or storing any materials or commencing construction of the Project, Applicant will procure a solar facilities decommissioning bond for a five-year term ("Decommissioning Bond"). The Decommissioning Bond will be for the Bond Principal Amount and name Landowner and Umatilla County as the bond obligees.

The Applicant will direct a Qualified Estimator to review and adjust the Solar Facility Decommissioning Plan and the Bond Principal Amount determined by estimated decommissioning costs at five-year intervals to accommodate changes in performance costs and compounding inflationary impact ("Regular Bond Review and Adjustment").

The Applicant will perform the Regular Bond Review and Adjustment and renew the Decommissioning Bond at least thirty calendar days prior to each bond expiration date. If Applicant fails to renew any Decommissioning Bond prior to bond expiration during the lease term or fails to perform the Regular Bond Review and Adjustment prior to renewal, Applicant will forfeit the Decommissioning Bond and Landowner and/or Umatilla County may access the

full Bond Principal Amount for decommissioning expenses in addition to other remedies available at law.

As an alternative to the Decommissioning Bond, Applicant may offerthe following alternative financial assurances in the same amount, subject to the same applicable renewal and calculation methodology, and subject to the same remedies as the Decommissioning Bond obligations above: (i) a cash escrow deposit for the full Bond Principal Amount with a Landowner-approved financial institution under terms accepted by Landowner; or (ii) a letter of credit issued by a financial institution and accepted by Landowner; or (iii) a corporate guarantee issued by an affiliate of Applicant and accepted by Landowner (each an “Alternative Financial Assurance”).

EXHIBIT A: DECOMMISSIONING ESTIMATE CALCULATION SHEET

Decommissioning Cost Worksheet **Fourmile Solar** **Created: 9/22/2025 Revised*:***		
Solar Facility Information Summary		
Solar Facility Module Count		
Solar Facility Inverter Count		
Racking Orientation		
Racking (linear feet)		
Security Fence (feet)		
Wire Buried Less Than 48” Below Original Grade (feet)		
Energy Storage Facility (type)		
Solar Facility and Internal Company Roads Decommissioning Summary		
Estimated Labor Hours to Deconstruct		
Estimated Total Weight of Racking and Foundation Metal		
Estimated Scrap Value of Racking and Foundation Metal		
Estimated Salvage Value of Solar Facility Components (if any)		
Hazardous Material Disposal Cost / PV Module		
Energy Storage Facility Disposal Cost		
Estimated Labor Hours to Remove Wire Buried Less Than 48” Below Original Grade		
Heavy Equipment Rental Costs		
Estimated Labor Hours to Remove Solar Racking Foundations / Piers (as appropriate) to 48” Below Original Grade		
Estimated Labor Hours to Remove Perimeter Fencing - Including Removal of Post Footings		
Estimated Costs of Performing Site Restoration Obligations Identified by the Approved Site Plan		
Estimated Costs of Mobilization		
Present Total Solar Facility Decommissioning Cost Estimate:		
Projected Total Solar Facility Decommissioning Cost Estimate - Date of Next Regular Bond Review and Adjustment:		

Attachment I

GLARE ANALYSIS - FORGE SOLAR

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

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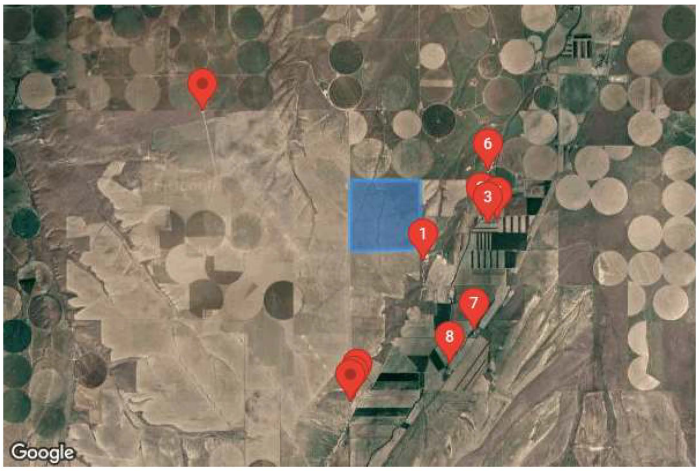
ForgeSolar

Fourmile_Solar

Fourmile Residences

Created Sep 18, 2025
Updated Sep 19, 2025
Time-step 1 minute
Timezone offset UTC-12
Minimum sun altitude 0.0 deg
Site ID 159877.15987

Project type Advanced
Project status: active



Misc. Analysis Settings

DNI: **varies (1,000.0 W/m^2 peak)**
Ocular transmission coefficient: **0.5**
Pupil diameter: **0.002 m**
Eye focal length: **0.017 m**
Sun subtended angle: **9.3 mrad**

PV Analysis Methodology: **Version 2**
Enhanced subtended angle calculation: **On**

Summary of Results No glare predicted!

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced
	deg	deg	min	min	kWh
PV array 1	SA tracking	SA tracking	0	0	220,400,000.0

Component Data

PV Array(s)

Total PV footprint area: 636.6 acres

Name: PV array 1
Footprint area: 636.6 acres
Axis tracking: Single-axis rotation
Backtracking: None
Tracking axis orientation: 180.0 deg
Tracking axis tilt: 0.0 deg
Tracking axis panel offset: 0.0 deg
Maximum tracking angle: 60.0 deg

Rated power: 74000.0 kW
Panel material: Light textured glass with AR coating
Vary reflectivity with sun position? Yes
Correlate slope error with surface type? Yes
Slope error: 9.16 mrad

Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	45.690296	-119.434739	1010.80	7.00	1017.80
2	45.690296	-119.413882	1010.26	7.00	1017.26
3	45.682861	-119.413710	1000.98	7.00	1007.98
4	45.680402	-119.414998	1009.54	7.00	1016.54
5	45.679713	-119.414139	1021.71	7.00	1028.71
6	45.675785	-119.415813	1033.41	7.00	1040.41
7	45.675582	-119.434598	1038.22	7.00	1045.22

Discrete Observation Receptors

Number	Latitude	Longitude	Ground elevation	Height above ground	Total Elevation
	deg	deg	ft	ft	ft
OP 1	45.673435	-119.412720	1038.56	6.00	1044.56
OP 2	45.683029	-119.395558	824.55	6.00	830.55
OP 3	45.681118	-119.393482	811.47	6.00	817.47
OP 4	45.682036	-119.391173	803.81	6.00	809.81
OP 5	45.681915	-119.390674	805.39	6.00	811.39
OP 6	45.692070	-119.393695	824.69	6.00	830.69
OP 7	45.658986	-119.397662	888.26	6.00	894.26
OP 8	45.651986	-119.404964	910.14	6.00	916.14
OP 9	45.644822	-119.433561	976.00	6.00	982.00
OP 10	45.644121	-119.434499	982.54	6.00	988.54
OP 11	45.646251	-119.432364	972.70	6.00	978.70
OP 12	45.704407	-119.478207	989.72	6.00	995.72

Summary of PV Glare Analysis

PV configuration and total predicted glare

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced	Data File
	deg	deg	min	min	kWh	
PV array 1	SA tracking	SA tracking	0	0	220,400,000.0	-

PV & Receptor Analysis Results

Results for each PV array and receptor

PV array 1 no glare found

Predicted energy output: 220,400,000.0 kWh (assuming sunny, clear skies)

Component	Green glare (min)	Yellow glare (min)
OP: OP 1	0	0
OP: OP 2	0	0
OP: OP 3	0	0
OP: OP 4	0	0
OP: OP 5	0	0
OP: OP 6	0	0
OP: OP 7	0	0
OP: OP 8	0	0
OP: OP 9	0	0
OP: OP 10	0	0
OP: OP 11	0	0
OP: OP 12	0	0

No glare found

Summary of Vertical Surface Glare Analysis

Assumptions

- Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.
- Glare analyses do not automatically account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographi obstructions.
- Detailed system geometry is not rigorously simulated.
- The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual values and results may vary.
- The system output calculation is a DNI-based approximation that assumes clear, sunny skies year-round. It should not be used in place of more rigorous modeling methods.
- Several V1 calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for larg PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare.

- The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)
- Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid. Actual ocular impact outcomes encompass a continuous, nc discrete, spectrum.
- Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.
- Refer to the **Help page** for detailed assumptions and limitations not listed here.

ForgeSolar

Fourmile_Solar

Flight Path

Created Sep 18, 2025
Updated Sep 18, 2025
Time-step 1 minute
Timezone offset UTC-12
Minimum sun altitude 0.0 deg
Site ID 159800.15987

Project type Advanced
Project status: active

Misc. Analysis Settings

DNI: **varies (1,000.0 W/m^2 peak)**
Ocular transmission coefficient: **0.5**
Pupil diameter: **0.002 m**
Eye focal length: **0.017 m**
Sun subtended angle: **9.3 mrad**

PV Analysis Methodology: **Version 2**
Enhanced subtended angle calculation: **On**

Summary of Results No glare predicted!

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced
	deg	deg	min	min	kWh
PV array 1	SA tracking	SA tracking	0	0	220,400,000.0

Component Data

PV Array(s)

Total PV footprint area: 636.6 acres

Name: PV array 1
Footprint area: 636.6 acres
Axis tracking: Single-axis rotation
Backtracking: None
Tracking axis orientation: 180.0 deg
Tracking axis tilt: 0.0 deg
Tracking axis panel offset: 0.0 deg
Maximum tracking angle: 60.0 deg

Rated power: 74000.0 kW
Panel material: Light textured glass with AR coating
Vary reflectivity with sun position? Yes
Correlate slope error with surface type? Yes
Slope error: 9.16 mrad

Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	45.690296	-119.434739	1010.80	7.00	1017.80
2	45.690296	-119.413882	1010.26	7.00	1017.26
3	45.682861	-119.413710	1000.98	7.00	1007.98
4	45.680402	-119.414998	1009.54	7.00	1016.54
5	45.679713	-119.414139	1021.71	7.00	1028.71
6	45.675785	-119.415813	1033.41	7.00	1040.41
7	45.675582	-119.434598	1038.22	7.00	1045.22

Route Receptor(s)

Name: Route 1
Route type Two-way
Azimuthal view angle: 50.0 deg
Downward view angle: 90.0 deg

Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	45.703374	-119.408825	979.18	1000.00	1979.18
2	45.703015	-119.476030	990.97	1000.00	1990.97

Summary of PV Glare Analysis

PV configuration and total predicted glare

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced	Data File
	deg	deg	min	min	kWh	
PV array 1	SA tracking	SA tracking	0	0	220,400,000.0	-

PV & Receptor Analysis Results

Results for each PV array and receptor

PV array 1 no glare found

Predicted energy output: 220,400,000.0 kWh (assuming sunny, clear skies)

Component	Green glare (min)	Yellow glare (min)
Route: Route 1	0	0

No glare found

Summary of Vertical Surface Glare Analysis

Assumptions

- Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.
- Glare analyses do not automatically account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographi obstructions.
- Detailed system geometry is not rigorously simulated.
- The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual values and results may vary.
- The system output calculation is a DNI-based approximation that assumes clear, sunny skies year-round. It should not be used in place of more rigorous modeling methods.
- Several V1 calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for larg PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare.
- The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)
- Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid. Actual ocular impact outcomes encompass a continuous, nc discrete, spectrum.
- Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.
- Refer to the **Help page** for detailed assumptions and limitations not listed here.

Attachment J

FAA PRE-SCREENING RESULTS

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

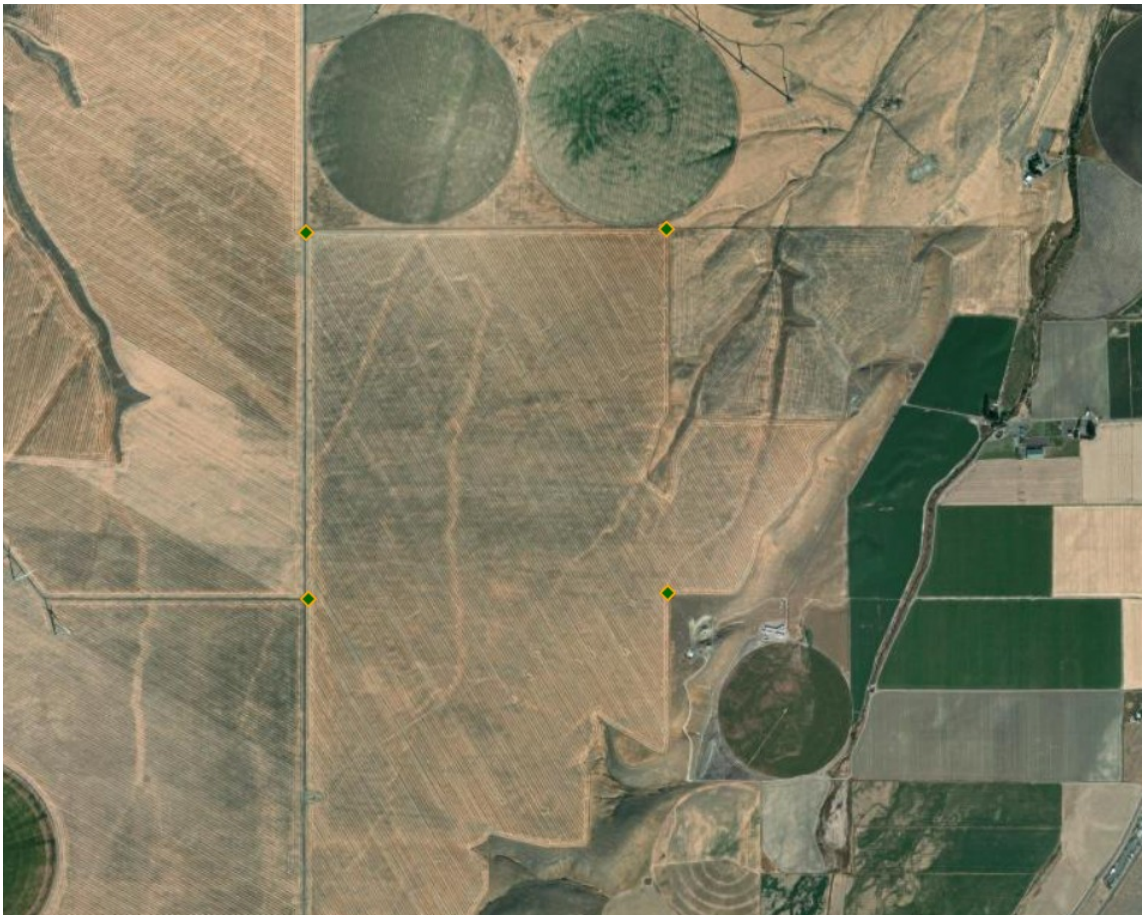
OE/AAA Pre-screening Results

Tue Sep 23 2025 14:05:49 GMT-0600 (Mountain Daylight Time)

Structure: Solar Panel

Latitude	Longitude	Height	Site Elevation	AMSL
45 41 24.17 N	119 26 04.17 W	14	1015	1029
45 41 24.69 N	119 24 50.35 W	14	1015	1029
45 40 32.60 N	119 24 50.10 W	14	1043	1057
45 40 31.74 N	119 26 03.68 W	14	1043	1057

Based on the information you provided, you are not required to file notice with the FAA.



Attachment K

DEPARTMENT OF DEFENSE/ NAVY CORRESPONDENCE

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy renewables .com

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA)
To: Bobby Wenger
Subject: RE: Fourmile Solar Request for DoD review
Date: Wednesday, September 24, 2025 3:28:34 PM
Attachments: image001.png
image002.png

Caution! This message was sent from outside your organization. Allow sender | Block sender

Hello Bobby,

Thank you for reaching out and providing an update on Fourmile Solar.

There are no new concerns with the proposed project.

Please let me know if there is anything additional you need to support with the permitting process.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085
NIPR: Kimberly.peacher@navy.mil
SIPR: Kimberly.peacher@navy.smil.mil

From: Bobby Wenger <bobby@oneenergyrenewables.com>
Sent: Tuesday, September 23, 2025 1:13 PM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Subject: [Non-DoD Source] Fourmile Solar Request for DoD review

Hello Kimberly,

I am an Associate Developer at OneEnergy Renewables. We reached out to you about our project, Passage Solar, two years ago to get Navy approval. I have tagged onto that email chain between you and my colleague, Erin, which can be reviewed below.

Since then, Passage Solar was separated into two projects: the Morrow County portion, which maintained the name of Passage Solar, and the Umatilla County portion, named Fourmile Solar. Passage Solar was approved by Morrow County and we are now preparing to submit our application for Fourmile Solar to Umatilla County.

While your approval in 2023 included the areas for both Passage and Fourmile Solar, I wanted to reach out again to reconfirm approval and that nothing has changed in regard to nearby airspace. I have attached a kmz of the Fourmile Project Area as well as a new ForgeSolar glare analysis that references the same flight path as 2023: Special Use Airspace (SUA) – R 5701. Please let me know if there are any new concerns or questions related to this project.

Thank you,

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Sent: Tuesday, June 6, 2023 2:31 PM
To: Erin Lynch <erin@oneenergyrenewables.com>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>
Subject: RE: Passage Solar, Request for DoD review

Erin,

As I stated below, the level of glint/glare (low) is mitigable.

Please let me know when you plan to submit it to the FAA so I can notify our folks internally to streamline the OE/AAA review process. Once it is submitted, it would be helpful if you could send the ASNs.

Thank you.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

From: Erin Lynch <erin@oneenergyrenewables.com>
Sent: Tuesday, June 6, 2023 1:19 PM

To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>
Subject: [Non-DoD Source] RE: Passage Solar, Request for DoD review

Good morning Kim,

Could you please provide confirmation that the low potential for glare associated with this project won't be an issue for the DoD?

Thank you,
Erin

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Sent: Thursday, May 25, 2023 2:24 PM
To: Erin Lynch <erin@oneenergyrenewables.com>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>
Subject: RE: Passage Solar, Request for DoD review

Hello Erin,

Thank you for the glint/glare analysis.

We will notify the aircrew via the Range User's Manual to ensure they are aware of the Low Potential for G/G during the mid-morning hours Feb-Mar and Sep-Oct.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

From: Erin Lynch <erin@oneenergyrenewables.com>
Sent: Thursday, May 25, 2023 8:17 AM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>
Subject: [Non-DoD Source] RE: Passage Solar, Request for DoD review

Hello Kim,

I'm attaching a glare analysis for your review. Please let us know if you have any questions or feedback.
Thank you again for your guidance.

Best,
Erin

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Sent: Monday, May 22, 2023 4:43 PM
To: Erin Lynch <erin@oneenergyrenewables.com>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>
Subject: RE: Passage Solar, Request for DoD review

Hello Erin,

For solar, we generally request a glint/glare analysis for military utilized airspace at 500AGL and below.

If this is in regards to the infrastructure, we are aligned with the FAA. The goal is to have non-reflective panels.

If neither of those are what was meant by threshold please let me know.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

From: Erin Lynch <erin@oneenergyrenewables.com>
Sent: Monday, May 22, 2023 3:24 PM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>
Subject: [Non-DoD Source] RE: Passage Solar, Request for DoD review

Thanks for this clarification Kim!

Just out of curiosity, do you have a particular threshold or criteria that you can share with me? We are currently finalizing some design parameters and would like to be able to consider that information if we can.
I should probably be able to get you a final glare report by the end of the week or so.

Thank you,
Erin

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Sent: Thursday, May 18, 2023 3:50 PM
To: Erin Lynch <erin@oneenergyrenewables.com>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>
Subject: RE: Passage Solar, Request for DoD review

Good Afternoon Erin,

Attached is information for the glint/glare analysis.

You should need just one point as if it were an airport to run the analysis.

Let me know if you have any additional questions.

Thank you.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

From: Erin Lynch <erin@oneenergyrenewables.com>
Sent: Wednesday, May 17, 2023 11:27 AM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>
Subject: [Non-DoD Source] RE: Passage Solar, Request for DoD review

Hello Kim,

Thank you for bringing this to our attention.
Please send any additional information you can share to aid in our analysis!

We use ForgeSolar (forgesolar.com) for our glint/glare analysis. They have tools for assessing flight paths and point observations, but not for airspace polygons. Would it be acceptable if we were to do an array of points at different heights? Or a series of flight paths across the area? If so, what heights would be appropriate and acceptable for your review? Could we do a min/max or a suite of several heights?

Thank you for your guidance,
Erin

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA)

<kimberly.n.peacher.civ@us.navy.mil>
Sent: Tuesday, May 16, 2023 9:52 AM
To: Erin Lynch <erin@oneenergyrenewables.com>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>
Subject: RE: Passage Solar, Request for DoD review

Hello Erin,

Thank you for reaching out and sending the kmz file for Passage Solar.

I did an initial review and the northern portion of the property falls under Special Use Airspace (SUA) – R 5701. The floor is surface. We currently utilize the airspace at 100AGL and higher. As such, can you please provide a glint/glare based on the SUA for this proposal?

I can send the airspace and any applicable information ie headwind if needed.

Thank you.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

From: Erin Lynch <erin@oneenergyrenewables.com>
Sent: Tuesday, May 16, 2023 7:35 AM
To: Tanner Gillespie <tanner@oneenergyrenewables.com>; Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Subject: [Non-DoD Source] Passage Solar, Request for DoD review

Hello Kim,

My name is Erin and I work with Tanner Gillespie and Blake Bjornson at OneEnergy Renewables. We are in the early stages of developing a solar project called Passage Solar, which is in Morrow and Umatilla Counties, Oregon (kmz attached). We would like to request a DoD review of the site to determine any potential impacts on Military Training Routes prior to our planned FAA review.

Please let me know if I can provide you any additional information, or if there is anything else you need us to do to support your review.

Thank you,

Erin Lynch
Associate, Project Development

610-613-1142 | Direct
Erin@OneEnergyRenewables.com

Attachment L

FIRE DISTRICT APPROVAL LETTER

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

Delbert Gehrke
Fire District Chief
Echo Rural Fire Protection District
301 W Main Street
PO Box 59
Echo, Oregon 97826
September 23, 2025

RE: Fourmile Solar Project – Fire District Approval Letter

The Fourmile Solar project ("Project") is a proposed photovoltaic solar power generation facility in Umatilla County on tax lots 800 and 900 in Section 3 Township 2N, Range 27E. The Project developer, Fourmile Solar OR, LLC, has consulted with the Echo Fire District regarding fire prevention, fire management, and access plans for the Project.

Subsection 1205.5.1 of the 2022 Oregon Fire Code requires a maintained vegetative surface or non-combustible base be installed and maintained under ground-mounted photovoltaic arrays. In consultation with the Oregon Department of Fish and Wildlife (ODFW) and the Umatilla County Weed Department Supervisor, the preference is to seed the ground with a native grass seed mix as an alternative. As such, the Project will have a vegetative surface installed and maintained under and around the photovoltaic arrays.

The Project will be constructed following all other guidance found in the 2022 Oregon Fire Code, including "Section 503: Fire Apparatus Access Roads" and "Appendix D: Fire Apparatus Access Roads", and the Project will be managed in accordance with Oregon Fire Code Section 2105.5.

Access to the Project will lead to a security fence, which will frame the complete perimeter of the project, with an access gate that is twenty (20) feet in width. This entry gate will contain accessible hardware (i.e. an installed lockbox or padlock) in compliance with requirements imposed by the fire code official.

Inside the security fence there will be interior roads that will be sized for emergency vehicle access in accordance with the 2022 Oregon Fire Code. The roads will be twenty (20) feet in width, with an inner turning radius of twenty-eight (28) feet and an outer turning radius of forty-eight (48) feet and built on no greater than ten percent (10%) slopes, except where allowed by the fire code official. A clear, brush-free area of ten (10) feet in width will encircle one hundred percent of the facility components to provide a noncombustible defensible space clearance.

As the fire code official for the Echo Fire District, I hereby approve the Fourmile Solar project for construction and operation.

Sincerely,

Chief Delbert Gehrke

Delbert Gehrke
Fire District Chief
Echo Rural Fire Protection District

Attachment M

WILDLIFE AND HABITAT SURVEY REPORT

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

2023 Habitat, Wildlife, and Raptor Nest Survey Report

Fourmile Solar Energy Project

Prepared for
OneEnergy Development, LLC

Prepared by

Tetra Tech, Inc.

October 2023

GENERAL DISCLAIMER FOR SCIENTIFIC WORK PRODUCTS

This deliverable was prepared in accordance with generally accepted professional practices that are typically utilized for scientific work products. The work was performed within the limitations and assumptions of our approved scope of work, and the descriptive documentation associated with this deliverable. Unless explicitly included in our approved scope of work, information provided in this deliverable has not been prepared to meet industry standards for engineering and should not be used for construction.

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Figure 1. Survey Area

Figure 2. Habitat Categories

Figure 3. Habitat Subtypes

Figure 4. Special Status Wildlife Species Observations and Raptor Nest Survey Results

List of Attachments

Attachment 1. Habitat Categorization Data Sheet

Attachment 2. Habitat Types and Subtypes with Potential to Occur

Attachment 3. Special Status Wildlife Species with Potential to Occur

Attachment 4. Select Photographs Taken During 2023 Surveys

Attachment 5. Complete List of Wildlife Species Observed

1.0 Introduction

OneEnergy Development, LLC (OneEnergy) contracted Tetra Tech, Inc. (Tetra Tech) to perform wildlife, raptor nest, and habitat surveys for the Fourmile Solar Energy Project (Project), located on approximately 626 acres in Umatilla County, Oregon (Project Area). Tetra Tech mapped and classified habitat according to Oregon Department of Fish and Wildlife (ODFW) guidelines set forth in Oregon Administrative Rule (OAR) 635-415-0025. Field verification of desktop habitat mapping occurred concurrently with wildlife and raptor nest surveys, and surveyors documented all wildlife including threatened, endangered, candidate, and state sensitive species observed during surveys.

2.0 Survey Areas

Special status wildlife species and habitat categorization surveys were conducted within the Project Area (Wildlife and Habitat Survey Area; Figure 1). The total acreage of the Wildlife and Habitat Survey Area is 626.5 acres. The raptor nest survey included the Project Area and an additional 0.5-mile buffer around it (2,382.3 acres; Raptor Nest Survey Area; Figure 1).

3.0 Methods

Prior to conducting field surveys, Tetra Tech conducted a background review to identify potential habitat types and special status wildlife species with the potential to occur within the Wildlife and Habitat Survey Area. The review was based on a literature review and search of public information sources, including online databases (Johnson and O'Neil 2001, ODFW 2013a, ODFW 2021a, ODFW 2021b, ORBIC 2019, ORBIC 2023, Wildlife Explorer 2023, Sullivan et al 2009, USFWS 2020, USFWS 2021, USFWS 2023a, USFWS 2023b, USGS 2001, Verts and Carraway 1998), as well as a 2021 survey report from Western Ecosystems Technology Inc. (WEST 2021), and Tetra Tech biologist experience. Aerial photography was also reviewed to preliminarily assess existing habitats within the Wildlife and Habitat Survey Area. Field surveys were conducted by biologists familiar with Columbia Plateau/Columbia Basin ecoregion habitats and species. ODFW staff provided concurrence on the scope, timing, and extent of all surveys prior to Tetra Tech's field deployments (Tetra Tech 2023b).

3.1 Habitat

The objective of the habitat survey was to categorize habitats within the Wildlife and Habitat Survey Area per the habitat categories set forth in OAR 635-415-0025, ODFW Fish and Wildlife Habitat Mitigation Policy, and assign habitat subtypes adapted from habitat descriptions in Johnson and O'Neil (2001). ODFW's Fish and Wildlife Habitat Mitigation Policy defines six habitat quality categories ranging from Category 1 to Category 6, as defined in Table 1.

Table 1. ODFW Habitat Categories and Examples (OAR 635-415-0025)

ODFW Habitat Category	Definition	Goals for Mitigation
1	Essential, Limited, and Irreplaceable habitat	No Loss of Habitat Quantity or Quality
2	Essential and Limited Habitat	No Net Loss of Habitat Quantity or Quality and To Provide a Net Benefit of Habitat Quantity or Quality
3	Essential habitat, or Important and Limited Habitat	No Net Loss of Habitat Quantity or Quality
4	Important Habitat	No Net Loss of Habitat Quantity or Quality
5	Habitat having high potential to become either essential or important habitat	Net Benefit in Habitat Quantity or Quality
6	Habitat that has low potential to become essential or important habitat	Minimize Impacts

Prior to field surveys, Tetra Tech desktop-delineated preliminary habitat transitions to assist the field habitat delineation effort, based on aerial imagery. Preliminary habitat polygons desktop-delineated within the Wildlife and Habitat Survey Area were either confirmed or recategorized in the field.

Habitat categorization surveys were conducted concurrently with special status wildlife species surveys. Surveys were scheduled during the growing season to aid in identification of vegetative species. Biologists walked and/or drove the boundaries of the cultivated land which comprises the entire Wildlife and Habitat Survey Area to categorize the composition and structure of habitat by noting the dominant vegetation, existing disturbance, or other habitat features such as shrub and grass composition and density (Attachment 1). Surveyors digitized habitats within these focused corridors, scanned the landscape and digitized habitats within the viewshed to map and categorize 100 percent of the Wildlife and Habitat Survey Area. Based on characteristics observed, vegetation within the Wildlife and Habitat Survey Area was assigned a habitat type, subtype, and habitat quality category guided by the habitat categorization table (Attachment 2) which was developed based on Johnson and O'Neil (2001) and OAR 635-415-0025. This information was recorded on Samsung Galaxy tablets using the FieldMaps application. A minimum mapping unit of 1 acre was implemented except for wetlands and specialized features such as cliffs.

Following field surveys, the digitized boundaries were downloaded and processed in a Geographic Information System (GIS). Data were reviewed for quality control.

3.2 Wildlife

The objective of the wildlife survey was to document general wildlife and special status wildlife species use of the Wildlife and Habitat Survey Area. Prior to conducting surveys, Tetra Tech generated a list of special status wildlife species with potential to occur at the Wildlife and Habitat Survey Area including federal and state endangered, threatened, proposed, and candidate species;

species of concern; birds of conservation concern; sensitive and sensitive-critical species; and eagles (Attachment 3; ODFW 2021a, ODFW 2021b, ORBIC 2023, USFWS 2021, USFWS 2023a, USFWS 2023b, Wildlife Explorer 2023). In addition to reviewing publicly available sources, Tetra Tech submitted a formal request to the Oregon Biodiversity Information Center (ORBIC) to obtain site-specific records of special-status species occurrences and sensitive habitats within 5 miles of the Wildlife and Habitat Survey Area (ORBIC 2023).

Tetra Tech reviewed habitat and range information for special status wildlife species known to occur in Umatilla County and the Columbia Plateau/Columbia Basin ecoregion to develop the list of species that had the potential to occur at the Wildlife and Habitat Survey Area (Attachment 3). Species were eliminated from consideration if their habitat was absent from the Wildlife and Habitat Survey Area, their range did not overlap with the Wildlife and Habitat Survey Area, or they were unlikely to pass through the Wildlife and Habitat Survey Area during migration based on the preliminary desktop review. This list was reviewed prior to conducting field surveys to ensure surveyor familiarity with relevant species. Survey dates were planned to coincide with the period of highest biological activity of neotropical migrant and breeding birds, foraging and breeding animal species, and other taxa.

Tetra Tech identified nine special-status wildlife species with the potential to occur at the Wildlife and Habitat Survey Area, including seven birds, and two mammals (Attachment 3). The Washington ground squirrel (*Urocitellus washingtoni*, WAGS), a state listed endangered species known to occur in Umatilla County, is found in in sagebrush habitats and bunchgrass grasslands that have few invasive species (Betts 1990). ODFW advises that WAGS colonies can be found in all habitats, regardless of quality, except for active agricultural fields and developed land. Because the entirety of the Wildlife and Habitat Survey Area is under active agricultural use this species was determined unlikely to occur and protocol-level surveys for WAGS were not conducted.

During field surveys, biologists walked and/or drove the boundaries of the cultivated land which comprises the entire Wildlife and Habitat Survey Area, searching (scanning and listening) for wildlife species and recognizable signs of wildlife (e.g., scat, tracks, burrows, and nests). Surveys began early in the morning and continued through late afternoon to facilitate observations of species most active at dawn and/or late afternoon (i.e., mule deer [*Odocoileus hemionus*] and Rocky Mountain elk [*Cervus canadensis*]). Surveyors recorded the location of special-status wildlife species (or recognizable sign) on a GPS-enabled Samsung Galaxy tablet using the FieldMaps application, and recorded information on the number of individuals and their behavior. Surveyors also kept a running list of all wildlife species observed and documented special habitats and unique features such as rock outcrops if encountered. Following field surveys, the digitized data were downloaded and processed in in a GIS and were reviewed for quality control and assurance.

3.3 Raptors

Prior to conducting field surveys, Tetra Tech reviewed aerial photography and the results of a records request to ORBIC (2023) as well as U.S. Fish and Wildlife Service data (Leal 2020) to identify potential raptor nesting structures and known raptor nests in the vicinity of the Project.

The purpose of the survey was to document active and inactive raptor nests within the Raptor Nest Survey Area. The survey was performed in mid-May when most raptors in the region are typically engaged in early-season reproductive activities (e.g., courting, incubating eggs).

Biologists systematically searched raptor nest substrate within the Raptor Nest Survey Area by vehicle and on foot. Within the Project Area, nesting substrate was investigated from public and private roads and on foot when additional inspection was necessary. Property outside the Project Area but within the 0.5-mile buffer was searched by scanning suitable nesting habitat from public roads or within the Project Area. Periodic stops were made to scan suitable habitat (e.g., trees, utility towers, power poles) and examine nests with the aid of binoculars. To determine the status of a nest, biologists made observations on the behavior of adults, presence of young, signs of nest building, or whitewash. To minimize disturbance to nesting raptors, biologists approached nests cautiously and maintained the greatest possible distance at which the species could be identified, with distances varying depending upon nest location and behavior of nesting birds. Biologists also documented American crow (*Corvus brachyrhynchos*) and common raven (*Corvus corax*) nests. Although not raptors, American crow and common raven nests were recorded during the surveys because they could be used by nesting raptors during subsequent breeding seasons.

If a nest was found, biologists documented the location via GPS-enabled tablet and collected data on an electronic data form on the nest status, size class, condition, substrate, height, exposure, as well as the nesting species and number of eggs or young observed during surveys.

4.0 Results

4.1 Habitat

Tetra Tech conducted habitat categorization surveys within the Wildlife and Habitat Survey Area on June 15, 2023. The survey confirmed the habitat types, subtypes, and categories within the Wildlife and Habitat Survey Area as shown in Table 2 and Figures 2 and 3. Photos of habitat types and categories are provided in Attachment 4. The only habitat within the Wildlife and Habitat Survey Area was Category 6 Orchards, Vineyards, Wheat Fields, Other Row Crops (dryland wheat), which was stubble at the time of 2023 surveys (626.5 acres).

Table 2. Habitat Categories, Types and Subtypes within the Wildlife and Habitat Survey Area

Habitat Type	Habitat Subtype	Habitat Category	Acres within Survey Area
Agriculture, Pasture, and Mixed Environs	Orchards, Vineyards, Wheat Fields, Other Row Crops	6	626.5
Total			626.5

4.2 Wildlife

Concurrent with the raptor nest survey on May 17, 2023, biologists documented occurrence of wildlife species and maintained a running list of wildlife individuals and sign observed in the Wildlife and Habitat Survey Area (Attachment 5). No special status species were observed during the field survey, including any WAGS individuals or sign. Areas of active agriculture are not considered suitable habitat for the WAGS; therefore, this species is not expected to occur within the Wildlife and Habitat Survey Area due to absence of suitable habitat.

4.3 Raptors

Tetra Tech biologists conducted the raptor nest survey on May 17, 2023. One stick nest suitable for raptors was found within the Raptor Nest Survey Area (Figure 4). The nest was located on a power pole on a gravel road along the western Project boundary and was occupied by common ravens. Available nest substrate in the Raptor Nest Survey Area is limited to power poles and utility towers.

5.0 Summary and Conclusions

Based on vegetative characteristics, Tetra Tech mapped one habitat type, subtype, and category within the Wildlife and Habitat Survey Area: Category 6 Agriculture, Pasture, and Mixed Environs - Orchards, Vineyards, Wheat Fields, Other Row Crops. Although this habitat type may provide some value to wildlife, the Wildlife and Habitat Survey Area is entirely disturbed by active agriculture.

During 2023 surveys Tetra Tech did not observe any special status species. One stick nest suitable for raptor use was identified within the Raptor Nest Survey Area and was occupied by common ravens. Minimal raptor nesting substrate is available within the Raptor Nest Survey Area.

6.0 References

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Figures

Fourmile Solar

Figure 1
Survey Area

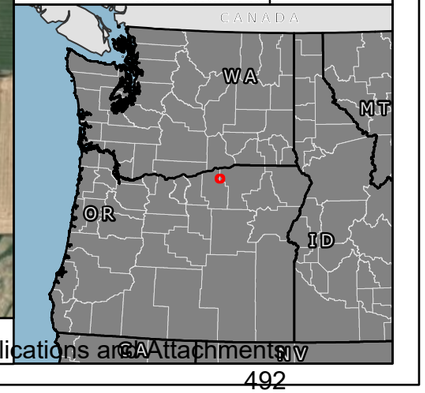
UMATILLA COUNTY, OR

- Raptor Nest Survey Area (0.5 mile buffer)
- Wildlife and Habitat Survey Area
- West 2020 Survey Area
- County Boundary
- Local Roads

TETRA TECH

OneEnergy

Reference Map



1:15,000 WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

Figure 2
Habitat Categories

UMATILLA COUNTY, OR

Wildlife and Habitat Survey Area
County Boundary
Local Roads
Habitat Category
6

Morrow County

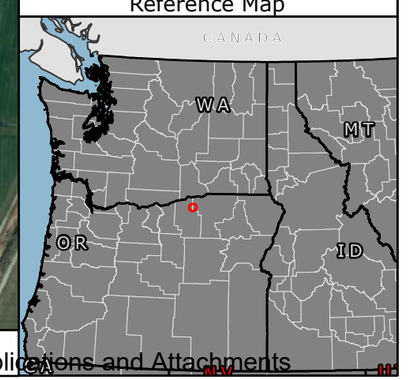
Umatilla County

Cochran Rd

TETRA TECH

OneEnergy

Reference Map



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WGS 1984 UTM Zone 11N

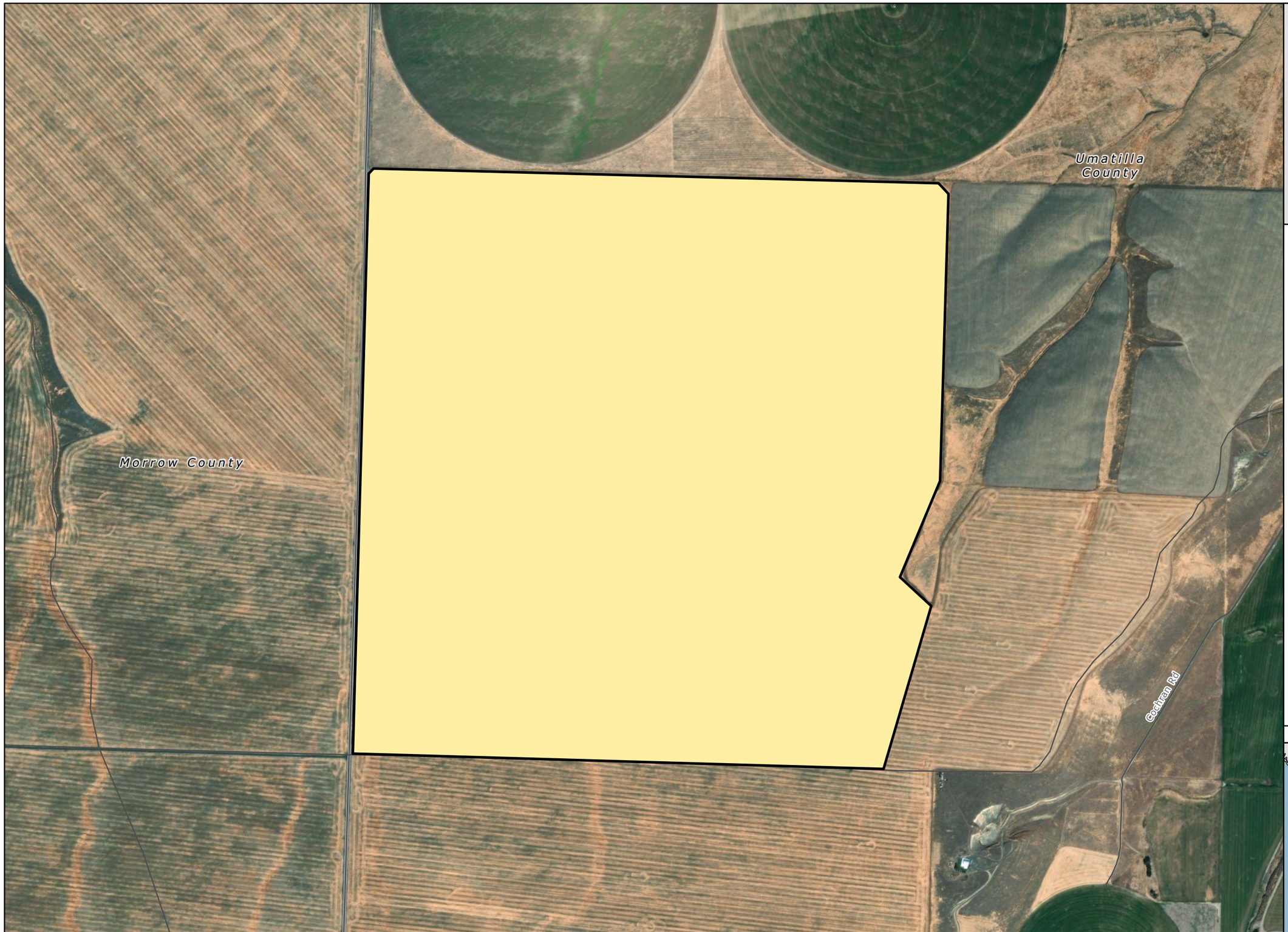
0 0.5 1 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

Figure 3
Habitat Subtype

UMATILLA COUNTY, OR



- Wildlife and Habitat Survey Area
- County Boundary
- Local Roads

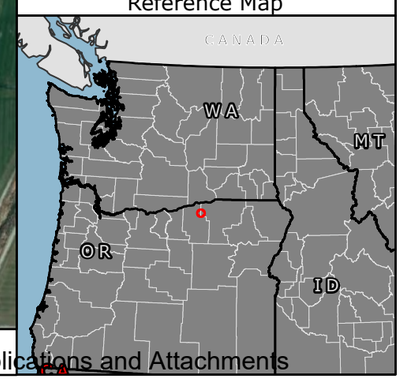
EFSC Subtype

- Orchards, Vineyards, Wheat Fields, Other Row Crop

TETRA TECH

OneEnergy

Reference Map



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0 0.5 1 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

Figure 4
Special Status Wildlife Species and Raptor Nest Survey Results

UMATILLA COUNTY, OR

Raptor Nest Survey Area (0.5 mile buffer)

Wildlife and Habitat Survey Area

County Boundary

Local Roads

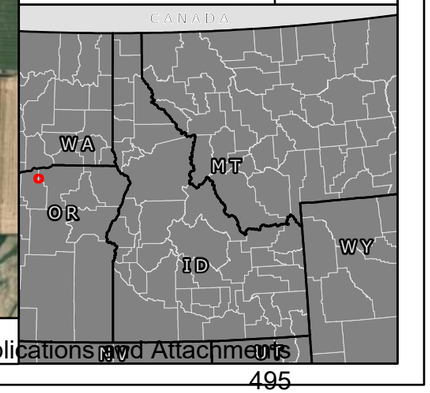
Species Using Nest, Nest Status

Common Raven, In-use

TETRA TECH

OneEnergy

Reference Map



Morrow County

Umatilla County

Madison Rd

Cochran Rd

Eagle Ranch Rd

1:15,000

WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

Attachment 1. Habitat Categorization Data Sheet

Data Sheet Id: _____

FOURMILE SOLAR HABITAT CATEGORIZATION

HABITAT CATEGORY ☐

Date _____ Surveyor _____

Site description:

EFSC habitat type/subtype: (circle one habitat type and one subtype):

Open water-lakes, rivers, streams: Permanent ponds/lakes(PL)/ Seasonal ponds(SP)/ Perennial(PS)/ Intermittent(IS)
Wetlands: Emergent wetlands(EW)/ Scrub-shrub wetlands(SW)/ Forested wetlands(FW)
Riparian forest and shrubland complexes: Eastside (interior) riparian(ER)
Upland grassland, shrub-steppe and shrubland: Eastside grassland(EG)/ Shrub-steppe(SS)
Upland forests and woodlands: Eastside oak and ponderosa pine forest and woodland(EO)/ Western juniper and mountain mahogany woodlands(JW)
Agriculture, pasture, and mixed environs: Planted Grasslands (PG)/ Orchards, vineyards, wheat fields, other row crops, irrigated poplar plantations(AG)/ Irrigated pastures and hay meadows(PA**)**
Cliffs, caves and talus(CT)
Urban and mixed environs(UR)

Notes if confusion _____

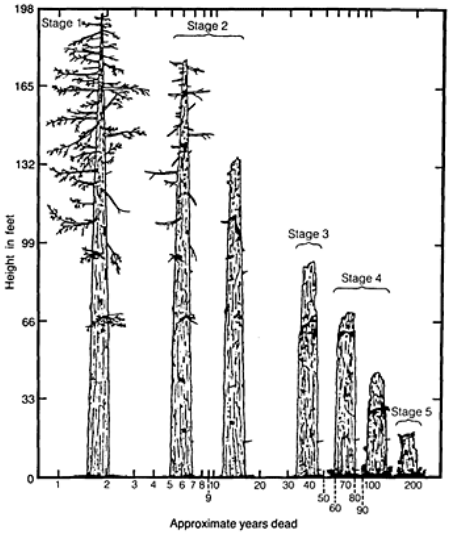


Figure 5.—Five stages of deterioration of Douglas-fir snags (adapted from Cline et al. 1980).

Detailed vegetation measurements:

**Dominant ≥20%, Subdominant 10-20%

Trees

Dominant species _____

Subdominant species _____

Avg. dbh (in.) __ Canopy closure (%) ___ No. subcanopy layers ____

Percent native cover _____ Percent bare ground or duff _____

Stumps present? Yes No

Snags present? Yes No Snag stage (circle one) 1 2 3 4 5 Abundance ____/ac

Forest phase per Brown: GF SHR OSP CSPS LGSAW OGDD

Shrubs

Dominant species _____

Subdominant species _____

Canopy closure (%) _____ No. subcanopy layers ____

Percent native cover _____ Percent bare ground _____

Percent crytobiotic crust (if applicable)_____

Herbs & Grasses

Dominant species _____

Subdominant species _____

Canopy closure (%) _____ No. subcanopy layers ____

Percent native cover:_____ Percent bare ground or duff ____

Percent crytobiotic crust (if applicable)_____

Other descriptions:

Disturbance type(s), check all that apply within the polygon, and for disturbances outside but in view of the polygon, insert the estimated distance in meters between the polygon edge and the disturbance:

__Grazing	__Thinning	__Wind Farm
__Invasive plants	__Quarry	__Fire
__Clearcut Logging	__Residence or Farm	__Other Building
__Railroad	__Communications Tower	__Campground
__Dirt Road	__Gravel Road	__Asphalt road
__Row Crop	__Urban Area	__Erosion

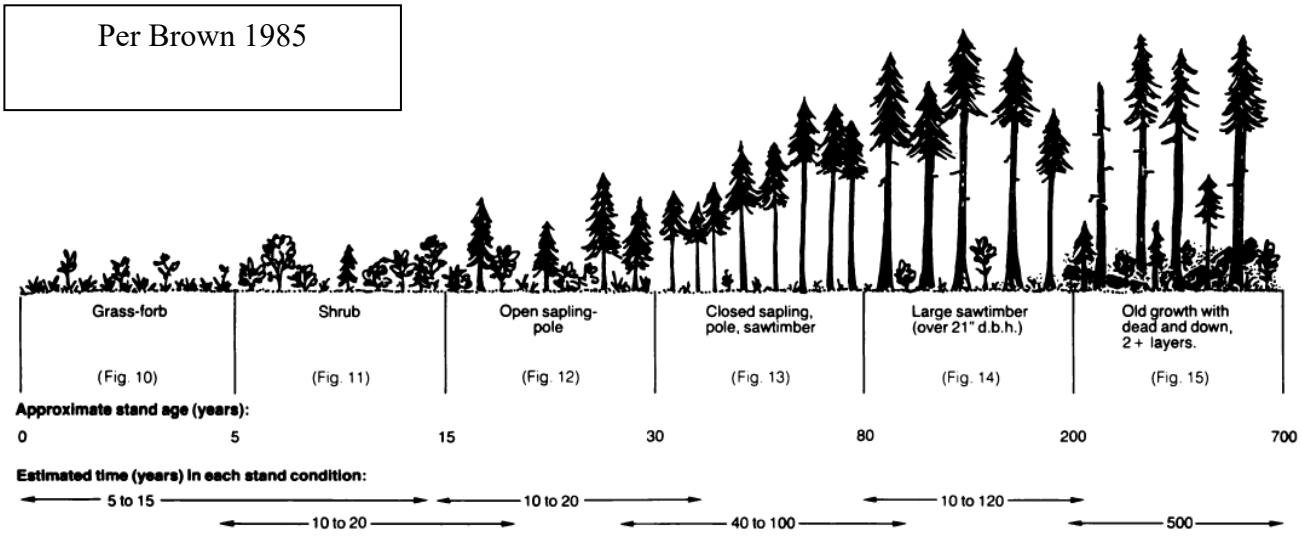
__Recreation, if so what kind? _____ Other (please specify) _____

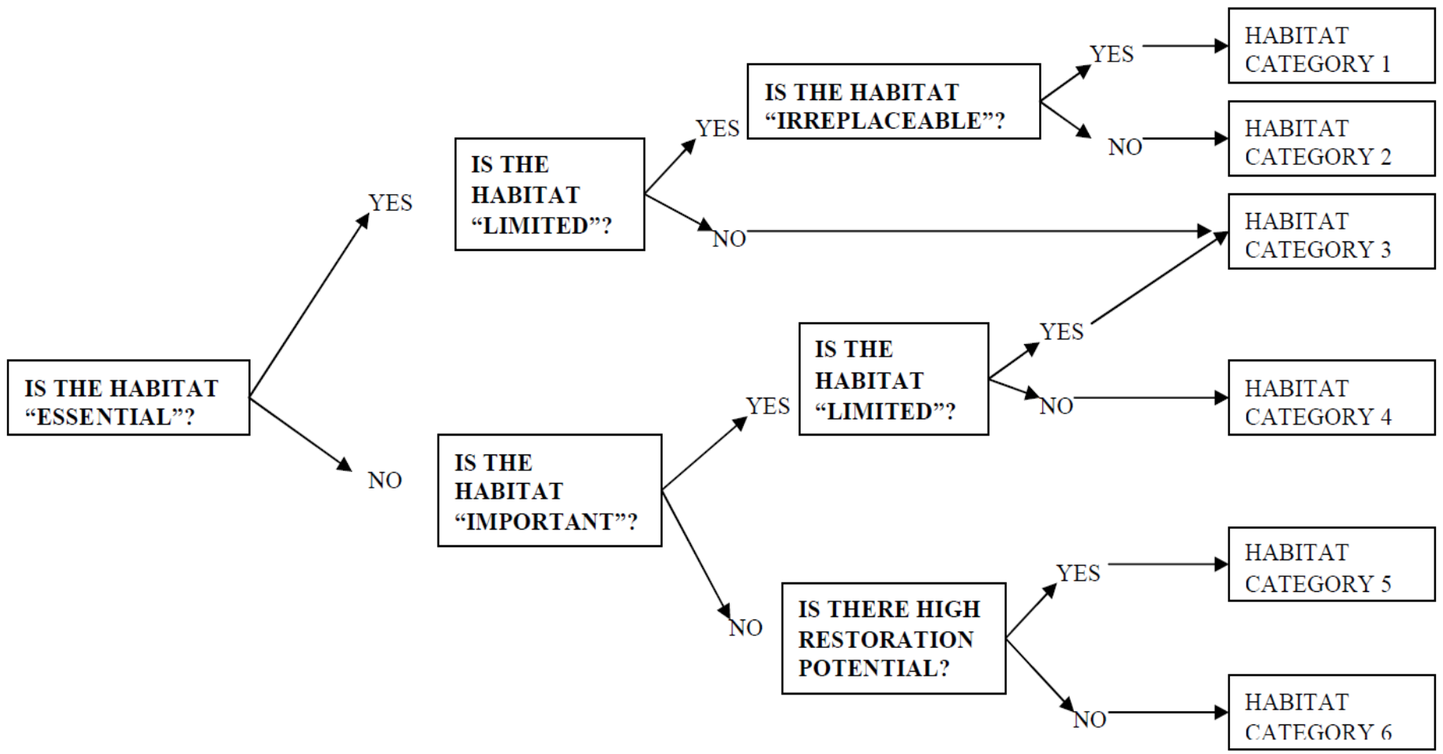
Any sensitive species seen or habitat specifically noted (if yes, please explain)? Yes No

Any special features (for example: caves, mine openings, cliffs, rimrock, rock outcrops, talus slopes, abandoned buildings, large snags, abandoned wood bridges, balds and bluffs, wetland habitats (if yes, please explain)? Yes No

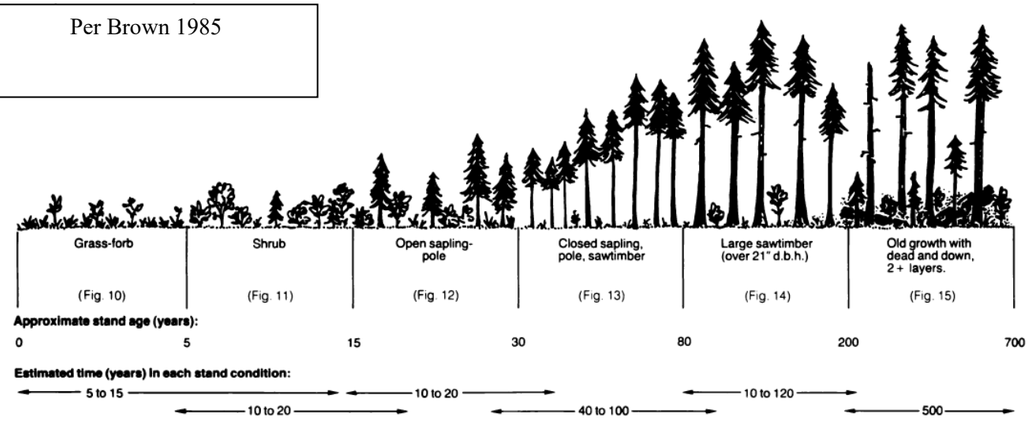
Any additional notes:

Per Brown 1985





Per Brown 1985



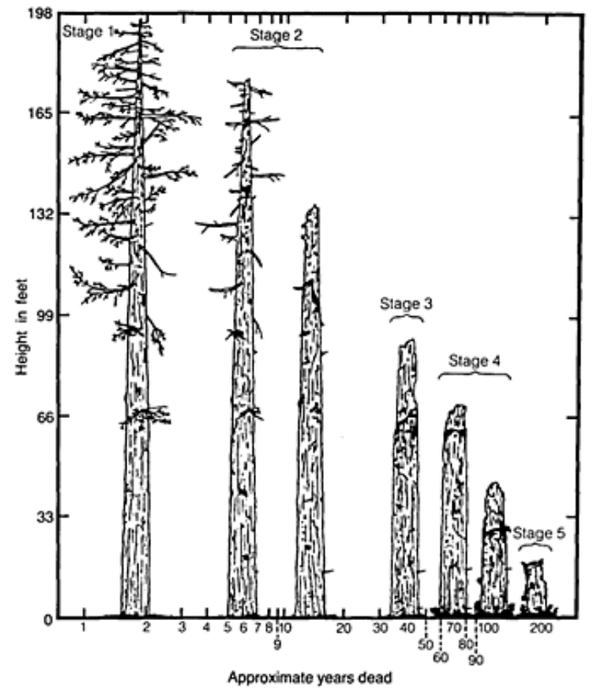


Figure 5.—Five stages of deterioration of Douglas-fir snags (adapted from Cline et al. 1980).

Attachment 2. Habitat Types and Subtypes with Potential to Occur

Habitat Type	Habitat Sub-type	Category 1	Category 2	Category 3	Category 4	Category 5	Category 6
Open Water – Lakes, Rivers, Streams	Intermittent or Ephemeral Streams mapped by USGS as intermittent		Fish-bearing natural stream channels that support native, migratory fish based on StreamNet data or input from ODFW fish biologists; and provides good spawning (gravel beds present, non-embedded) and/or rearing habitat, with native emergent, shrub, or forested riparian margins.	Fish-bearing natural stream channels that do not support native, migratory fish based on StreamNet data or input from ODFW fish biologists; and provide marginal spawning (gravel present in pockets/30% embedded) and/or rearing habitat; or non-fish-bearing natural stream channels which drain into fish-bearing streams based on StreamNet data.	Non-fish-bearing natural stream channels that do not directly drain into fish-bearing streams.	Non-fish-bearing ephemeral streams or excavated channels with high restoration potential; not important habitat.	
Wetlands	Emergent Wetlands Emergent wetlands with herbaceous vegetation	Any bog or fen.	High quality habitat, dominated by native species	Mixture of native and non-native plant species and low to moderate disturbance		Farmed or previously filled wetlands; highly disturbed, dominated by non-native plant species.	
Agriculture, Pasture, and Mixed Environs	Orchards, Vineyards, Wheat Fields, Other Row Crops						Active agricultural areas with low potential for restoration.
	Irrigated Pastures and Hay Meadows				Potential habitat for wildlife.		
Urban and Mixed Environs							All developed areas.

Attachment 3. Special Status Wildlife Species with Potential to Occur

Common Name	Scientific Name	Federal Status[1]	ODFW Status in Columbia Plateau/Columbia Basin[2]	Occurs in Umatilla County per ORBIC 2019
Birds				
burrowing owl (Western)	*Athene cunicularia hypugaea*	SOC	SC	Yes
common nighthawk	*Chordeiles minor*	–	S	Yes
ferruginous hawk	*Buteo regalis*	BCC, SOC	SC	Yes
golden eagle	*Aquila chrysaetos*	BCC, BGEPA	–	Yes
loggerhead shrike	*Lanius ludovicianus*	BCC	S	Yes
long–billed curlew	*Numenius americanus*	BCC	SC	Yes
Swainson's hawk	*buteo swainsoni*	–	S	Yes
Mammals				
pallid bat	*Antrozous pallidus*	-	S	Yes
Townsend's big–eared bat	*Corynorhinus townsendii*	-	SC	Yes

Sources: ODFW 2021a, ODFW 2021b, ORBIC 2019, ORBIC 2023, USFWS 2021, USFWS 2023a, USFWS 2023b, Wildlife Explorer 2023

1. Federally Listed Species: C = Candidate, SOC = Species of Concern, BCC = Bird of Conservation Concern

2. Wildlife: Oregon Department of Fish and Wildlife: SC = Critical Sensitive Species, S = Sensitive Species

Attachment 4. Select Photographs Taken During 2023 Surveys

Photo 1. Common raven stick nest on utility pole. Looking W. Taken: 5/17/2023.

Photo 2. Category 6 Orchards, Vineyards, Wheat Fields, Other Row Crop habitat. Looking S. Taken: 6/15/2023.

Attachment 5. Complete List of Wildlife Species Observed

Complete List of Wildlife Species Observed

Common Name	Scientific Name
BIRDS	
European starling	*Sturnus vulgaris*
common raven	*Corvus corax*
mourning dove	*Zenaida macroura*

Attachment N

WETLAND DELINEATION REPORT

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

Oregon
Tina Kotek, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregon.gov/dsl

State Land Board

Tina Kotek
Governor

LaVonne Griffin-Valade
Secretary of State

Tobias Read
State Treasurer

June 11, 2024

OneEnergy Development, LLC
Attn: Tanner Gillespie
2003 Western Avenue, Suite 225
Seattle, WA 98121

Re: WD # 2023-0550 **Approved**
Wetland Delineation Report for Fourmile Solar Energy Project
Umatilla County; T02N R27E TLs 800 and 900 (Portion)

Dear Tanner Gillespie:

The Department of State Lands has reviewed the wetland delineation report prepared by Tetra Tech for the site referenced above. Please note that the study area includes only a portion of the Tax Lot 900 described above (see the attached maps). Based upon the information presented in the report and additional information submitted upon request, we concur that there are no jurisdictional wetlands or other waters of the state within the study area, as indicated on the attached Figure 5. Please replace all copies of the preliminary wetland map with this final Department-approved map.

This concurrence is for purposes of the state Removal-Fill Law only. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Wetland Ecologist for Umatilla County, Jessica Salgado, at (541) 408-6421.

Sincerely,

Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Jessica Taylor, Tetra Tech
Umatilla County Planning Department
Danielle Erb, US Army Corps of Engineers
Richard Fitzgerald, DSL
Joy Lovett, ODFW

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

Ways to submit report:

- **Under 50MB -** A single unlocked PDF can be emailed to: wetland.delineation@dsl.oregon.gov.
- **50MB or larger -** A single unlocked PDF can be uploaded to the Jurisdiction Box.com folder. Email wetland.delineation@dsl.oregon.gov of the new upload.
- Unbound paper report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

Ways to pay review fee:

- By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- By check payable to the Oregon Department of State Lands attached to the unbound paper report OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information

☒ Applicant ☐ Owner Name, Firm and Address:
OneEnergy Development, LLC
ATTN: Tanner Gillespie
2003 Western Avenue, Suite 225
Seattle, WA 98121

Business phone # (206) 922-7072
Mobile phone # (optional) (808) 224-5095
E-mail: tanner@oneenergyrenewables.com

☐ Authorized Legal Agent, Name and Address (if different):

Business phone #
Mobile phone # (optional)
E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: Tanner Gillespie **Signature:** Tanner Gillespie Digitally signed by Tanner Gillespie Date: 2023.11.27 13:52:43 -07'00'

Date: 11/27/2023 Special instructions regarding site access: Contact Tanner G. prior to visit

Project and Site Information

Project Name: Fourmile Solar Energy Project

Latitude: 45.683804 Longitude: -119.427676
decimal degree - centroid of site or start & end points of linear project

Proposed Use:
Photovoltaic Solar Facility

Tax Map # 02N27E
Tax Lot(s) 800, 900 (portion)

Tax Map #
Tax Lot(s)

Project Street Address (or other descriptive location):
West of Cochran Rd, Echo, OR 97826

Township 02N Range 27E Section 3 QQ
Use separate sheet for additional tax and location information

City: County: Umatilla

Waterway: River Mile:

Wetland Delineation Information

Wetland Consultant Name, Firm and Address:
Jessica Taylor, Tetra Tech
14 E Main Street, Suite 210
Walla Walla WA 99362

Phone # (509) 386-5036
Mobile phone # (if applicable)
E-mail: jessica.taylor@tetratech.com

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: Jessica Taylor Digitally signed by Jessica Taylor Date: 2023.11.29 11:34:33 -08'00' Date: 11/29/2023

Primary Contact for report review and site access is ☐ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present? ☐ Yes ☒ No Study Area size: 626 Total Wetland Acreage: 0.0000

Check Applicable Boxes Below

☐ R-F permit application submitted
☐ Mitigation bank site
☐ EFSC/ODOE Proj. Mgr:
☐ Wetland restoration/enhancement project (not mitigation)
☐ Previous delineation/application on parcel
If known, previous DSL # _____

☒ Fee payment submitted **$** 540
☐ Resubmittal of rejected report ($100)
☐ Request for Reissuance. See eligibility criteria. (no fee)
DSL # _____ Expiration date_____
☐ LWI shows wetlands or waters on parcel
Wetland ID code _____

For Office Use Only

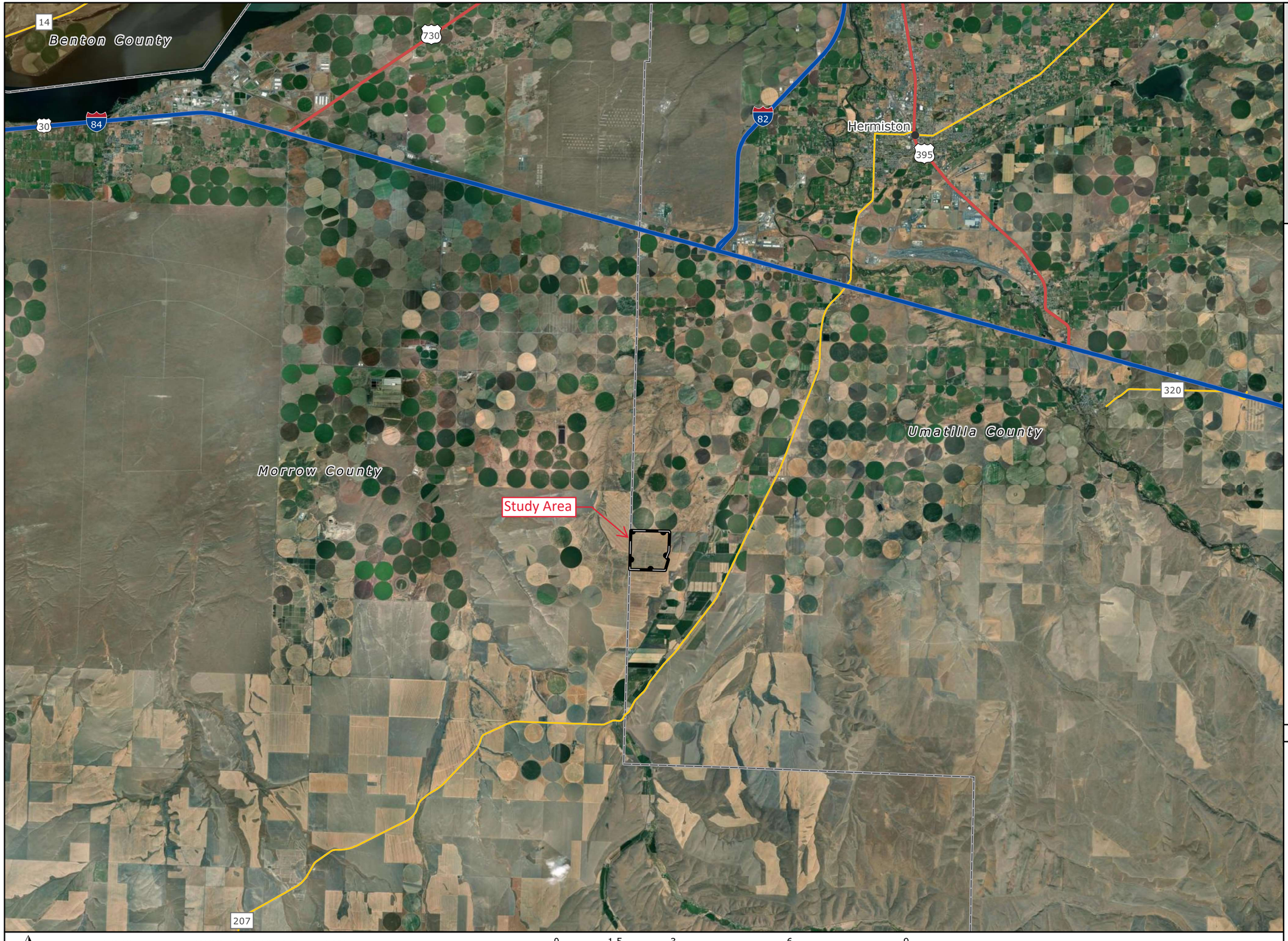
DSL Reviewer: JS Fee Paid Date: ____ / ____ / ____ DSL WD # 2023-0550

Date Delineation Received: 11/ 29/ 23 DSL App.# _____

Fourmile Solar

Figure 1
Project Location

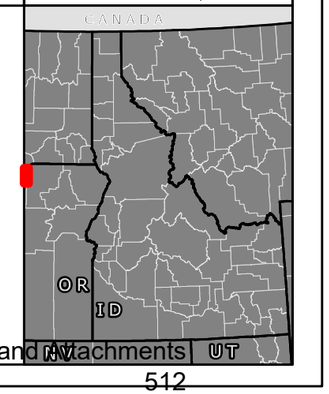
UMATILLA COUNTY, OR



- Study Area
- City/Town
- County Boundary
- Interstate Highway
- US Highway
- State Highway

TETRA TECH

OneEnergy

Data Sources	Reference Map
OneEnergy-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:150,000 WGS 1984 UTM Zone 11N

0 1.5 3 6 9 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

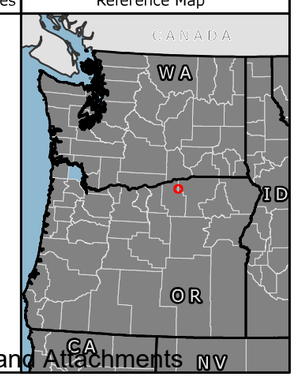
Figure 2
Tax Lot Map

UMATILLA COUNTY, OR

- Study Area
- Taxlot Boundary
- Section
- Township
- County Boundary
- Local Roads

TETRA TECH

OneEnergy

Data Sources	Reference Map
OneEnergy-Project Infrastructure; Tiger-Roads; ESRI-Aerial; Umatilla County Assessor-Taxlots	

1:10,000 WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

Figure 5
Wetland Delineation Results

UMATILLA COUNTY, OR

- Study Area
- County Boundary
- Taxlot Boundary
- Photo Point (# Photo Number)

DSL WD # 2023-0550
Approval Issued 6/11/2024
Approval Expires 6/11/2029

All delineated wetlands and waters are considered to extend outside of the study area unless otherwise noted

Wetland boundaries, sample plots, and photo points were collected using a sub-meter grade GPS device collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

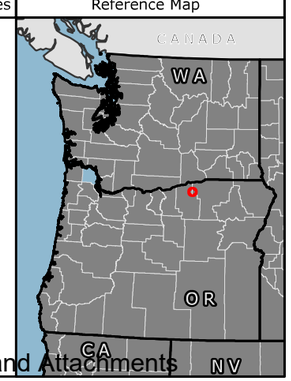
TETRA TECH

OneEnergy

Data Sources

CLIENT-Project Infrastructure; Tiger-Roads; ESRI-Aerial

Reference Map



1:15,000 WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

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Wetlands and Waters Report

Fourmile Solar Energy Project

Umatilla County

Prepared for

OneEnergy Development, LLC

Prepared by

Tetra Tech, Inc.

October 2023

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Appendix B. Wetlands and Waters Photolog

Acronyms and Abbreviations

FAC	Facultative
FACU	Facultative Upland
FACW	Facultative Wetland
GPS	global positioning system
LRR	Land Resource Region
NI	No Wetland Species Indicator
NWI	National Wetlands Inventory
OBL	Obligate
PEM	Palustrine Emergent
UPL	Upland
USDA	U.S. Department of Agriculture
WETS	Climate Analysis for Wetlands Tables

1.0 INTRODUCTION

This report presents the methods and results for the wetlands and other waters surveys Tetra Tech Inc. (Tetra Tech) conducted for the Fourmile Solar Energy Project (Project) on behalf of OneEnergy Development, LLC (OneEnergy). The Project is located on approximately 626 acres of land in Umatilla County, Oregon (Project Area). The Project Area is approximately 12 miles southeast of Boardman, Oregon, and approximately 12 miles southwest of Hermiston, Oregon (Appendix A, Figure 1).

Tetra Tech conducted wetlands and other waters surveys within the uncultivated portions of the Project Area on June 15, 2023. Additionally, confirmation of presence or absence of NHD lines were carried out within the Project area. The purpose of these surveys was to verify the existence of wetlands and water features within the Project Area in preparation for project permitting.

2.0 LANDSCAPE SETTING AND LAND USE

The Project Area is located within the Level III Columbia Plateau Ecoregion and the further subdivided Level IV Pleistocene Lake Basins region (Thorson et al. 2003). In addition, the Project Area is within U.S. Department of Agriculture (USDA) Land Resource Region (LRR) B, Northwestern Wheat and Range Region (NRCS 2006). The U.S. Army Corp of Engineers Wetland Delineation Manual Regional Supplement for LRR B is the *Arid West Region* (*Version 2.0;* Arid West Supplement) (USACE 2008).

The Columbia Plateau Ecoregion in Oregon extends from the eastern slopes of the Cascade Mountains to the Blue Mountains Ecoregion and is completely made up of lowlands with an arid climate. The Columbia River delineates the northern border of this ecoregion. Additionally, the Level IV Pleistocene Lake Basins region is the driest and warmest part of the Columbia Plateau, with mean annual precipitation varying from 7 to 10 inches. The low annual precipitation supports semi-arid grassland and sagebrush-steppe. Non-native grasses such as cheatgrass (*Bromus tectorum*) encroach upon massive amounts of area in this ecoregion (Franklin and Dyrness 1988).

1.1 Project Area Location and Land Ownership

The Project Area for wetlands and other potentially jurisdictional waters is a privately owned 626-acre site within Umatilla County. The Project Area goes across four parcels occupying portions of Section 3 in Township 2 North, Range 27 East of the Willamette Meridian. The parcels are located on lot numbers 2N27000000900U3, 2N27000000900U2, 2N27000000800U2, and 2N27000000800U3 (Appendix A, Figure 2).

1.2 Land Use

The entire Project Area is made up of dryland wheat fields. The closest town to the Project Area is Pine City, in Morrow County, which is approximately 7 miles to the south.

1.3 National Wetlands Inventory and Natural Resources Conservation Service Soils

Prior to the field work, Tetra Tech reviewed the National Wetlands Inventory (NWI) and Natural Resource Conservation Service (NRCS) hydric soils data, and historical aerial photographs on Google Earth (Google Earth Pro) to identify potential wetlands and waters as described below.

1.3.1 National Wetlands Inventory Data

Desktop review of NWI data (Appendix A, Figure 3) identified no wetland features within the Project Area.

1.3.2 NRCS Hydric Soils Data

Throughout the Project Area, slopes ranged from 0 to 25 percent. Six soil map units are shown in the Project Area (Table 1 and Appendix A, Figure 4). The dominant soil in the Project Area is 88B – Shano very fine sandy loam covering approximately 518.14 acres of the Project Area. This is followed by 79B – Ritzville very fine sandy loam which covers approximately 76.82 acres. No soils in the Project Area were considered hydric soils.

Table 1. Soils Mapped in the Project Area

Map Unit Code	Map Unit Name and Slope	Hydric Rating	Acres
88B	Shano very fine sandy loam, 2 to 7 percent slopes	No	518.14
80B	Ritzville silt loam, 2 to 7 percent slopes	No	11.02
79B	Ritzville very fine sandy loam, 2 to 7 percent slopes	No	76.82
88C	Shano very fine sandy loam, 7 to 12 percent slopes	No	11.30
15C	Burke silt loam, 7 to 12 percent slopes	No	3.88
88D	Shano very fine sandy loam, 12 to 25 percent slopes	No	5.30

3.0 SITE ALTERATIONS

Site alterations are activities that directly or indirectly impact wetlands and other water features, such that the function or area of the feature changes significantly. A significant alteration would be one that renders the feature non-functioning or that changes its boundaries.

The Project Area consists of cultivated land used for farming. Common tillage practices and other alterations related to agricultural activities may affect the size or hydroperiod of wetlands and other waters. In addition, permanent gravel farm roads and other drainage alterations from land development may affect the size and hydroperiod of water features as well.

4.0 PRECIPITATION DATA AND ANALYSIS

Precipitation data for the period preceding and during field work was collected from the National Oceanic and Atmospheric Administration's National Weather Service (NOAA 2023, Table 2). Data from the NRCS Climate Analysis for Wetlands Tables (WETS) station was used to compare historical

precipitation data with recent water records. Average historical monthly precipitation data was obtained from the WETS table for Hermiston Municipal Airport Station (Table 2) for the period of 1971 to 2023 (NOAA 2023).

During the 8 months preceding field work from October 2022 to June 15, 2023, 7.33 inches of precipitation were measured. There was no measurable precipitation during field work on June 15, 2023 (NOAA 2023). Annual precipitation was 97 percent of the normal range seen in previous years. Drier conditions from lower precipitation did not affect the delineation of other waters, as determinations of intermittent versus ephemeral streams were made using indicators described in the Streamflow Duration Assessment Method (Nadeau 2015). This method relies on multiple indicators independent of the presence or absence of observed surface hydrology.

Table 2. Precipitation Data – Current and Historical (Inches)

Precipitation	October 2022	November 2022	December 2022	January 2023	February 2023	March 2023	April 2023	May 2023	June 1-15 2023	Annual Total to Date (June 15, 2023)
Recorded Monthly Precipitation Totals[1] (inches) (Hermiston, WA)	1.20	1.42	1.38	0.69	0.43	0.63	1.23	0.35	0.03	7.36
WETS Accumulated Monthly Averages[2] (inches) (Hermiston, WA)	0.85	0.96	1.09	0.97	0.71	0.70	0.77	0.88	0.63	7.56
Recorded Precipitation Relative to Average Monthly Precipitation (Hermiston, WA)	102%	136%	150%	67%	31%	44%	95%	31%	2%	97%

1. National Weather Service, Hermiston, OR Climate Station
2. WETS Table for Hermiston Municipal Airport, Oregon, 1971 to 2023

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5.0 METHODS

1.4 Pre-field Work

In preparation for the field work, Tetra Tech reviewed NWI, NHD, hydric soils data, and aerial photographs to identify potential wetlands and other waters, as described in the preceding sections. Tetra Tech used the data to prepare digital field maps and uploaded these maps onto a Samsung Android data-collection tablet to assist field staff in identifying the locations of probable wetlands and non-wetland water features within or adjacent to the Project Area.

Wetlands and surface-water data were obtained from the Oregon Wetlands Database which includes wetland mapping data from the NWI, state and federal agencies, non-governmental organizations, academia and consultants, and the NHD (Oregon Spatial Data Library 2023, NWI 2023, NHD 2023). Soils data were also obtained from the Oregon Wetlands Database, which includes statewide polygon cover of hydric, partially hydric, and related wetland soils (Oregon Spatial Data Library 2023), as well as NRCS Web Soil Survey (NRCS 2023).

The following guidance documents and procedures were reviewed:

- Arid West Supplement (USACE 2008);
- Wetlands Delineation Manual, Technical Report Y-87-1 (the Manual) (USACE 1987);
- Streamflow Duration Assessment Method for the Pacific Northwest (Nadeau 2015);
- Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979); and
- Oregon Administrative Rules 141-090, Administrative Rules for Wetland Delineation Report Requirements and for Jurisdictional Determinations for the Purpose of Regulating Fill and Removal within Waters of the State.

1.5 Field Work

Field investigations for the delineation of wetlands and other waters included pedestrian surveys within the Project Area. Tetra Tech conducted the field delineations on June 15, 2023.

1.5.1 Mapping Methods

Photograph locations were recorded using Juniper Geode-series global positioning system (GPS) units configured to differentially correct positions in real-time using the Satellite Based Augmentation System, which typically results in positional error of less than 1 meter (Juniper Systems 2023).

1.5.2 Wetland Delineations

Wetland presence was determined using methods in the Manual and the Arid West Supplement. A field indicator of each of the three wetland parameters (i.e., hydrophytic vegetation, hydric soils, and wetland hydrology) must be present to make a positive wetland determination.

1.5.3 Non-wetland Waters Evaluations

Non-wetland waters were evaluated using the following criteria:

- Streams were delineated based on the presence of a defined channel with bed scour, sediment deposition, or other evidence of regular flow.
- In locations where the National Hydrography Dataset indicated a stream or orthoimagery showed a drainage feature but no bed or banks were found, photographs were taken to document onsite conditions (Appendix B, Photolog).

6.0 DESCRIPTION OF WETLANDS, OTHER NON-WETLAND WATERS, AND ROADSIDE DRAINAGE DITCHES

1.6 Wetlands

There are no wetlands within the Project Area (Figure 5).

1.7 Non-wetland Waters

There are no non-wetland waters within the Project Area (Figure 5).

7.0 SUMMARY

After the review of NWI, NHD, hydric soils data, aerial photographs, and the completion of pedestrian surveys, it was determined that there are no non-wetland waters or wetlands within the Project Area.

8.0 DISCLAIMER

This disclaimer is included according to OAR 141-090-0035(12)(j): "This report documents the investigation, best professional judgment, and conclusions of the investigator. It is correct and complete to the best of my knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055."

9.0 REFERENCES

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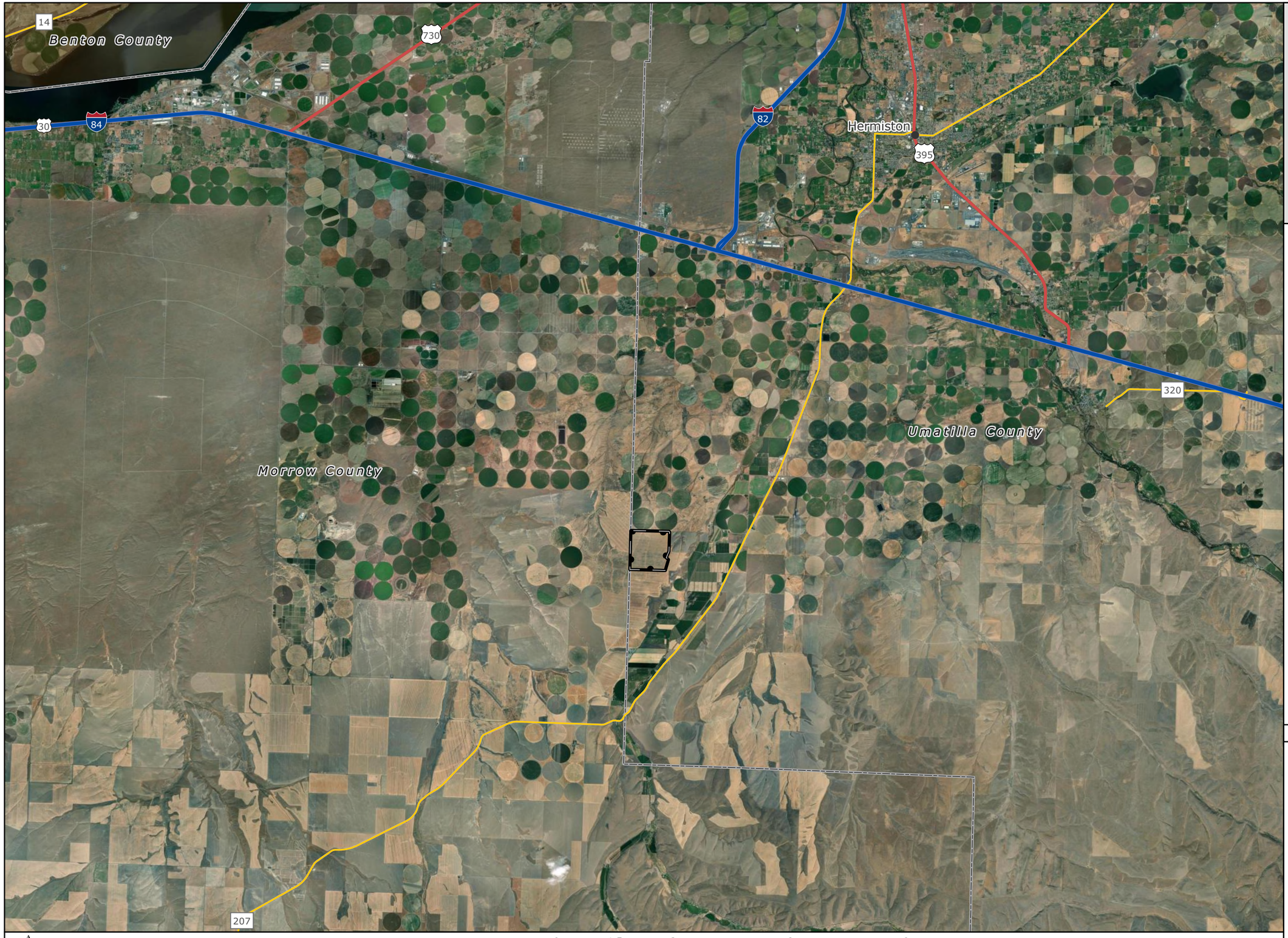
Appendix A. Figures

Fourmile Solar

Figure 1
Project Location

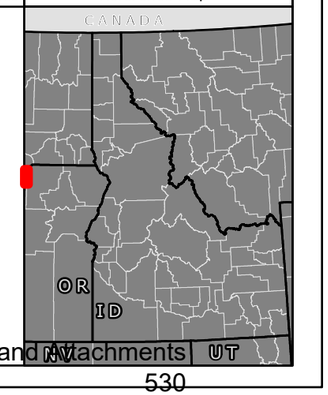
UMATILLA COUNTY, OR



- Study Area
- City/Town
- County Boundary
- Interstate Highway
- US Highway
- State Highway

TETRA TECH

OneEnergy

Data Sources	Reference Map
OneEnergy-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:150,000 WGS 1984 UTM Zone 11N

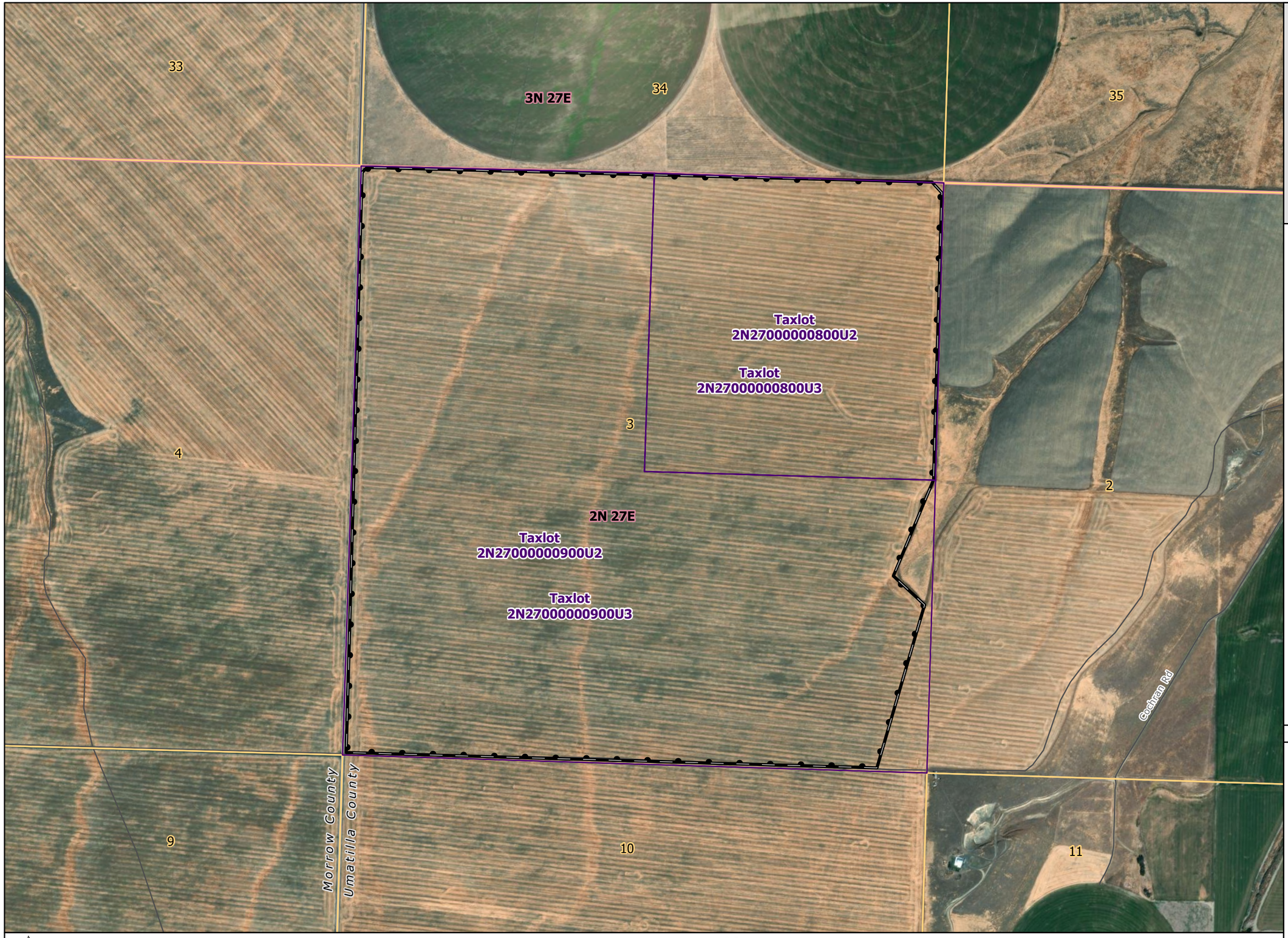
0 1.5 3 6 9 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

Figure 2
Tax Lot Map

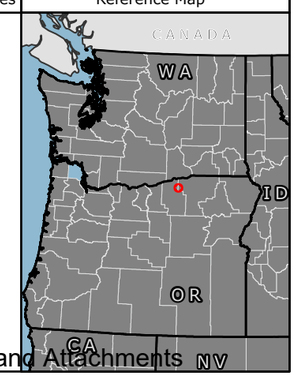
UMATILLA COUNTY, OR



- Study Area
- Taxlot Boundary
- Section
- Township
- County Boundary
- Local Roads

TETRA TECH

OneEnergy

Data Sources	Reference Map
OneEnergy-Project Infrastructure; Tiger-Roads; ESRI-Aerial; Umatilla County Assessor-Taxlots	

1:10,000 WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

Fourmile Solar

Figure 3
Wetlands and Waters

UMATILLA COUNTY, OR

Study Area
County Boundary
Wetlands and Waters
Riverine (NWI)
Intermittent (NHD)

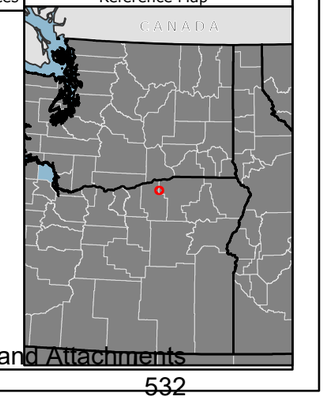
TETRA TECH

OneEnergy

Data Sources

OneEnergy-Project Infrastructure; Tiger-Roads; ESRI-Topo; USGS-NHD; USFWS-NWI

Reference Map



1:10,000

WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

1:15,000 WGS 1984 UTM Zone 11N 0 0.5 1 Miles NOT FOR CONSTRUCTION

Fourmile Solar

Figure 4
Soils Map

UMATILLA COUNTY, OR

Study Area

County Boundary

Hydric Rating

No

Mapunit Symbol, Mapunit Name

15C, Burke silt loam, 7-12 % slopes

79B, Ritzville very fine sandy loam, 2-7 % slopes

80B, Ritzville silt loam, 2-7 % slopes

88B, Shano very fine sandy loam, 2-7 % slopes

88C, Shano very fine sandy loam, 7-12 % slopes

88D, Shano very fine sandy loam, 12- 25 % slopes

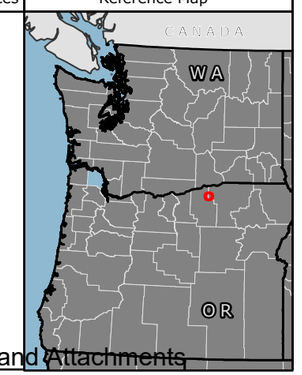
TETRA TECH

OneEnergy

Data Sources

OneEnergy-Project Infrastructure; Tiger-Roads; ESRI-Aerial; Soils-NRCS

Reference Map



Fourmile Solar

Figure 5
Wetland Delineation Results

UMATILLA COUNTY, OR

- Study Area
- County Boundary
- Taxlot Boundary
- Photo Point (# Photo Number)

All delineated wetlands and waters are considered to extend outside of the study area unless otherwise noted

Wetland boundaries, sample plots, and photo points were collected using a sub-meter grade GPS device collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

TETRA TECH

OneEnergy

Data Sources	Reference Map
CLIENT-Project Infrastructure; Tiger-Roads; ESRI-Aerial	

1:15,000 WGS 1984 UTM Zone 11N

0 0.5 1 Miles

NOT FOR CONSTRUCTION

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Appendix B. Wetlands and Other Waters Photolog

Photo 1. No bed or banks on NHD line. Looking S. 6/15/2023. Lat/Long: 45.68997415, -119.4277305.

Photo 2. No bed or banks on NHD line. Looking SW. 6/15/2023. Lat/Long: 45.68016305, -119.4154765.

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Attachment O

US FISH AND WILDLIFE: IPaC REPORT

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

TETRA TECH

Memo

To:	Bobby Wenger, OneEnergy Development, LLC
Cc:	Tanner Gillespie, OneEnergy Development, LLC
From:	Megan Arp, Tetra Tech
Date:	October 14, 2025
Subject:	Supplement to the 2023 Habitat, Wildlife, and Raptor Nest Survey Report for the Fourmile Solar Energy Project

1.0 Introduction

Tetra Tech completed habitat, wildlife, and raptor nest surveys for the Fourmile Solar Energy Project (Project) in Umatilla County, Oregon, in 2023 for OneEnergy Development, LLC (OneEnergy). This supplement provides clarifications to the Habitat, Wildlife, and Raptor Nest Survey Report dated October 2023 (Tetra Tech 2023). Specifically, this supplement addresses the Endangered Species Act (ESA) listing status changes that occurred since the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) report was run in 2023 (USFWS 2023, USFWS 2025), as well as providing an updated review of federal listed species and their potential to occur within the approximately 626-acre Project Area as defined in the Habitat, Wildlife, and Raptor Nest Survey Report (Tetra Tech 2023).

2.0 ESA Listing Status Changes

When the IPaC report was run in 2023, two federal listed species were identified with potential to occur within the vicinity of the Project: gray wolf (*Canis lupis*; endangered) and monarch butterfly (*Danaus plexippus*; candidate). Since then, gray wolf in eastern Oregon has been delisted by the USFWS, and monarch butterfly has moved forward in the listing process and is now proposed threatened. In addition, another species within range of the Project has been listed since the 2023 report: Suckley's cuckoo bumble bee (*Bombus suckleyi*; proposed endangered). There have been no changes to critical habitat within the vicinity of the Project since 2023. The 2025 IPaC report can be found in Attachment 1.

Tetra Tech, Inc.
1750 S Harbor Way, Suite 400, Portland, OR 97201
Tel 503.221.8636 Fax 503.227.1287 www.tetratech.com

Table 1. Summary of Species Status Changes Within the Vicinity of the Project

Common Name	*Scientific Name*	Federal Status by Year	
		2023	2025
Gray wolf	*Canis lupis*	Endangered in eastern Oregon	Delisted in eastern Oregon
Monarch butterfly	*Danaus plexippus*	Candidate	Proposed threatened
Suckley's cuckoo bumble bee	*Bombus suckleyi*	No listing	Proposed endangered

3.0 Special Status Species and Potential to Occur

Based on the results of the habitat surveys conducted in 2023, there is no potential for either monarch butterfly or Suckley's cuckoo bumble bee to occur within the Project Area. Suitable habitat for monarch butterfly requires areas with milkweed (*Asclepias* spp.), which this butterfly uses as a host plant for breeding. Suitable habitat for Suckley's cuckoo bumble bee requires the nests of other ground-nesting bumble bee species (*Bombus* spp.), because this bee is a social parasite and relies on other bumble bees to raise its young. The Project Area only consists of active dryland wheat fields, which does not provide stable, suitable habitat for either of these species.

4.0 Conclusion

This supplement addresses the changes in federal status of species within the vicinity of the Project and provides an updated review of federally listed species and their potential to occur within the Project Area. The level of disturbance that occurs within active agricultural lands precludes the establishment of milkweed and underground bee nests. In addition, there were no documented observations of milkweed or monarch butterfly, which was a candidate species at the time of the surveys. Based on the habitat requirements of these species and the results of previous surveys, no suitable habitat for monarch butterfly or Suckley's cuckoo bumble bee exists within the Project Area.

5.0 References

Tetra Tech. 2023. Habitat, Wildlife, and Raptor Nest Survey Report, Fourmile Solar Energy Project. Umatilla County, Oregon. Prepared for OneEnergy Development, LLC.

USFWS (U.S. Fish and Wildlife Service). 2023. "IPaC: Information for Planning and Consultation Resource List." Washington Fish and Wildlife Office, 510 Desmond Drive Se, Suite 102 Lacey, WA 98503-1263: U.S. Fish & Wildlife Service. https://ipac.ecosphere.fws.gov. Accessed May 2023.

USFWS. 2025. "IPaC: Information for Planning and Consultation Resource List." Washington Fish and Wildlife Office, 510 Desmond Drive Se, Suite 102 Lacey, WA 98503-1263: U.S. Fish & Wildlife Service. https://ipac.ecosphere.fws.gov. Accessed September 2025.

Attachment 1. 2025 IPaC Report

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oregon Fish And Wildlife Office
2600 Southeast 98th Avenue, Suite 100
Portland, OR 97266-1398
Phone: (503) 231-6179 Fax: (503) 231-6195

In Reply Refer To:
Project Code: 2025-0144202
Project Name: Fourmile Solar

09/03/2025 16:06:23 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This is not a consultation.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

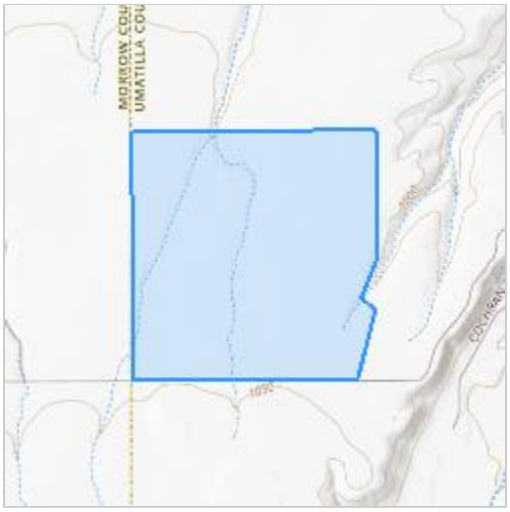
Oregon Fish And Wildlife Office
2600 Southeast 98th Avenue, Suite 100
Portland, OR 97266-1398
(503) 231-6179

PROJECT SUMMARY

Project Code: 2025-0144202
Project Name: Fourmile Solar
Project Type: Power Gen - Solar
Project Description: Fourmile Solar will include up to 450 acres of EFU land in Umatilla County, Oregon. Some light grading and clearing may take place but there will be little change to the quantity of impervious surface. It is expected that the project will generate up to 90 MW of power.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@45.6828651,-119.42421178142868,14z



Counties: Umatilla County, Oregon

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Suckley's Cuckoo Bumble Bee *Bombus suckleyi* Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10885	Proposed Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency:	Private Entity
Name:	Bobby Wenger
Address:	1023 Walnut Street
Address Line 2:	Suite 100
City:	Boulder
State:	CO
Zip:	80302
Email	bobby@oneenergyrenewables.com
Phone:	4254454858

Attachment O

SHPO Submission

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

Tanner Gillespie

From: King, Erin <Erin.King@tetratech.com>
Sent: Tuesday, July 23, 2024 3:42 PM
To: Tanner Gillespie; Fossum, Linnea
Subject: FW: 23-1030: Go Digital Fourmile Solar Project Report Submittal

Caution! This message was sent from outside your organization. Allow sender | Block sender

FYI – receipt confirmation.

Erin King, MA, RPA | Principal Archaeologist – Pacific Northwest | Tetra Tech
Direct **+1 (612) 643-2227** | Mobile **+1 (916) 502-6044** | erin.king@tetratech.com
Pronouns: she, her, hers

PLEASE NOTE: My working hours may be different than yours. Please do not feel obligated to respond outside of your normal work schedule. (Minneapolis Based | Time Zone: Central)

This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

From: CLEARANCE ORSHPO * OPRD <ORSHPO.Clearance@oprd.oregon.gov>
Sent: Tuesday, July 23, 2024 4:30 PM
To: King, Erin <Erin.King@tetratech.com>
Subject: RE: 23-1030: Go Digital Fourmile Solar Project Report Submittal

You don't often get email from orshpo.clearance@oprd.oregon.gov. Learn why this is important

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THIS E-MAIL CONFIRMS RECEIPT OF AN ELECTRONIC SUBMISSION FOR AN HISTORIC RESOURCE/106 REVIEW

THIS E-MAIL DOES NOT REPRESENT CONCLUSION OF THE REVIEW/106 CONSULTATION.....

We received a clearance submission on your above referenced project. Thank you.

The assigned SHPO Case Number is 23-1030 . Refer to this case number on all future correspondence or submitting any change to the scope of work for review using the provided SHPO case number. Please retain this email for your records.

If the SHPO chooses to not respond within 30 calendar days from receipt of this submittal your responsibilities under Section 106 of the National Historic Preservation Act of 1966 as amended, Oregon Revised Statute 358.653, local permitting process, and/or other similar request are complete and the project may proceed as described in the submitted scope of work. The 30-day SHPO response period for this project ends after 08/21/2024.

Federal and state laws protecting cultural resources, local permitting requirements; and necessary consultation with Native American Indian Tribes for federal, state and local government projects still apply.

See https://www.oregon.gov/oprd/OH/Pages/lawsrules.aspx .

Do not respond to this email.

From: King, Erin <Erin.King@tetratech.com>
Sent: Tuesday, July 23, 2024 2:12 PM
To: CLEARANCE ORSHPO * OPRD <ORSHPO.Clearance@oregon.gov>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>; Fossum, Linnea <Linnea.Fossum@tetratech.com>
Subject: 23-1030: Go Digital Fourmile Solar Project Report Submittal

Attached is a Go Digital submittal package for the Fourmile Solar Project (SHPO Case #23-1030).

Erin King, MA, RPA | Principal Archaeologist – Pacific Northwest
Direct **+1 (612) 643-2227** | Mobile **+1 (916) 502-6044** | erin.king@tetratech.com
Pronouns: she, her, hers

PLEASE NOTE: My working hours may be different than yours. Please do not feel obligated to respond outside of your normal work schedule. (Minneapolis Based | Time Zone: Central)

Tetra Tech | *Leading with Science®* | Science
2001 Killebrew Drive, Suite 141 | Bloomington, Minnesota 55425 | tetratech.com | GSA Contract: 47QRAA18D00H0

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TETRA TECH

Attachment R

ALTERNATIVES ANALYSIS

Fourmile Solar
October 2025

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

Goal 3 Alternatives Analysis

Fourmile Solar Project
Umatilla County, Oregon

Submitted to

Umatilla County Planning Department

Applicant

Fourmile Solar OR, LLC,

a wholly-owned subsidiary of OneEnergy Development, LLC

2003 Western Avenue, Ste. 223

Seattle, WA 98121

Prepared by

Tetra Tech Inc.

TETRA TECH

1750 SW Harbor Way, Suite 400

Portland, OR 97201

October 2025

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1.0 Executive Summary

Fourmile Solar OR, LLC (Applicant), a wholly-owned subsidiary of OneEnergy Development, LLC (OneEnergy), proposes to develop Fourmile Solar, a solar PV project sized up to 90 MWac with an optional battery energy storage system located in Umatilla County, Oregon (Project).

The Project would be located on private land between the Naval Weapons Systems Training Facility Boardman (or commonly, the Boardman Bombing Range) and Highway 207, approximately 7.5 miles south of the intersection of I-82 and I-84 and approximately 11 miles southwest of Echo, OR (see Figures 1 and 2). The Project would interconnect to the Passage Solar Facility (Passage Solar), which is located in Morrow County, directly west of the Project.

The Project would be sited on property zoned exclusive farm use (EFU) under the Umatilla County Development Code (UCDC). The Project requires a Conditional Use Permit (CUP) under UCDC152.060 and a Goal 3 exception under OAR 660-033-0130(38) because the Project will occupy more than 12 acres of High-Value Farmland (HVF)and more than 20 acres of arable land. The Applicant is concurrently filing the CUP permit application and the Goal 3 exception request. The landowner supports the Project and has given the Applicant authorization to apply for all necessary permits on its behalf.

The Project Parcels are privately-owned by Timothy and Shannon Rust Living Trust, the Shannon Rust Share of the Frank and LaVonne Mader Living Trust, and the Clarkston Development Company. Coordinates for the center of the Project are 45°41'41.8" north latitude and 119° 26'30.1" west longitude. The Project will lease approximately 626 acres of the approximately 1,622-acre Project Tract. The Project Area, which will not exceed 450 acres, will be located within the 626-acre micrositing boundary (Project Area Extent). See Figure 1.

The Project will interconnect to Passage Solar by constructing a buried medium voltage cable approximately 200 feet in length, connecting to Passage Solar's collector substation. Once connected to the Passage Solar collector substation power generated from the Project will utilize the Passage Solar electrical infrastructure via a shared facilities agreement and connect to the electrical grid at the Umatilla Electric Cooperative's Oregon Trail Substation.

Applicant seeks an exception to Statewide Planning Goal 3 (Agriculture), per Oregon Revised Statutes (ORS) 197.732 and Oregon Administrative Rule (OAR) Chapter 660, Division 4. Under ORS 197.732(1)(b), "exception" means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan. Furthermore, OAR 660-004-0000(2) specifies that the documentation of an exception must be set forth in a local government's comprehensive plan and such documentation must support a conclusion that the standards for an exception have been met. OAR 660-004-0020 Goal 2, Part II(c), Exception Requirements specifies the process and standards for an exception. Compliance with OAR 660-004-0020 is discussed in the Project's Comprehensive Plan Amendment Application (under separate cover). Under OAR 660-004-0020(2)(b), the applicant must show that "areas that do not require a new exception cannot reasonably

accommodate the use" and subparts (A) and (B) under this provision require an alternative analysis to show why the particular site is justified.

This report describes the alternative analysis that was conducted in response to the requirements under OAR 660-004-0020(2)(b)(A) and (B). The alternatives analysis study area includes the entire area of Umatilla County. Applicant identified siting criteria that include the minimum requirements necessary to reasonably accommodate the proposed Project. The siting criteria were then applied to the entire area of Umatilla County in an investigation to find alternatives sites that do not require a new goal exception. The results of the analysis show that there are no sites within Umatilla County that meet the Project's defined siting criteria and would not require a new goal exception. Thus, there are no sites within the alternatives analysis study area that can reasonably accommodate the Project without a goal exception.

2.0 Analysis Approach and Siting Criteria

Before Umatilla County can grant the requested goal exception, the Applicant must demonstrate that "areas that do not require a new exception cannot reasonably accommodate the use" (OAR 660-004-0020(2)(b)). Furthermore, the following subsections of OAR 660-004-0020(2)(b) must be met:

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:

i. Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

ii. Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?

iii. Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

iv. Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) The "alternative areas" standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.

Based on OAR 660-004-0020(2)(b)(B), "economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas." Additionally, OAR 660-004-0020(2)(b)(C) allows that the alternative area analysis "may be met by a broad review of similar types of areas rather than a review of specific alternative sites," and that "detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described…. by another party during the local exceptions proceeding."

The alternative analysis study area includes the entire area of Umatilla County to allow for a broad review of similar types of areas that could accommodate the proposed use, but not require a new exception. In consideration of both physical and economic factors, the alternatives analysis employs the following assumptions regarding the minimum siting criteria that must be met for a reasonable alternative:

1. Requires the proposed use be sited on vacant land (to accommodate the ground-mounted photovoltaic solar array design) and be located within a Umatilla County land use district that allows for solar facility development either outright or conditionally. This includes the following districts[1]: Exclusive Farm Use (EFU), Grazing/Farm (GF), Depot Industrial (DI), Rural Light Industrial (RLI), Limited Rural Light Industrial (LRLI), and Umatilla Depot Refuge (UDR).
2. Requires a minimum of 600 acres of contiguous vacant land (to accommodate up to a 90-MW solar project).
    a. Ground-mounted solar photovoltaic projects typically require 5 to 7 acres per MW.
    b. The Project lease area is composed of just over 626 acres of vacant land over two adjacent parcels all owned by Timothy and Shannon Rust Living Trust, the Shannon Rust Share of the Frank and LaVonne Mader Living Trust, and the Clarkston Development Company. Alternative sites can include more than one parcel as long as they are adjacent and owned by a single landowner (similar to the Project lease area).

[1] The Umatilla County Comprehensive Plan identifies a "Grazing/Forest"

3. Requires an alternative site to be sited within 1 mile of a reliable existing transmission line or existing substation with available capacity.

    a. The Project proposes to interconnect to the northwest grid at a proposed transmission line that serves the adjacent Passage Solar Facility. The Project will interconnect to Passage Solar by constructing a buried medium voltage cable approximately 200 feet in length, connecting to Passage Solar's collector substation. Once connected to the Passage Solar collector substation power generated from the Project will utilize the Passage Solar electrical infrastructure via a shared facilities agreement and connect to the Umatilla Electric Cooperative's Oregon Trail Substation.

    b. For the Project to be financially viable, alternative sites must provide similar interconnection opportunity, such as available capacity and distance to existing electrical infrastructure. Distance from existing electrical infrastructure increases costs due to length of gen-tie lines. If existing electrical infrastructure does not have available capacity, then costs to interconnect increase due to costs to upgrade the existing system.

    c. The Project can only directly connect (via a wiretap) into a transmission line with a minimum of 115-kilovolts (kV) capacity due to the Project's voltage requirements. Transmission lines with higher capacity than 115k -kV (i.e. 230 kV) were also excluded from the siting criteria due to the infrastructure investment necessary to directly connect (via a wiretap) to transmission lines with voltage higher than 115-kV.

    d. Additionally, the Project can only connect into a substation that can currently accommodate a 115-kV transmission line due to the infrastructure investment necessary to connect to a substation that currently only accepts voltages lower than 115-kV.

    e. Therefore, all lands within 1 mile of all existing 115-kV lines and substations in Umatilla County were initially evaluated in this analysis.

    f. Available information regarding available capacity of existing transmission lines and substations was also evaluated as part of this analysis.

4. Requires alternative sites to be located adjacent to an existing road to allow for direct or near direct access to the Project site and avoid the construction of new access roads.

5. Requires alternative sites to have a grade of 10 percent or less to reduce grading/ground disturbance, and the costs and environmental impacts associated with larger amounts of grading/ground disturbance.

6. Requires alternative sites to have a minimum of 600 acres available outside of any sensitive environmental features, including Federal Emergency Management Agency (FEMA)-designated 100-year floodplains, U.S. Fish and Wildlife Service (USFWS)-designated critical

habitat, Oregon Department of Fish and Wildlife (ODFW)-designated big game winter ranges, and any National Hydrography Dataset (NHD) or National Wetland Inventory (NWI)-mapped wetlands or waters (USGS 2022, USFWS 2025, ODFW 2012, .

a. The Project is proposed on a site that avoids the FEMA floodplains, USFWS critical habitat, ODFW designated big-winter ranges, and NHD/NWI wetlands and waters. Thus, minimizing impacts to resources protected by the state and county.

b. An alternative site that may impact these resources would present regulatory and economic challenges (i.e. costs for mitigation) that are not required by the proposed site. Therefore, an alternative site that requires impacts to one or more of these environmental features does not reasonably accommodate the proposed use.

7. Requires alternative sites be located where there is a solar resource available without obstruction (e.g., not blocked for large periods of the day by adjacent buildings or trees); and

8. Requires alternative sites to be available to lease and/or be owned by a landowner willing to develop a photovoltaic solar facility on their parcel, and that the proposed use be compatible with surrounding neighbors and land uses.

9. Requires alternative sites to be permittable within 1 year or less to meet the Project's Commercial Operation Date.

Using the analysis tools in ArcMap (a geospatial processing program) and publicly available data sets, a series of analyses were performed to evaluate whether there are alternative areas in Umatilla County that can reasonably meet on balance, the siting factors identified and thus reasonably accommodate the Project without requiring a new exception from a Statewide Planning Goal 3.

The first step in the analysis was to identify and map existing 115-kV transmission lines or existing substations that can accommodate a 115-kV transmission line. Locations of existing transmission lines and substations in Umatilla County was obtained from U.S. Energy Information Administration and Homeland Infrastructure Foundation (EIA 2025 and HIFLD 2022) data.[2] Figure 2 shows the location of the transmission lines and substations in Umatilla County with compatible voltage for the Project.

A Gen-tie Line Buffer Area was developed in ArcMap that included all land in Umatilla County within a 1-mile buffer of the compatible transmission lines and substations. A Non-buildable Areas layer was created to exclude areas that have slopes over 10 percent or are constrained by sensitive environmental features (e.g., areas within winter game range, within the 100-year flood plain, within a wetland, etc.). Both layers are identified in Figure 3.

[2] Transmission line and substation spatial data is limited in its availability, comprehensiveness, and accuracy.

The following analysis investigates all parcels in Umatilla County located within or intersecting with the Gen-tie Line Buffer Area that have 600 acres or more land not constrained by the Non-Buildable Area layer. These parcels/alternative sites were then evaluated for locations that would meet the remaining siting criteria (vacant land, permissive zoning designation, etc.) and would not require a Goal 3 exception.

Figure 1. Regional Context Map

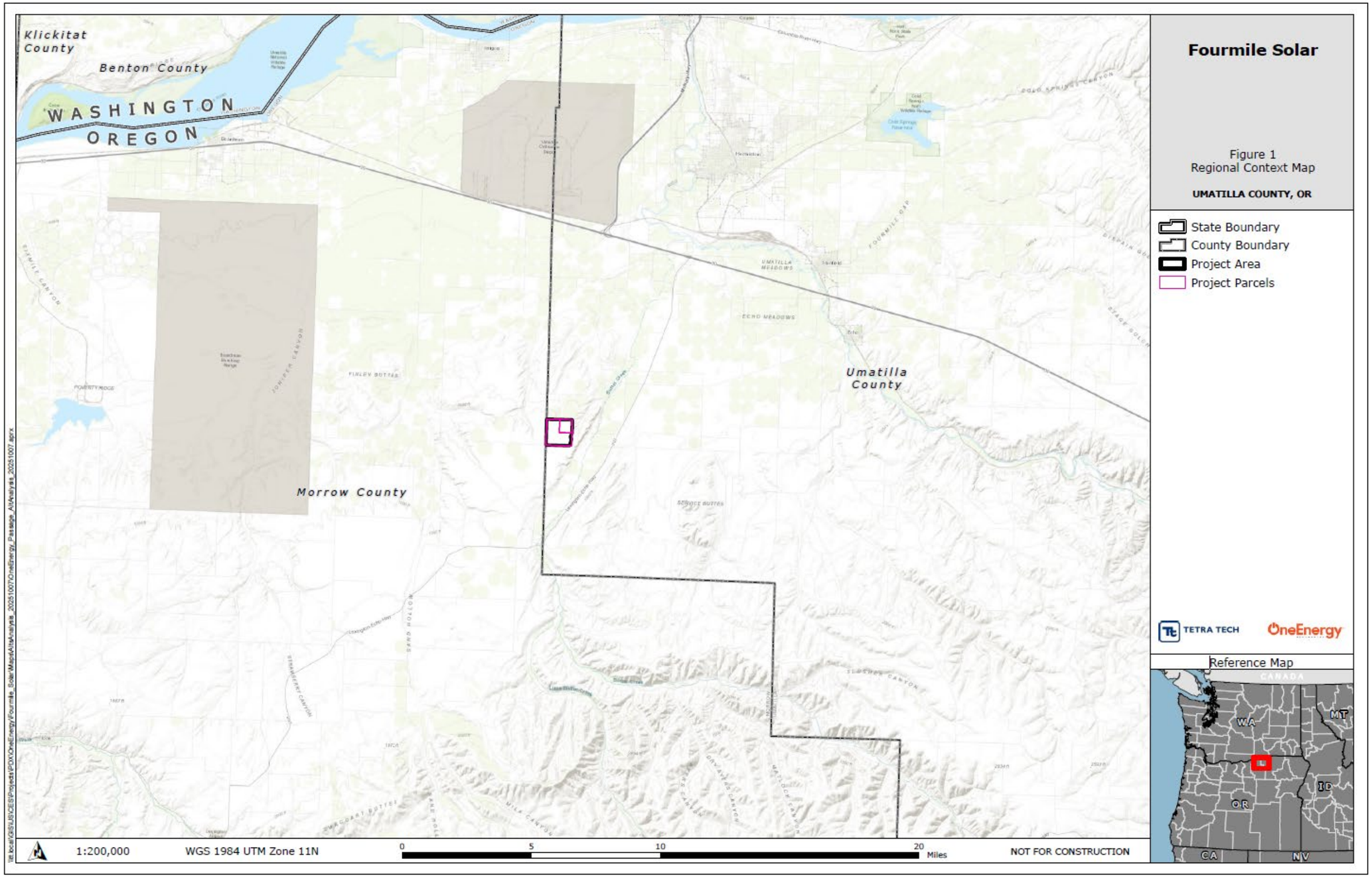


Figure 2. Initial Identification of Transmission Lines and Substations with Compatible Infrastructure for Interconnection

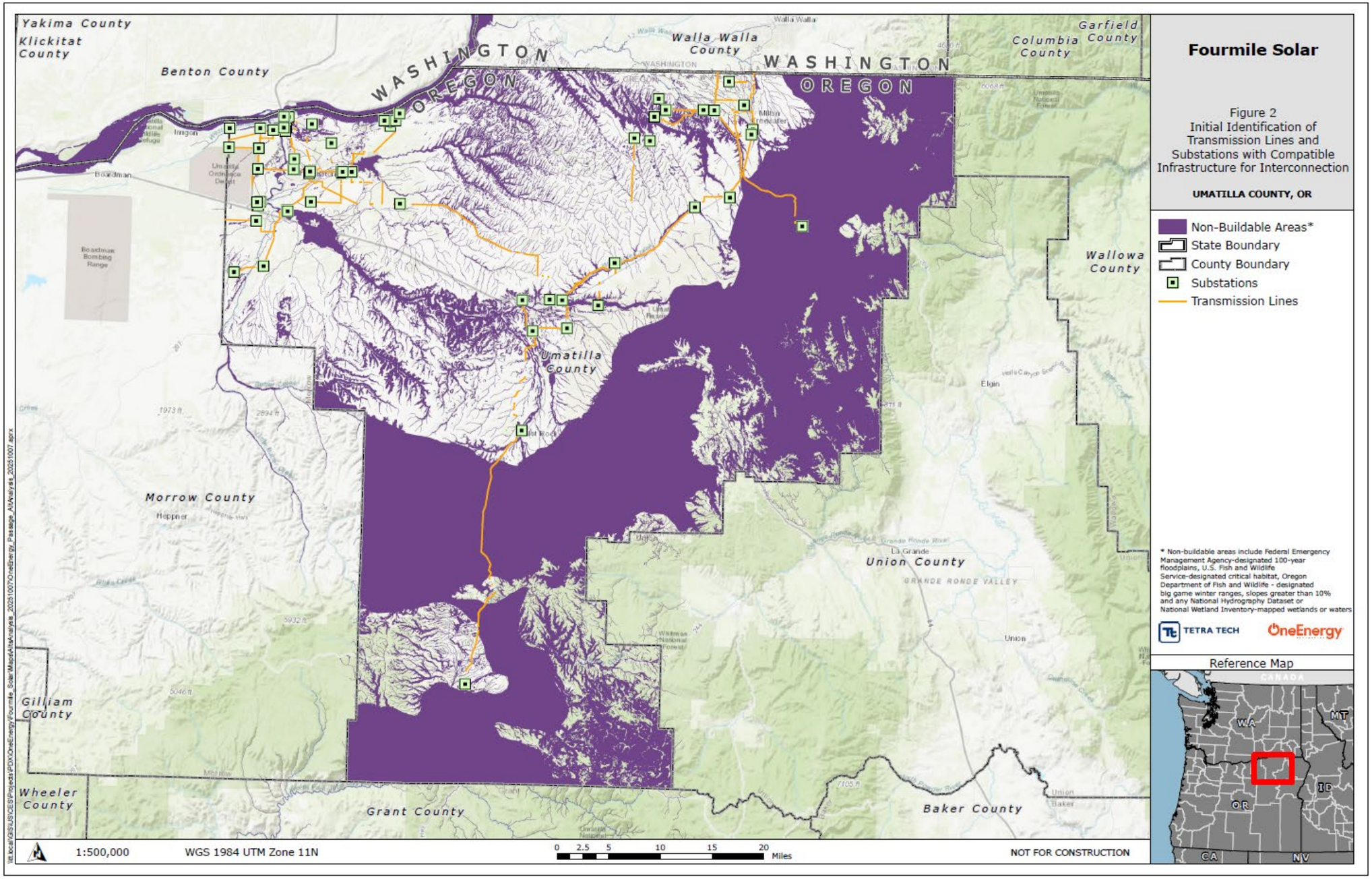
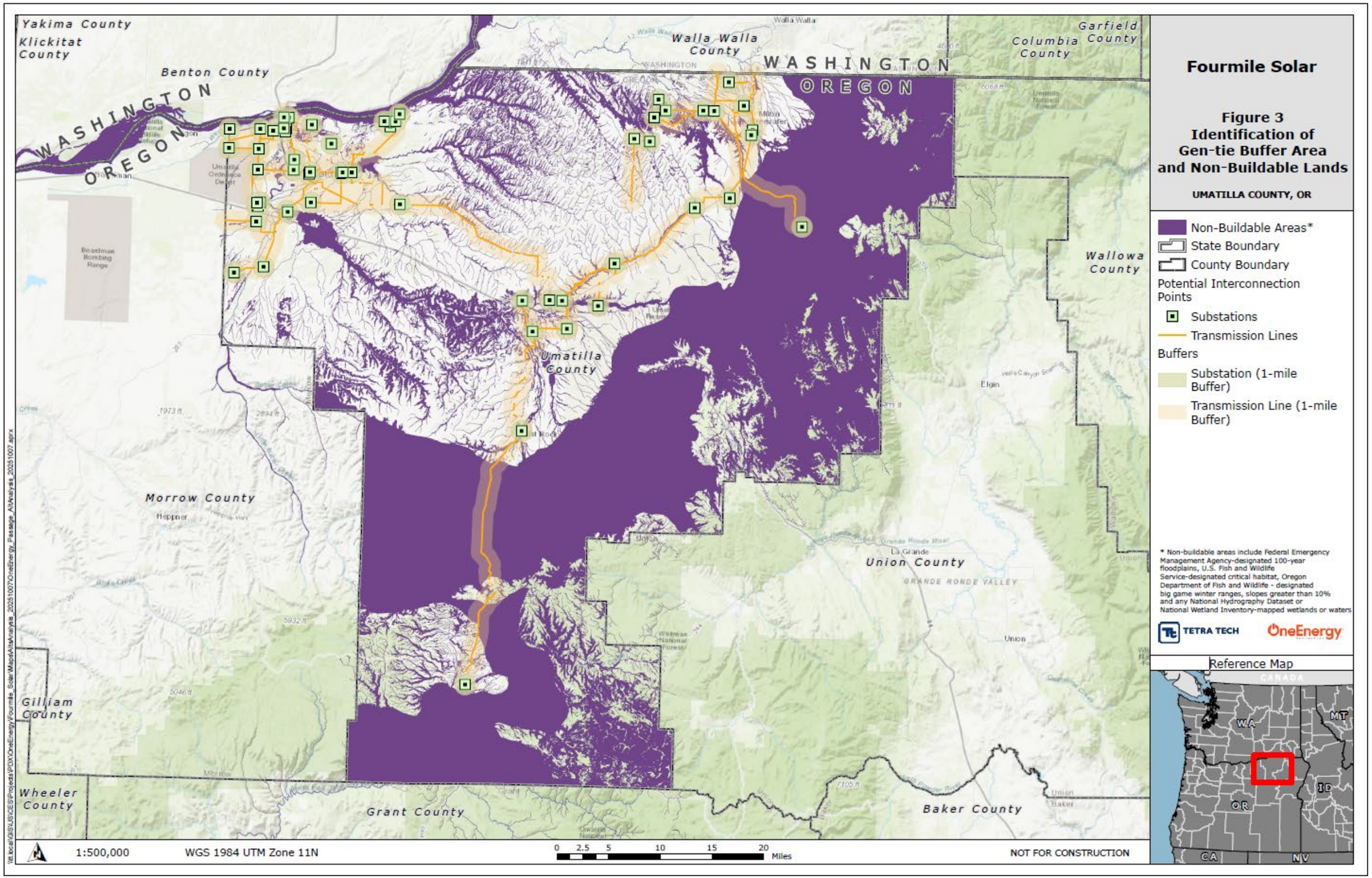


Figure 3. Identification of Gen-tie Buffer Area and Non-Buildable Lands



3.0 Analysis/Results

3.1 Non-Resource Lands

If the Project were located on non-resource land, it would avoid the need for a Goal 3 exception. OAR 660-004-0020(2)(b)(B)(i) and (iii) asks the applicant:

- "Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not?"
- "Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?"

"Resource Land" is defined under OAR 660-004-0005(2) as land subject to one or more of the statewide goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d). This includes Agricultural Lands (subpart a), Forest Lands (subpart b), Estuarine Resources (subpart e), Coastal Shorelands (subpart f), and Beaches and Dunes (subpart g). Per OAR 660-033-0020(1)(c), Agricultural Land does not include land within acknowledged urban growth boundaries (UGB). Therefore, non-resource land in Umatilla County would include land within a UGB or land not located on Agricultural Lands or Forest Lands.

3.1.1 Land Within an Urban Growth Boundary

Using ArcMap, a query was made to find all 600-acre or larger vacant areas located within a UGB and intersect with the Gen-tie Line Buffer Area (i.e., within 1-mile of an existing 115-kV transmission line or existing substation with available capacity). There are eleven UGBs in Umatilla County associated with the cities of Adams, Athena, Echo, Helix, Hermiston, Milton-Freewater, Pendleton, Pilot Rock, Stanfield, Umatilla and Weston, as shown on Figure 4. No areas were identified within a UGB in Umatilla County that met the minimum acreage requirement and contained vacant land. Therefore, the proposed use cannot reasonably be accommodated within an urban growth boundary in Umatilla County.

3.1.2 Land Not Located on Agricultural Lands or Forest Lands

"Agricultural Land" is defined under OAR 660-033-0020(1)(a) as including:

> (A) Lands classified by the U.S Natural Resource Conservation Service (NRCS) as predominately Class I-VI soils in Eastern Oregon;

(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a)[3], taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and

(C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.

"Forest Lands" are defined under OAR 660-006-0005(7) as "those lands acknowledged as forest lands, or, in the case of a plan amendment, forest lands shall include: (a) Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and (b) Other forested lands that maintain soil, air, water and fish and wildlife resources."

A query was made to find vacant areas (including multiple contiguous parcels owned by the same landowner) 600 acres or more in size located outside a UGB, not within Agricultural Lands or Forest Lands, and intersecting with the Gen-tie Line Buffer Area. To simplify this query, the analysis investigated lands based on their zoning designation, assuming that all lands located within the EFU or GF zones would qualify as Agricultural Lands or Forest Lands. However, per the Project's siting criteria, the alternative site must also be located within a zoning district that allows photovoltaic solar energy facilities as a use. This includes the DI [subareas 1 and 3], LRLI, RLI and UDR zones. See total acreages within Umatilla County of each of these zones in Table 1 below. Only the DI and UDR zones have the potential to meet the 600-acre minimum threshold.

Table 1. Acreage in Umatilla County of DI, LRLI, RLI and UDR Zones

Zone	Total Acreage
DI [subareas 1, 2 & 3]	1,396
LRLI	34
RLI	358
UDR	5,589

[3] "Farm use" under ORS 215.203(2)(a) means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (Lands not eligible for special assessment) (3) or 321.824 (Lands not eligible for special assessment) (3).

Figure 5 shows the non-resource lands with compatible zoning in Umatilla County (i.e. DI, RLI, LRLI and UDR zones) overlaid by the UGBs and the Gen-tie Line Buffer. Only one group of contiguous parcels was identified as having a minimum 600 acres outside the Non-Buildable layer, being within the DI and UDR zones, and intersecting with the Gen-tie Line Buffer. No other areas with a zoning of DI, LRLI, RLI or UDR contained a minimum of 600 acres of contiguous land.

The one alternative site was identified in the DI and UDR zones at the former Umatilla Army Chemical Depot as potentially meeting the minimum acreage, intersecting with the Gen-tie Line Buffer Area, and not being constrained by the Non-Buildable layer. This site is primarily owned by Columbia Development Authority (CDA), except for one parcel owned by the United State Department of Army, see Table 2 below.

Table 2. Alternative Site Parcels, Zoning and Ownership

Parcel Number	Umatilla County Zoning	Depot Plan District Zoning Districts	Ownership
5N27000000903	UDR	Wildlife Habitat	CDA
5N27000000902	UDR	Wildlife Habitat	CDA
5N27000000901	UDR	Wildlife Habitat	CDA
5N27000000900	UDR	Wildlife Habitat	CDA
4N27000000226	UDR	Wildlife Habitat	CDA
4N27000000225	UDR, DI [subarea 3]	Wildlife Habitat, Depot Industrial 3	CDA
4N27000000224	UDR, DI [subarea 1]	Wildlife Habitat, Depot Industrial 1	CDA
4N27000000223	UDR	Wildlife Habitat	CDA
4N27000000222	UDR, UDM	Wildlife Habitat, Military	CDA
4N27000000221	UDR, DI [subarea 1]	Wildlife Habitat, Depot Industrial 1	CDA
4N27000000220	DI [subarea 3]	Depot Industrial 3	CDA
4N27000000200	UDR, DI [subareas 1, 2 & 3]	Wildlife Habitat, Depot Industrial 1, 2 & 3	CDA
4N27250000100	DI [subarea 3]	Depot Industrial 3	United States Dept of Army

See Figure 5 for a map of these parcels and their associated Umatilla County zoning. See also Figure 6 for a map of the Depot Plan District Zoning Districts that correspond to the Umatilla County zones.

Although this site is zoned UDR and DI (which conditionally allows for solar development) it is constrained by the following:

- In the DI zone, the Project is prohibited in subarea 2.[4] Additionally, much of subarea 1[5] is already developed or is restricted from development (DAODCS 2020). Subarea 3 is encumbered with an airplane landing strip and an intergovernmental agreement[6] between Oregon Department of Transportation (ODOT), CDA and the State of Oregon, pursuant to House Bill 2017, indicates roadway construction within subarea 3 will be completed by December 31, 2027 (State of Oregon 2022). CDA meeting minutes from May 20, 2025, state that all economic development opportunities on CDA properties are on hold pending resolution to real estate ownership amongst CDA partners (CDA 2025a, pg. 2). This indicates an inability of the alternate site to be permittable within 1 year or less to meet the Project's Commercial Operation Date.
- The UDR zoned area is mostly occupied by historic roads and bunkers used as part of the Army Depot. Commercial solar power generation is listed as a conditional use in the UDR zone; however, in the Umatilla County Development Code and the Umatilla Chemical Depot Redevelopment Plan (UMADRA 2010), the purpose of the land within the UDR zone is described as being a wildlife refuge and habitat. Further, on the current CDA Map (CDA 2025b) the land is labeled "Wildlife Habitat". Avoiding the areas of this alternative site that are either constrained by existing infrastructure (i.e. not vacant) or are within the historic igloos area (i.e. portions of the UDR zone) would result in inefficient project layouts resulting in increased costs during construction and operation.
- The Applicant coordinated with CDA in 2023 to explore the possibility of developing solar within the former Umatilla Army Chemical Depot site (Both DI and UDR zones). CDA indicated that it was not interested in solar development within the Depot Industrial zoned areas of the Umatilla Army Depot site as the redevelopment plan intended for those area to be used for light and heavy industrial uses (Debbie Pedro, personal communication, Aug.. 22, 2023). Therefore, OneEnergy considers CDA as a non-willing landowner uninterested in negotiating a lease for solar development further disqualifying it as a feasible alternative site.

Based on the results of this analysis, the proposed use cannot reasonably be accommodated on non-resource lands in Umatilla County and meet the siting criteria.

[4] Pursuant to UCDC 152.238(A)(4).
[5] Subarea 1 was the site of the Umatilla Chemical Agent Disposal Facility (UMCDF, aka Demil Site). The UMCDF was the 276-acre multi-furnace incineration facility that disposed of chemical agent munitions stored at Umatilla Chemical Depot (UMCD) by the Chemical Material Agency (CMA) (DAODCS 2020).
[6] Miscellaneous Contracts & Agreements No. 73000-00003436, A162-G043020 (State of Oregon 2022).

Figure 4. Non-Resource Land

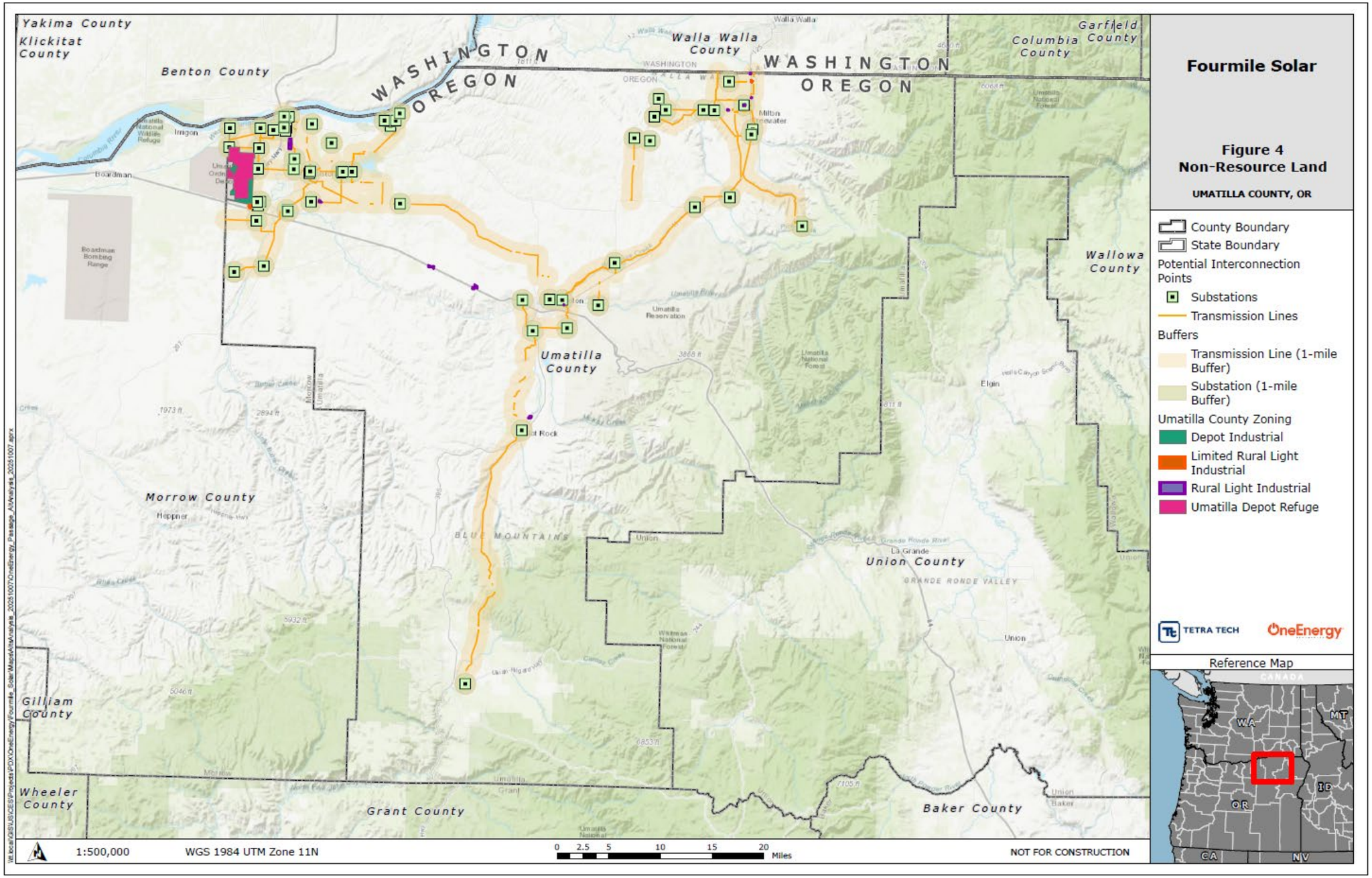


Figure 5. Possible Non-Resource Land Alternative Site in Umatilla Depot Area

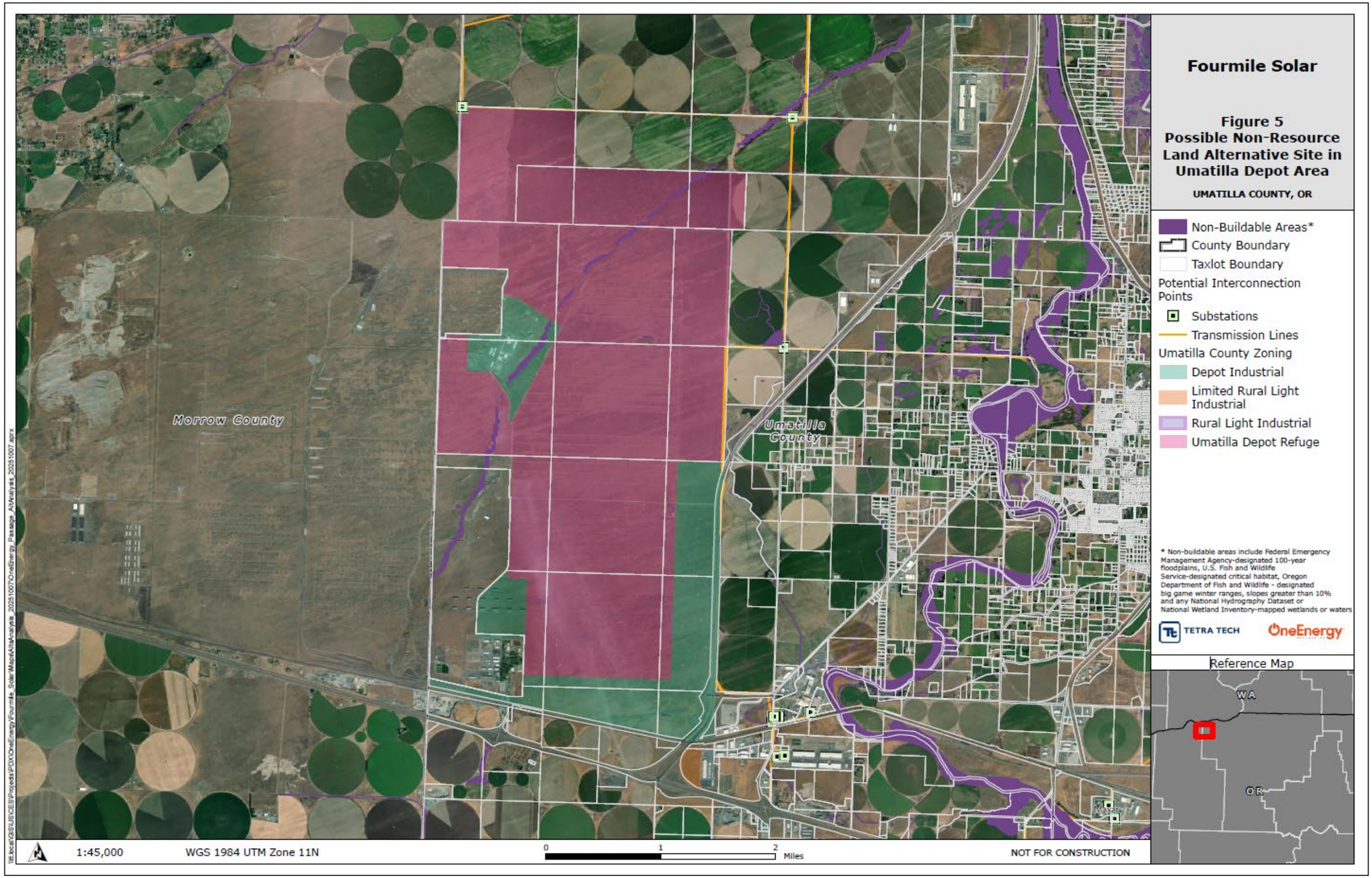
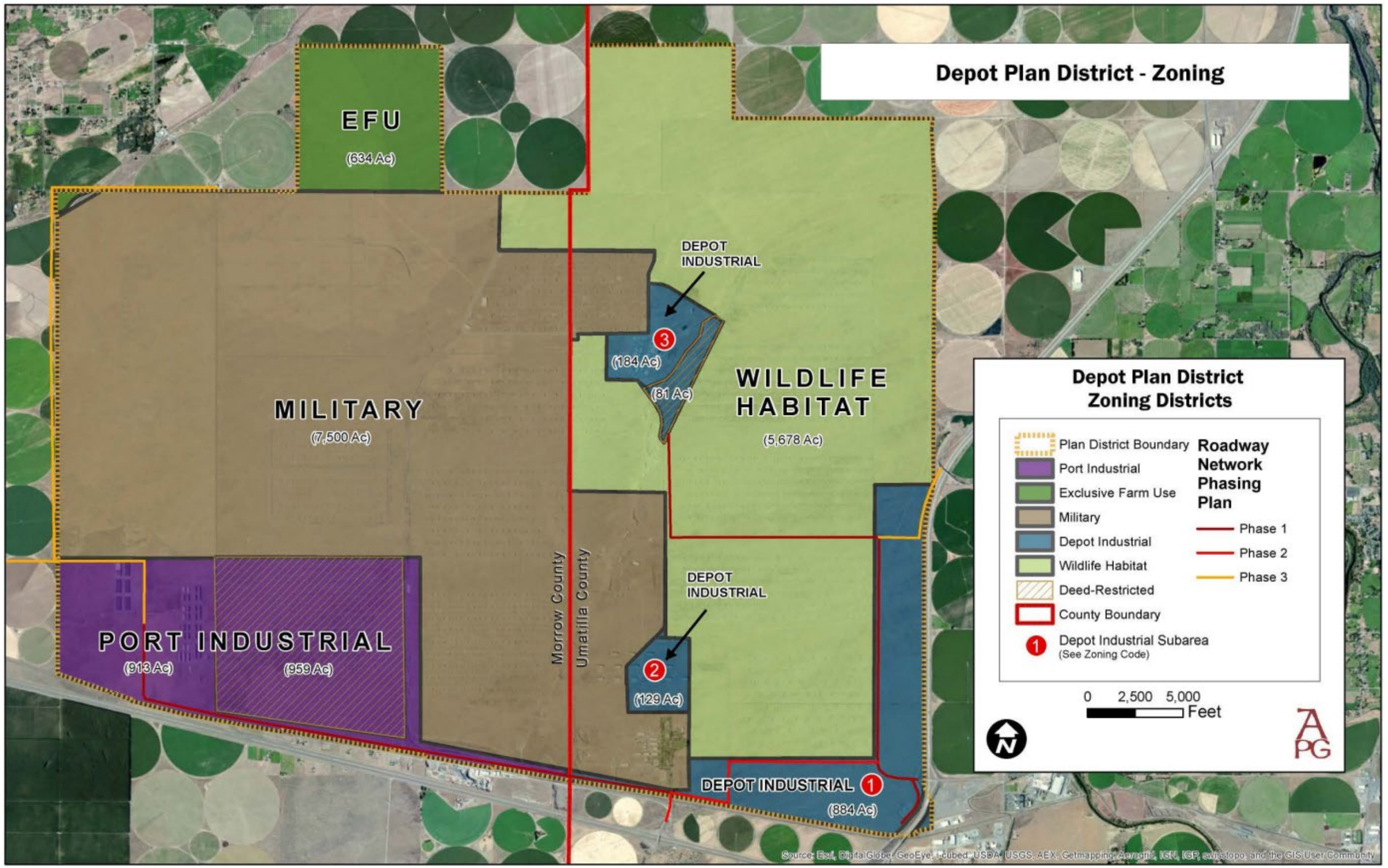


Figure 6. Depot Plan District - Zoning



Source: CDA 2025

3.2 Resource Lands Not Requiring a Goal 3 Exception

The next step of the analysis was to evaluate whether the Project could be sited within resource land without requiring an exception. Per OAR 660-033-0130(38), the following restrictions are placed on photovoltaic solar power generation facilities cited in agricultural lands:

> *(g) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless:*
>
> *….*
>
> *(i) For arable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 20 acres…*
>
> *….*
>
> *(j) For nonarable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 320 acres…..*

Per OAR 660-033-0130(38)(k), an exception to the acreage and soil thresholds cited in subsections (g), (i), and (j) above may be taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

As the Project would require over 600 acres, it would require an exception from Goal 3 even if it were sited primarily on non-arable lands. Therefore, all alternative sites located on agricultural/resource lands, regardless of the underlying high-value farmland designations or soil classifications (arable or non-arable), would require a Goal 3 exception.

4.0 Conclusion

The results of the analysis show that there are no sites within Umatilla County that meet the Project's defined siting criteria and would not require a new goal exception. Thus, there are no sites within the alternatives analysis study area that can reasonably accommodate the Project without a goal exception.

5.0 References

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EXHIBIT A: COLUMBIA DEVELOPMENT AUTHORITY CORRESPONDENCE

Outlook

Re: OneEnergy- Depot Questions

From CDA Assistant <columbiadaassistant@gmail.com>
Date Tue 8/22/2023 4:41 PM
To Tanner Gillespie <tanner@oneenergyrenewables.com>
Cc columbiadadirector@gmail.com <columbiadadirector@gmail.com>; gregorysmithandcompany@gmail.com <gregorysmithandcompany@gmail.com>; cdaemilyc@gmail.com <cdaemilyc@gmail.com>; Bill Eddie <bill@oneenergyrenewables.com>; Nathan Stottler <nathan@oneenergyrenewables.com>

Caution! This message was sent from outside your organization. Allow sender | Block sender

Hi Tanner,

The area's in blue which are the depot industrial areas are not suited for solar, industrial and heavy industrial is what is slated there. We will allow for solar in the wildlife habitat area if it is allowed by Umatilla County, but may require a zoning change and between the igloos.

Debbie Pedro
Director of Economic Development Coordination/Assistant to the Director
Columbia Development Authority
Two Marine Dr.
P.O. Box 200
Boardman, OR 97818
Office: 541-481-3693
Cell: 541-571-3155
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Before printing this email, please consider the impact on the environment and your responsibility to make Oregon a great place to live.

On Tue, Aug 22, 2023 at 11:23 AM Tanner Gillespie <tanner@oneenergyrenewables.com> wrote:

> CDA, thank you for the call yesterday with Bill and me.
>
> As mentioned on the call yesterday, OneEnergy is interested in the southeast area of the Depot. Greg mentioned yesterday that the Depot's industrial zoned areas allow for solar development. Looking at the current CDA website, the zoning map attached lists a large portion of the southeast corner (outlined in Yellow) as Wildlife Habitat and Depot Industrial. I have outlined a few questions below.
>
> - Does CDA anticipate developing a portion of the Wildlife Habitat area for solar? Or will this zoning be changed to Industrial?
> - Additionally, is the area labelled as Depot Industrial being reviewed as an option for Solar development?
>
> Debbie- Please let me know when you would like to schedule a follow up call as well.
>
> Thank you,
>
> **TANNER GILLESPIE**
>
> Manager, Project Development
>
> 808.224.5095
>
> tanner@oneenergyrenewables.com
>
> —

Exhibit 2

UMATILLA COUNTY

Robert Waldher <robert.waldher@umatillacounty.gov>

Fourmile Solar _ One Energy

2 messages

SOMERS Lindsay N * ODFW <Lindsay.N.SOMERS@odfw.oregon.gov> Thu, Jan 8, 2026 at 8:53 AM
To: "megan.davchevski@umatillacounty.gov" <megan.davchevski@umatillacounty.gov>
Cc: "robert.waldher@umatillacounty.gov" <robert.waldher@umatillacounty.gov>

Hi Megan and Bob,

I received the County notice of the public hearing regarding the Fourmile Solar project and I wanted to touch base with you all.

I have been in contact with the One Energy development team specifically Tanner Gillespie over the last few years as they have completed wildlife surveys for this project. The surveys did not locate any T&E or sensitive species within the project boundary. Additionally, because the project footprint is within actively cultivated ag, there are no concerns for impacts to Washington Ground Squirrels or their habitat.

Oregon Dept. of Fish and Wildlife considers this project to be within habitat that has low potential to become essential or important habitat and does not recommend mitigation for loss of wildlife habitat. ODFW does recommend a robust revegetation and weed management plan as well as consulting with county weed control professionals.

If you need any more information regarding ODFW policies for solar projects please reach out via email or phone: Office 541-388-6294, cell 541-314-1236.

Lindsay

Lindsay Somers
Habitat Biologist-John Day Watershed
Oregon Department of Fish and Wildlife
73471 Mytinger Ln
Pendleton, OR 97801
Office: 541-388-6294
Cell: 541-314-1236

ODFW_Solar_Guidance.pdf
597K

Robert Waldher <robert.waldher@umatillacounty.gov> Thu, Jan 8, 2026 at 9:13 AM
To: SOMERS Lindsay N * ODFW <Lindsay.N.SOMERS@odfw.oregon.gov>
Cc: "megan.davchevski@umatillacounty.gov" <megan.davchevski@umatillacounty.gov>

Good Morning Lindsay - Thank you for your response. Your comments will be added to the project record and presented to the Planning Commission at the upcoming hearing. Please let us know if you have any questions.

Kind Regards -

Bob
[Quoted text hidden]

--

Robert Waldher, RLA
Director
Umatilla County Community Development Department
Tel: 541-278-6251 | Fax: 541-278-5480
216 SE 4th Street | Pendleton, OR 97801
http://www.umatillacounty.gov/planning

UMATILLA COUNTY
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Oregon Department of Fish and Wildlife
Solar Siting Guidance
March 2024

SUPPORTING THOUGHTFULLY SITED, ADEQUATELY MITIGATED AND RESPONSIBLY OPERATED RENEWABLE ENERGY TO PROVIDE STRONG LEADERSHIP IN OREGON'S EFFORT TO RESPOND TO CLIMATE AND OCEAN CHANGE

EXECUTIVE SUMMARY

The goal of this document if provide a summary of current siting realities within the state of Oregon from the perspective of the Oregon Department of Fish and Wildlife (ODFW). ODFW is committed to being a partner in meeting the state's climate goals, and to meet these goals there will need to be additional energy resources developed within the state. Much of this energy will be derived from wind and solar installations. With the Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines and the Federal Wind Energy Guidelines ODFW staff have adequate direction and uniformity on how to approach applications for new wind energy projects. This document is meant to bridge the gap and provide a consistent baseline for ODFW to utilize in response to solar energy projects.

The six steps included in this document are meant to provide staff and interested parties with a general idea of likely input points in a permitting scenario. The first step is the Exploratory Planning step, and it is designed with early engagement and relationship development in mind. ODFW recognizes the challenges in developing a solar project, and we strive to make ourselves available as a resource in addition to the online planning tools provided in the document to highlight known resources to developers scoping potential project locations.

The Preliminary Project Planning step highlights environmental considerations once a developer has identified an area where a project may be sited. The materials in this step, which includes detailed information contained within appendix A, is put forth to help inform potential avoidance and minimization measures when designing site plans in a larger area chosen for siting a project.

Early Project Consultation is likely to coincide with pre-application conferences at the county level or concurrent with the Notice of Intent for larger projects. ODFW requests information on project location, description of project size and details, and an initial biological assessment. For many projects, this information may have already been relayed prior to this step depending on the developer and the pre-existing relationship they may have with local ODFW staff.

The fourth step in this guidance focuses on Addressing Wildlife in the PV Solar Application. This step is the most in-depth, as it will generally be the point at which ODFW staff have the greatest need for input. In addition to looking at projected impacts this step also looks at plans to address mitigation, revegetation, and noxious weeds.

The fifth step notes timing for mitigation once the plan is developed and finalized, providing guidance consistent with existing policy that mitigation should occur prior to or concurrent with initial construction activities.

Finally, items generally addressed post-construction such as monitoring and data analysis are the basis for step six.

The appendices provide opportunity for summary of current conditions and knowledge in a format that facilitates consistent updates and inclusion of new information.

This document is developed to be dynamic in nature, and ODFW is committed to updating the information provided within as new data and tools come available. We encourage partners and interested parties to forward any new science, online tools or other items that would be of benefit to these guidelines to the agency to be considered for inclusion.

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ACRONYMS

COA	Conservation Opportunity Area
CUP	Conditional Use Permit
DLCD	Department of Land Conservation and Development
EFSC	Energy Facility Siting Council
OAR	Oregon Administrative Rule
ODOE	Oregon Department of Energy
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
PV	Photovoltaic

INTRODUCTION

Oregon's diverse geology, climate, and ecological regions support a unique collection of species and habitats, which help define the state's culture and economy. Oregon's prosperity depends on use of land for agriculture, timber, industry, ranching, and outdoor recreation. These working landscapes, along with wilderness and other natural areas provide the rich mix of habitat that supports Oregon's fish and wildlife.

Abundant and accessible habitat is the foundation on which fish and wildlife populations persist. Challenges to the persistence of native fish and wildlife are increasingly complex and intersectional. Fish and wildlife are increasingly impacted by changing land and water use, climate, water quality and quantity and other anthropogenic issues as Oregon's human population and development needs grow.

The Oregon Department of Fish and Wildlife (ODFW) is charged with managing Oregon's fish and wildlife resources. It is the policy of the State of Oregon that wildlife "shall be managed to prevent serious depletion of any indigenous species" (ORS 496.012). The policy also describes seven coequal goals of wildlife management, including "to develop and manage the lands and waters of this state in a manner that will enhance the production and public enjoyment of wildlife." Protecting and enhancing habitat is a core action to preventing the serious depletion of Oregon's fish and wildlife species.

The Earth's climate and oceans are changing because of activities that emit greenhouse gases into the atmosphere. Oregon is already experiencing climatic changes that are consistent with changes observed and projected globally, such as increased average air and water temperatures, disrupted precipitation patterns, and increased ocean acidification and hypoxia. These changing conditions are undermining the ability of Oregon's lands and waters to support native fish and wildlife, and the cultural and economic benefits they provide. This represents a serious and immediate threat to ODFW's ability to achieve its mission and meet its statutory mandates to manage the public trust resources in its care. ODFW's Climate and Ocean Change Policy directs the agency to give highest priority to protecting habitat for native fish and wildlife that is currently high functioning and projected to remain or become high functioning despite the impacts of changing climate and ocean conditions.

ODFW recognizes it is vital to reduce global greenhouse gas emissions for Oregon to fulfill the state's wildlife policy. Reducing global greenhouse gas emissions should slow and prevent future systemic change that will be detrimental to fish and wildlife. While energy efficiency and energy conservation are an integral part of Oregon's clean energy future, development of new renewable energy resources in Oregon is also an essential part of the solution.

Renewable energy development, like any other land or water use, has impacts on fish and wildlife habitat. The effort to prevent future climate and ocean change should also seek to avoid impacts to essential and important habitats to the greatest extent possible. Therefore, *ODFW supports thoughtfully sited, adequately mitigated, and responsibly operated* renewable energy projects. These guidelines are intended to support such projects.

To facilitate responsible development of renewable energy resources while avoiding and minimizing impacts to fish, wildlife, and habitat, ODFW offers the following guidance specific to utility-scale photovoltaic (PV) solar projects. The focus on PV solar is in response to the rapid increase in projects in recent years (a five-fold increase between 2015-2019; Oregon 2020 Biennial Energy Report), the absence of other types of solar energy proposals in Oregon (i.e., concentrated solar power or solar trough), and the availability of other guidelines for wind energy (i.e., Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines; US Fish and Wildlife Service Land-Based Wind Energy Guidelines).

The purpose of these guidelines is to promote responsible development and siting of utility-scale PV solar consistent with Oregon's wildlife habitat protection policies. These guidelines are designed to assist ODFW staff when reviewing applications, but may also inform project proponents, permitting agencies, and other parties involved in utility-scale PV solar energy. The recommendations in these guidelines are based on the best available science to avoid and minimize impacts to fish and wildlife, while remaining practical, feasible, and hopefully streamlining the wildlife resource review process. Recommendations are offered for mitigating impacts consistent with the ODFW Fish and Wildlife Habitat Mitigation Policy (OAR 635-415-0000 through -0025) and can be applied to all lands within the state. These guidelines do not duplicate or supersede other legal or permitting requirements, and do not mandate or limit the alternatives an agency or permitting authority may choose to recommend or require. These guidelines are not intended to be exhaustive, or to apply in every situation. They are meant to serve as a reference for anyone involved in siting solar projects for considerations that may apply in certain circumstances, but not all projects.

This is a living document. The state's knowledge regarding the impacts of PV solar development to fish and wildlife – and effective solutions for addressing these impacts –continues to increase as science becomes available. We expect to modify these recommendations as new findings inform our understanding. We welcome new research and commit to maintaining these recommendations as a living document. We encourage input that may improve future revisions. Please direct comments and questions to Oregon Department of Fish and Wildlife's Energy Coordinator; Jeremy Thompson.

EARLY SITING CONSIDERATIONS

All potential impacts to wildlife and associated habitats are reviewed based on a mitigation hierarchy: *avoid* impacts first, *minimize* impacts as much as possible, and *mitigate* unavoidable impacts through compensatory offsets. The selection of project sites is the most critical choice in avoiding impacts to fish and wildlife from renewable energy development. Avoidance is best achieved in the exploratory stage of the siting process when project proponents are first evaluating opportunities at the landscape scale. In the exploratory stage of siting, wildlife and conservation priorities can be evaluated and balanced among other physical, cultural, legal, or social constraints to find areas that minimize conflict while still capitalizing on the renewable energy resource, transmission capability, and market demand. It is easier to avoid impacts to wildlife and habitats if they are considered early in the siting process before projects have executed land leases or permits.

In general, project proponents should seek to use previously disturbed areas or areas with lower wildlife habitat value when possible. Examples of areas deemed previously disturbed include lands that had been previously tilled or farmed, brownfields, or other areas where past human practices have reduced the overall habitat value or utilization by species. Proponents should avoid high-value or sensitive wildlife resources and large areas of unfragmented habitat. Some examples of the types of wildlife values to be considered at the exploratory stage of siting include areas occupied by threatened, endangered, and sensitive species, mapped sage-grouse habitat, ungulate (big game) migration corridors and wintering areas, Priority Wildlife Connectivity Areas (PWCA) and Oregon Conservation Strategy Habitats and Conservation Opportunity Areas (COA's). For a recommended list of siting tools and resources to help inform renewable energy siting, see Step 1. Exploratory Planning below.

While considering impacts to fish and wildlife, project proponents should also consider the potential impact of limiting public access or altering the character of the proposed project location. Additionally, consideration should be given to the surrounding landscape in which the project will be sited and the potential for cumulative impacts to fish and wildlife resources.

CONSTRUCTING UTILITY-SCALE PV SOLAR PROJECTS IN OREGON

Various federal, state, and county laws regulate the permitting of PV solar development in Oregon. Recent legislation has changed the acreage threshold that dictates the permitting pathway, and associated rules for a specific solar application based on the acreage of the project footprint. Table 1 below describes permitting pathways based on final legislative changes adopted in House Bill (HB) 3179 (2023).

There are specific wildlife standards found in the various regulatory pathways for permitting PV solar in Oregon:

- For PV solar projects permitting by the Energy Facility Siting Council, there is the Fish and Wildlife Habitat Standard (OAR 345-022-0060) and the Threatened and Endangered Species Standard (OAR 345-022-0070)
- For PV solar projects permitted by County, the wildlife standards depend on the acreage of the project (see table below for reference):
    - For County permitting with HB 2329 (2021) and HB 3179 (2023), see ORS 215.446
    - For County permitting of other PV solar projects not subject to ORS 215.446, see the Land Conservation and Development Commission's Solar Rules found in OAR 660-033-0130(38)
    - Project proponents should also refer to each County's applicable Goal 5 Programs addressing Natural Resources, Scenic and Historic Areas, and Open Spaces

Oregon Permitting Pathway for PV Solar
Acreage Limitations by Permit and Land Type

	County CUP under DLCD solar rule OAR 660-033-0130(38)	County CUP via ORS 215.446 HB 2329 (2019) and 3179 (2023)	EFSC
High-Value[1] Farmland	≤ 100	100 ≤ 240	≥ 240
Arable[2] Farmland	≤ 100	100 ≤ 2560	≥ 2560
Other Land[3]	≤ 320	320 ≤ 3840	≥ 3840

1. See ORS 195.300(10)
2. Land that is cultivated, or has soils capable of cultivation
3. Those lands not suitable for cultivation.

ODFW FISH AND WILDLIFE HABITAT MITIGATION POLICY

MITIGATION POLICY GUIDANCE

ODFW works cooperatively with project proponents and coordinates with the regulatory permitting agencies to identify potential impacts of PV solar projects on fish, wildlife, and their habitats. Where permitted by law or policy, ODFW may make recommendations to the permitting agency on strategies to avoid, restore, or replace habitat that would be impacted by a proposed project. The permitting agency determines what mitigation will be required within the final permit.

The Oregon Fish and Wildlife Commission directs ODFW staff to base comments and recommendations on the framework set forth in the Fish and Wildlife Habitat Mitigation Policy (OAR 635-415-0000 through 0025). The policy identifies preferred strategies to avoid or mitigate the impact of the proposed project on fish and wildlife habitat based on the importance of the habitat to a particular species of fish or wildlife. Depending upon the importance of the habitat, ODFW may recommend a variety of approaches to offset or replace habitat affected by the proposed project. The Fish and Wildlife Habitat Mitigation Policy also guides the review of projects where ODFW is the permitting agency, including fish screening and passage, and in-water blasting permits.

While the final decision on the project is made by another agency, proponents are encouraged to discuss the proposed project with staff from an ODFW regional office as early as possible. This may help identify potential issues and impacts on fish and wildlife habitat. Projects that are being considered within the occupied range for Greater Sage Grouse will also need to consider rules designed specifically for the protection of the species within Oregon. Once the permitting process is underway, ODFW and the permitting agency can work with the proponents to identify appropriate mitigation for those impacts, but addressing impacts while the project is still being designed may speed up final action on the permit by the permitting agency.

HABITAT CATEGORIZATION AND MITIGATION STRATEGIES

The Fish and Wildlife Habitat Mitigation Policy classifies habitat on a site into one of six categories, depending on the importance of the habitat to a specific species of fish or wildlife or the overall value of an individual habitat type. The more important the habitat, the greater the potential that disturbing the habitat will have a negative impact on fish or wildlife species.

FISH AND WILDLIFE HABITAT MITIGATION - KEY DEFINITIONS

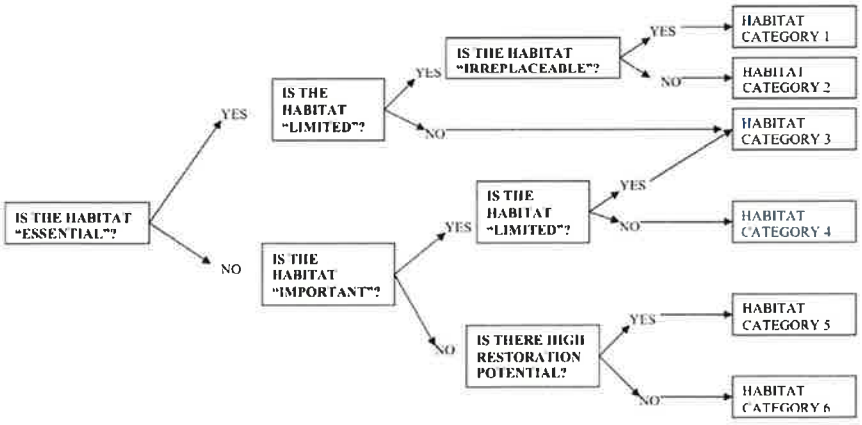
Habitat	The physical and biological conditions withing the geographic range of occurrence of a species, extending over time, that affect the welfare of the species or any sub-population or members of the species.
Essential habitat	Any habitat condition or set of habitat conditions which, if diminished in quality or quantity, would result in depletion of a fish or wildlife species.
Limited habitat	An amount insufficient or barely sufficient to sustain fish and wildlife populations over time.
Important habitat	Any habitat recognized as a contributor to sustaining fish and wildlife populations over time.
Irreplaceable habitat	Successful in-kind habitat mitigation to replace lost habitat quantity and/or quality is not feasible within an acceptable period of time or location or involves an unacceptable level of risk or uncertainty.

Habitat with High Potential to be Essential or Important	Previous uses or activities that have reduced habitat values need to be able to be eliminated or severely reduced.

HABITAT CATEGORIES

The Fish and Wildlife Habitat Mitigation Policy establishes mitigation goals for each category of habitat and, depending upon the importance of the habitat, identifies preferred strategies to avoid or mitigate the impact of proposed actions on fish and wildlife habitat. The policy sets sideboards within which ODFW recommends options and alternatives for mitigation. There is a greater diversity of options for mitigation available for habitats with lower function or quality. For example, if a project is sited in essential limited habitat (Category 2 or 3) for a species of concern, mitigation should be performed within similar (in-kind) habitat. If the same project was able to identify a site within an area that is not deemed important (Category 5 or 6), mitigation, if necessary, may occur in any area that provides a benefit. The flow chart and table below further explain how the Fish and Wildlife Habitat Mitigation Policy links mitigation strategies to the quality of habitat impacted by the proposed project.

Habitat Category	Definition	Goal for Mitigation	Mitigation Strategy
Category 1	Essential, limited, and irreplaceable habitat	No loss of habitat quantity or quality	Avoidance
Category 2	Essential and limited habitat	No net loss of habitat quantity or quality and to provide a net benefit of habitat quantity or quality	In-kind, in-proximity mitigation
Category 3	Essential habitat, or important and limited habitat	No net loss of habitat quantity or quality	In-kind, in-proximity mitigation
Category 4	Important habitat	No net loss of habitat quantity or quality	In-kind or out-of-kind, in-proximity or off-proximity mitigation
Category 5	Habitat having high potential to become either essential or important habitat	Net benefit in habitat quantity or quality	Actions that improve habitat conditions
Category 6	Habitat that has low potential to become essential or important habitat	Minimize impacts	Minimize direct habitat loss and avoid off-site impacts



THE PROJECT REVIEW PROCESS

Project proponents are encouraged to engage early and directly with local ODFW staff to guide project siting and to assess and plan for mitigating potential fish and wildlife concerns. The following six steps lay out ODFW's recommended process for assessing potential fish and wildlife habitat impacts associated with utility-scale PV projects in Oregon, and additional detail and guidance is contained in the appendices. This process is intended to be applicable to any project regardless of the regulatory pathway.

STEP 1. EXPLORATORY PLANNING

Recognizing that many factors are considered by project proponents, coordination with local ODFW staff as early as possible in project scoping can assist with locating potential conflicts within prospective project footprints. This collaboration, in addition to the siting tools listed below, can assist with identification of habitats or species within a geographic region that could potentially add complexity to the permitting process.

SITING TOOLS

There are a growing number of renewable energy siting tools and decision support systems available to assist with PV solar project siting. Many of these tools offer more than just fish and wildlife information and allow for project proponents, regulatory agencies, and the public to explore the multiple constraints and criteria facing renewable energy project exploration and the intersectional nature of land use decision making. These tools are also useful for multi-stakeholder collaborative processes designed to support place-based renewable energy solutions.

Below is a current list and brief description of known available online renewable energy siting tools. ODFW will continue to update this list as more tools become available:

Siting Tool	Web Address	Brief Description
Oregon Renewable Energy Siting Assessment (ORESA) Mapping and Reporting Tool	https://www.oregon.gov/energy/energy-oregon/Pages/ORESA.aspx	Data and information about renewable energy, military training and operational areas, economic development opportunities; land use considerations; natural, cultural, and environmental resources; and other regulatory requirements.

ODFW Centralized Oregon Mapping Products and Analysis Support System (COMPASS)	https://www.dfw.state.or.us/maps/compass/	Online system of wildlife information and maps to help plan land use, energy, transportation, conservation, and other large projects. Provides access to spatial representations of Oregon Conservation Strategy components. Includes a Strategy Reporting Tool that provides an aggregate report of Strategy data (such as species presence) within a user submitted area of interest.
Oregon Sage-Grouse Development Siting Tool	https://oregonexplorer.info/content/sage-grouse-development-siting-tool?topic&ptopic	Interactive application that allows prospective developers in Oregon to access information about potential project impacts to greater sage-grouse and estimates sage-grouse mitigation requirements specific to a project area.
Priority Wildlife Connectivity Areas (PWCA)	https://experience.arcgis.com/experience/6979b6598f904951bd0af1821e1595f1/	ODFW Priority Wildlife Connectivity Areas (PWCAs) provide non-regulatory information on the parts of the landscape expected to have the highest overall value for facilitating wildlife movement. The network of PWCAs serves as a science-based, informational tool to support planning for habitat enhancement, restoration, conservation, transportation mitigation, land-use, and development projects.
Oregon Explorer Natural Resources Digital Library	https://oregonexplorer.info/	Digital library that integrates and provides access to data and information from state and federal agencies, local governments, university scientists, and citizens to support informed decisions and actions by people concerned with natural resources, environment, and communities throughout Oregon.
Argonne National Laboratories Geospatial Energy Mapper (GEM)	https://gem.anl.gov/	A free online mapping tool for identifying areas within the US that may be suitable for power generation and energy corridors. Originally an Eastern Interconnection tool, recently expanded to be nationwide. Flexible modeling of facility siting factors such as slope and land protections.
Western Electricity Coordinating Council (WECC) Environmental and Cultural Data Viewer	www.wecc.org https://ecosystems.azurewebsites.net/WECC/Environmental/	Web mapping application to view and access environmental/cultural risk classification data layers developed by WECC stakeholders. Intended for use in regional transmission expansion planning, and siting level analysis.
Renewable Energy and Wildlife Research Hub	https://rewi.knack.com/rewi-research-hub	The Renewable Energy Wildlife Institute (REWI) Research Hub is a one-of-a-kind information-sharing center. Interactive and evolving, the Hub pools information from credible sources across the global research community. By making sound science accessible and consolidated, the Hub empowers energy and conservation/science stakeholders to make data-informed decisions, streamlining paths forward toward renewable energy and conservation goals.

BIOLOGICAL INFORMATION

The resources listed in the table below, in coordination with the siting tools listed above, assist with preliminary assessment of potential species presence in a project vicinity.

Biological Information	**Web Address**	**Brief Description**
USFWS Information for Planning and Consultation (IPaC)	https://ipac.ecosphere.fws.gov/	Allows users to integrate the USFWS environmental review process into project design by identifying USFWS managed resources in the project location.

Oregon Biological Information Center (ORBIC)	https://inr.oregonstate.edu/orbic	ORBIC's key function is to maintain, develop and distribute biodiversity information in the state. ORBIC also coordinates projects on biodiversity monitoring and provides technical assistance for the Oregon Natural Areas Program. ORBIC works with a variety of agency, non-profit, and private partners and is a member of the NatureServe network.
USGS Breeding Bird Survey (BBS)	https://www.pwrc.usgs.gov/bbs/	The BBS is a cooperative effort between the U.S. Geological Survey's Patuxent Wildlife Research Center and Environment Canada's Canadian Wildlife Service to monitor the status and trends of North American bird populations
Audubon Christmas Bird Count (CBC)	https://www.audubon.org/conservation/science/christmas-bird-count	Long-term citizen science project to document species presence annually within designated areas.
StreamNet	https://www.streamnet.org/	StreamNet is a cooperative information management and data dissemination project focused on fisheries and aquatic data and data-related services in the Pacific Northwest, with a focus on the Columbia River Basin
National Oceanic and Atmospheric Administration (NOAA)	https://www.fisheries.noaa.gov/science-and-data	NOAA Fisheries is responsible for the stewardship of the nation's ocean resources and their habitat.

STEP 2. PRELIMINARY PROJECT PLANNING

PROJECT LOCATION

The selection of a project site is the most critical choice in avoiding impacts to fish and wildlife from PV solar development. Proponents should seek to use previously disturbed areas or lower value wildlife habitat (Fish and Wildlife Habitat Mitigation Policy Habitat Categories 5 and 6) when possible. Co-location of PV solar projects with existing human disturbances is encouraged. Additional project location considerations for avoiding and minimizing impacts to fish, wildlife, and habitat are included in Appendix A.

STEP 3. EARLY PROJECT CONSULTATION WITH ODFW

WHAT TO SUBMIT

This step will likely correspond with initiation of the permitting process, either a pre-application conference with county planning or the Notice of Intent with ODOE. The amount of preliminary project and site information initially requested by ODFW is dependent on the project's stage of development.

For projects in the earliest conceptual design phase with multiple alternative sites or a general region under exploration for development (like the Exploratory Planning phase described above), ODFW can provide an initial assessment of the project location(s). ODFW will provide insight into the scope of potential impacts for fish and wildlife, and whether there are areas of known conflict within or among proposed sites. In this case, proponents should submit:

1) A GIS layer, or similar file, of the potential project area.
2) A brief description of the project scope (acres, land ownership, and potential timing of construction).

For proponents who contact ODFW for the first time with fixed project boundaries or who have less flexibility in project location, ODFW requests the information below. Some counties encourage project proponents to participate in pre-application meetings, and this is the ideal time to invite ODFW to attend and to share the following:

- **Proposed project location**. Provide the legal description, GIS layer, and maps identifying the proposed project location. Delineation of the project area should include associated infrastructure, such as proposed power line corridors and access roads. Proponents should describe any considerations that were implemented in the selection of the project location to reduce impacts to fish and wildlife resources (see Appendix A).

- **Project description.** Please provide the following:
  - Acreage of the project
  - Nameplate energy generation capacity
  - Planned infrastructure including PV solar energy generation components, roads, fencing, power lines and lighting
  - Seasonal timing and duration of construction
  - Preliminary concepts for revegetation of temporary impact areas, invasive species management, and proposed fish and wildlife protections or mitigation

- **Initial biological assessment.** The project proponent should arrange for a qualified biologist who is knowledgeable about fish and wildlife in the region to conduct an initial desktop biological assessment of the proposed project location (see the Siting Tools section above). This assessment should include:
  - A description of the current land use, zoning, and the project site in relation to the larger landscape (e.g., proximity to high-priority fish and wildlife habitats, existing or previously disturbed areas, areas of industrial land use).
  - A habitat map delineating land cover, including major vegetation communities, existing surface disturbance, significant topographic or biological features (e.g. rock outcroppings, ridgelines, caves) and ephemeral and perennial waterbodies. This preliminary habitat map can be created using best available aerial imagery and remotely sensed datasets (see the resources listed above).
  - A list of potential or known threatened, endangered, or sensitive species or habitat within the project area and a 1-mile buffer surrounding the project area. The species list can be generated using ORBIC and/or iPAC, see above in the Resources for Biological Information section.
  - Results of any preliminary biological surveys or habitat assessments performed on site.
  - ODFW recommends including a preliminary categorization of habitats within the project area, following the habitat category definitions in the ODFW Fish and Wildlife Habitat Mitigation Policy.

ODFW Preliminary Review

After receiving preliminary project and site information from the project proponent (Steps 1, 2, and 3), ODFW will offer the following preliminary review:

1) Assess the biological values of the proposed site(s).
2) Identify potential or known impacts to fish and wildlife resources.
3) Recommend appropriate biological surveys or habitat assessments to measure and quantify potential or known impacts. In areas potentially within greater sage-grouse habitat, contacting the

Sage Grouse Mitigation Coordinator is encouraged for direction on how to assess potential impacts and specific data needs.

4) Provide preliminary recommendations for project location, micro-siting of infrastructure, as well as applicable design, construction, and operations best practices (see Appendix A and Appendix B).
5) Work cooperatively with the project proponent and the permitting agency to ensure habitat mitigation plans adequately avoid, minimize, and mitigate project impacts. See the Mitigation Policy section above, and the Mitigation Planning section below.

Note: the Oregon Fish and Wildlife Commission directs ODFW staff to use the definitions, goals, and standards in the Fish and Wildlife Habitat Mitigation Policy as the framework for recommendations in land use and energy project review. However, the final determination of project siting conditions resides with the permitting authority.

STEP 4. ADDRESSING WILDLIFE IN THE PV SOLAR APPLICATION

In each of the regulatory processes discussed in the Constructing Utility-Scale PV Projects in Oregon section above, impacts to fish and wildlife and their habitats must be addressed and applicants are expected to work with relevant fish and wildlife agencies to develop wildlife habitat mitigation plans consistent with the standards specified in the relevant statutes and/or rules.

As a project proponent develops its application for county conditional use permit or EFSC site certificate, there are some key elements that help demonstrate fish, wildlife and habitat impacts have been considered and addressed, and that adverse effects will be offset. These key elements include an **impact assessment**, design, construction, and operational **minimization measures** including revegetation and noxious weed plans, and **a habitat mitigation plan** for how unavoidable impacts will be offset.

ODFW recommends project proponents begin developing their habitat mitigation plans as early as possible in their project planning process (Step 2 or 3, above) as mitigation planning takes time. From impact assessment, to designing avoidance and minimization measures, to determining appropriate offsets and establishing performance and durability measures, there are many milestones along the way in mitigation planning that will necessitate consultation with the regulatory entity and with ODFW.

ODFW recommends use of the mitigation framework laid out in the Fish and Wildlife Habitat Mitigation Policy as a known, consistent, and robust method of assessing and offsetting impacts to fish and wildlife habitat. This framework follows the classic mitigation approach of Avoid – Minimize – Mitigate impacts.

Project proponents may consult with ODFW staff on any of the following elements as they are developed. In many cases, a site visit to proposed mitigation sites may be of benefit, and other partners in the process may also provide valuable input if included in the process (local county officials, landowners, conservation partners/entities, etc.)

IMPACT ASSESSMENT

A project application should include an assessment of potential and likely impacts to fish, wildlife, and their habitats. An impact assessment should consider the potential impacts to species on or in the vicinity of the project, impacts to the quality and condition of the vegetation community, and the duration of the impacts.

Project proponents should consider and address all manner of impacts, including direct, indirect, temporary, and permanent impacts. Definitions are provided below:

Direct impacts: mortality or physical harm of wildlife caused by collision with infrastructure or collision with – or trampling by - construction equipment; and removal of habitat including vegetation, nests, or roost structures above or below-ground.

Examples: grading and clearing to prepare a site for PV panel arrays, areas within a fence enclosure no longer accessible to species

Indirect impacts: altering habitat structure, quality (including vegetation, light levels, noise levels, human activity levels), and function in ways that have 'downstream' effects on animal occurrence, behavior, reproduction, and migration.

Examples: increased traffic on project access roads, displacement of wildlife out of areas of increased human activity, reduced species diversity

Temporary impacts: any area impacted by construction but not permanently covered by pavement or infrastructure or permanently cleared for a right-of-way. Some temporary impacts may require mitigation, as the time for reestablishment may provide for loss of habitat. (i.e.. Sage-steppe shrubs or certain forest types)

Examples: construction and equipment storage areas capable of revegetating, temporary access roads, staging areas, laydown areas, fly yards, and pulling/tensioning sites outside of the fenced facility.

Permanent impacts: part of the final facility, typically under pavement or infrastructure, or permanently cleared of vegetation, no longer accessible to all wildlife species, for the life of the project's impacts.

Examples: new access roads, paved or graveled areas, building footprints, permanently cleared rights-of-way, fenced panel arrays

Impacts should be assessed by a qualified wildlife professional using desktop methods as well as any recommended field surveys as described in Steps 1, 2, 3, and 5.

Once project impacts are enumerated, ODFW recommends project proponents categorize the habitats in their project area according to the definitions in the Fish and Wildlife Habitat Mitigation Policy (see the Habitat Categorization and Mitigation Strategies section, above). This methodology helps compare habitat functions and values with the potential direct and indirect impacts of the project and allows proponents to begin to identify strategies for offsetting unavoidable impacts.

The project's impact assessment should be included in the project application and/or the project's habitat mitigation plan.

Avoidance and Minimization Measures for Design, Construction, and Operations

Impacts to fish and wildlife can be minimized at PV solar developments through carefully designed project features, proper timing of construction and major maintenance work, minimization of human activity, and appropriate reclamation. Careful placement of roads, power lines, and other project infrastructure will further reduce impacts, especially if these associated project features can be co-located with existing infrastructure. Project design and infrastructure micro-siting may be informed by investigation and recommendations during preliminary project planning and further refined during pre-

and post-construction monitoring. See Appendix A and Appendix B for more detailed recommendations on project design and siting, and best management practices for project design construction, and operations.

Avoidance and minimization measures included in the design and plans for a project should be described in a proponent's habitat mitigation plan and included in the project application.

Revegetation and Noxious Weed Plans

Revegetation should focus on ecologically appropriate seeds and plants based on project location and pre-construction surveys. In many instances local National Resource Conservation Service, Oregon State Extension, or Soil and Water Conservation Districts can be valuable sources of information on appropriate revegetation strategies. In addition, having soil survey data for areas in need of revegetation can increase overall success of efforts and planning. Soil data for Oregon can be found here.

Noxious weed plans should reference both county and state listed weed species, as well as any invasive plant species introduced through the construction process. Information and assistance with invasive weeds can be found here.

Successful revegetation of temporary impacts can reduce the need for additional mitigation in cases where the habitats affected are dominated by vegetation that is relatively easy to establish.

Wildlife Habitat Mitigation Plans

Mitigation for impacts that cannot be avoided or minimized can be accomplished in multiple ways. Regardless the avenue a project proponent chooses to pursue for mitigating impacts, highlighting the chosen path in a mitigation plan allows for review from the relevant permitting agency, and for review to be completed by ODFW as required in current siting rules in the state. The elements included below are meant to provide an example derived from past approved mitigation plans that provided adequate information for easy assessment by all parties.

Impact Assessment

- As described above

Avoidance and Minimization Measures

- Summary of onsite activities or actions directly taken in response to resources noted in consultation with ODFW staff or found in the impact assessment. Past examples include modifications to project footprint to avoid higher quality habitats, fencing modifications to allow passage through or around the project footprint, or seasonal timing restrictions to minimize impacts to special status species.

Habitat Categorization of the impact site and summary of impacts

- Summary table showing acres of temporary and permanent impact by habitat type, habitat category, and proposed acres of offset.

Proposed Mitigation Site(s)

- Location, size, description.
- Baseline assessment of habitats (the more quantitative the better including acres by habitat type, habitat category, % cover of dominant vegetation, notable water or riparian features), and current uses/human activities on the land.

- Proposed boundary.
- Proposed acres of mitigation available to achieve no net loss or net gain, as appropriate based on impact assessment. Including addition acres of mitigation and uplift should be planned to increase potential success of mitigative actions. For example, a 2:1 ratio for Cat. 2 has generally been recommended to achieve a net gain in mitigation offset, and account for potential failure of some uplift actions within the overall mitigation proposal. Mitigation ratios, while not prescribed within the Mitigation Policy, provide a streamlined standard for regulatory bodies

Proposed habitat enhancement or restoration actions, accounting for potential success of chosen actions.

- Enhancement should be site-specific with measurable outcomes based on desired future conditions of the mitigation site.

Proposed conservation or durability measures to ensure the mitigation meets the habitat goals for at least the life of the project's impacts.

- Information on or copy of proposed conservation instrument that will be used to secure the mitigation site(s). Including all allowable uses and documentation of willing landowner(s) shows viability and durability of proposed mitigation.

Monitoring and reporting

- Success criteria, monitoring plan, reporting schedule, and adaptive management actions if success criteria are not met.

Timing the Final Mitigation Plan

- Regulatory entities should require applicants to provide a complete mitigation plan prior to permit approval. This plan should provide enough specificity to ensure that mitigation proposed will be durable for at least the life of the impacts and that the approved mitigation site and/or actions are appropriate to offset impacts based on pre-construction assessment of the development location. If the applicant desires flexibility or options in final mitigation outcome the approved plan, at a minimum, regulators should ensure that each option desired is detailed enough that all interested parties can assess each potential outcome against the total impact for the project.

ODFW RECOMMENDATIONS

For a county level project ODFW staff will provide the county and the project proponent with formal, written recommendations for a proponent's plan of development as a component of the conditional use permit application. For projects permitted with EFSC, comments will be provided first with the Notice of Intent, and then as necessary during application for site certificate process and the draft proposed order. This formal input will be consistent with input provided throughout the project development process if ODFW has been engaged early in the proceedings. Project proponents should use this information to guide the selection of a project location and for infrastructure micro-siting, as well as design, construction, and operations to mitigate impacts to fish and wildlife to the maximum extent possible.

STEP 5. IMPLEMENTATION OF MITIGATION

Final plans should designate timing for implementation of agreed upon mitigation measures. Mitigation for temporary and permanent impacts should occur prior to or concurrent to any action that creates disturbance or other effects.

STEP 6. FISH, WILDLIFE AND HABITAT MONITORING, DATA ANALYSES

MONITORING AND REPORTING

ODFW will recommend that success criteria for revegetation, weed abatement, and mitigation are clearly defined and measurable. It is common to request monitoring for effects to sensitive species (ie. Washington ground squirrels, eagle nests etc.). Monitoring and reporting protocols vary based on the specific surveys agreed upon within the permitting process. Some local variability may occur due to differences in plant compositions and growing conditions by region, but in general, this monitoring will be requested to occur within the first two years after completion of designated activities, and on regular intervals (~5 years) thereafter for the life of the project.

DATA SHARING

Where feasible, ODFW requests that data and reports generated through project monitoring be shared with the agency. ODFW's analyses of project data over time supports better recommendations by the agency in the future, will inform future updates to this document and may reduce the need for some monitoring on future projects if impacts are determined to be understood or not exist.

The following Appendices identify factors that may be considered by ODFW and partners when assessing biological values of a proposed PV solar site, as well as ODFW's most common recommendations for avoiding or minimizing potential impacts. Not all recommendations will apply to all projects, and recommendations will be made on a project-specific basis determined by the biological values of a particular site. These recommendations may be modified as new scientific findings become available. This table is not designed to be wholly inclusive of all potential situations, nor should it be viewed as explicitly applicable to every solar proposal.

APPENDIX A. INFRASTRUCTURE SITING AND PROJECT LOCATION CONSIDERATIONS

The selection of a project location and siting of infrastructure within the project area are the most critical choices in avoiding impacts to fish and wildlife from PV solar development. Proponents should avoid high-value or sensitive fisheries and wildlife resources and large areas of unfragmented habitat, which can be identified through coordination with ODFW biologists and using geospatial data resources found in ODFW's COMPASS tool as well as the Oregon Renewable Energy Siting Assessment Mapping Tool (ORESA). Projects that are placed in areas with fewer fish and wildlife concerns and that adopt best practices in layout, design, construction, and operations will result in reduced conflict with fish and wildlife values, and consequently will have reduced need for monitoring and further mitigation.

TABLE A.1. CONSIDERATIONS AND RECOMMENDATIONS FOR ADDRESSING BIOLOGICAL IMPACTS OF A PROPOSED PV SOLAR DEVELOPMENT.

AQUATIC RESOURCES
Considerations • Will soil disturbance occur in areas sensitive to wind and water erosion? • Does the site contain any inventoried wetlands? • Will project development potentially impact any fish-bearing waterways, or waters that contain an Oregon Conservation Strategy Species? • Does the site and/or infrastructure have the potential to act as barrier to fish passage?
Recommendations • Avoid construction, and staging of equipment, including servicing, fueling, and cleaning, within 100 feet of aquatic and riparian habitats • Avoid instream construction to minimize impacts to spawning fish. Spawning dates vary based on elevation and species. Follow ODFW In-water Work Timing Guidance. • Ensure all sediments and other pollutants are contained within the boundaries of the work area. Disturbed areas that are contributing sediment to surface waters because of project activities should be promptly revegetated to maintain water quality • In some instances, presence of aquatic wildlife may further impact available in-water work timing. Local ODFW staff can provide additional guidance in areas where this may occur. • Avoid obstructing fish passage and aquatic species movement. In the event of potential trigger of Oregon fish passage statute (ORS 509.580-910) and rule (OAR 635-412-0035), contact the ODFW Fish Passage Program as early as possible • Prevent the spread of aquatic invasive species from one body of water to another • Follow best management practices for cleaning of equipment used on site.

SAGE-GROUSE

Considerations

- Is the project compliant with the current State of Oregon Greater Sage-grouse Rules (OAR 660-023-0115) and Greater Sage-grouse Conservation Strategy (OAR 635-140-0000 through -0025)?
- Where is the site in relation to significant greater sage-grouse core areas, low-density habitat, and general habitat as identified in Goal 5 Sage-Grouse OAR 660-023-0115?
- Is the proposed development considered a conflicting use in sage-grouse habitat as defined in OAR 660-023-0115(7)?
- Is all associated proposed development infrastructure being discussed while coordinating on the sage-grouse impact assessment?

Recommendations

- Coordinate with the ODFW Sage-Grouse Mitigation Program to work through State of Oregon greater sage-grouse rules and assessment of potential project impacts to sage-grouse through the Habitat Quantification Tool
- Use the Oregon Sage-grouse Development Siting Tool to guide project siting to reduce or eliminate direct and indirect impacts to sage-grouse habitat
- Once final project design has been determined the Habitat Quantification Tool will provide final mitigation requirements based on all project components and existing habitat quality. This tool is generally managed by the Sage-Grouse Mitigation Program
- Utility-scale PV solar development, and associated transmission lines, are not recommended in significant greater sage-grouse core or low-density habitats
- Any PV solar project that is constructed in core, low-density, or general habitat must comply with State of Oregon greater sage-grouse administrative rules referenced above for both land use and mitigation standards
- Above-ground infrastructure, such as roads and transmission lines should be sited to reduce impacts to contiguous sage-grouse habitat and occupied greater sage-grouse leks
- Avoid construction or operation activities from two hours before sunset to two hours after sun rise in significant greater sage-grouse habitat during the breeding and nesting seasons (March 1 to June 30).

RAPTORS (HAWKS, FALCONS, EAGLES, OWLS)

Considerations

- Are any of the following known or likely to occur on or near the proposed project site or its associated infrastructure?
    - Species federally listed as 'threatened' or 'endangered' or candidates for such listing or their habitats
    - Federally designated Critical Habitat components
    - Golden or bald eagles
    - Oregon Conservation Strategy Species:
        - Burrowing owl
        - Ferruginous hawk
        - Flammulated owl
        - Great gray owl
        - Northern goshawk
        - Northern spotted owl
        - Peregrine falcon
        - Short-eared owl
        - Swainson's hawk
- Are any raptor nests within one mile of the site?

- Are the PV solar site or any new transmission lines in or near any known raptor flight paths, foraging areas, or areas of orographic uplift or thermal updrafts?

Recommendations

- Site energy collector components underground to the maximum amount feasible to reduce bird strike potential
- Follow the Avian Power Line Interaction Committee's (APLIC) guidelines for mitigating electrocution and collision risk for birds (aplic.org; APLIC 2006, APLIC 2012)
- Avoid removal of active raptor nests, which ODFW considers Category 1 Habitat (as defined in the ODFW Fish and Wildlife Habitat Mitigation Policy)
- Suspend construction within raptor nest buffers during the dates specified in Table A.2 (below) and in coordination with the US Fish and Wildlife Service (USFWS)
- Consult the USFWS for buffers associated with eagle winter roosts, concentrated prey resources, and high-use areas
- Avoid high-value golden eagle habitats (areas of high density, winter use, or movement) identified by the USFWS Western Golden Eagle Team

OTHER BIRDS (WATERFOWL, SONGBIRDS, ETC.)

Considerations

- Are the following known or likely to occur on or near the proposed project site?
  - Species federally listed as 'threatened or endangered' or candidates for such listing or their habitats
  - Federally designated Critical Habitat components
  - Oregon Conservation Strategy Species
- Is the site on or near important areas for seasonal movement, staging, wintering, foraging, roosting, nesting, or resting for birds?

Recommendations

- Avoid removal of bird nests and minimize disturbance to nesting birds during the general bird breeding season (March 1- July 15th)
- Minimize disturbance within 0.25 miles of known breeding concentrations of long-billed curlew, upland sandpiper, and western snowy plover during the general breeding season (April – July) to mitigate impacts to breeding individuals
- Maximize distance from wetlands and irrigated pastureland known to be used by waterbirds and waterfowl as migratory stopover sites
- Consider post-construction monitoring and adaptive management plans in areas with state or federally listed species
- Consult the USFWS for opportunities to minimize impacts to migratory birds

BATS AND OTHER NONGAME MAMMALS

Considerations

- Are the following known or likely to occur on or near the proposed project site?
  - Species federally listed as 'threatened or endangered' or candidates for such listing or their habitats, including federally designated Critical Habitat components
  - Oregon Conservation Strategy Species
- Is the site on or near important areas for bat roosting, hibernacula, breeding/maternity colonies, migration, or foraging? Are there any caves, old-growth trees or standing dead trees (snags) with loose bark, ponds/wetlands, or riparian corridors within 0.25 miles of the project?
- Are there pygmy rabbit or white-tailed jackrabbit burrow complexes in areas of potential ground disturbance?
- Are there active Washington ground squirrel colonies within or near the areas of potential ground disturbance?
- Consult with USFWS to address any impacts to federally protected species

Recommendations

- Avoid disturbance or removal of known bat roosts, hibernacula, or colonies which ODFW considers Category 1 Habitat consistent with the ODFW Fish and Wildlife Habitat Mitigation Policy.
- Avoid impacts to occupied Washington Ground Squirrel (WGS) colonies which meet the Category 1 Habitat definitions in the ODFW Fish and Wildlife Habitat Mitigation Policy, including a 785-foot buffer of suitable habitat around the colony. This buffer is based on documented dispersal distances and juvenile foraging distances and is considered requisite habitat for Washington ground squirrel survival. Information on WGS can be found here.
- Avoid, minimize, and mitigate impacts to the Category 2 WGS suitable habitat. Suitable habitat generally includes non-agricultural and intact areas and extends approximately 5000 ft. from the occupied colonies in suitable habitats. This is based on the documented average dispersal distances of approximately 80% of WGS
- Provide training for construction personnel and environmental monitors on protocols for responding to new Washington ground squirrel colony discoveries, dead or injured squirrels, and other protocols related to avoiding and minimizing impacts.
- Restore temporarily disturbed areas identified as suitable habitat adjacent to Washington ground squirrel Category 1 habitat to the pre-construction form and function in a reasonable timeframe and monitor restoration efforts that may unintentionally cause adverse impacts to the species.
- Avoid, minimize, or mitigate impacts (digging, trenching, installation, roads, or trampling) to pygmy rabbit burrow complexes and white-tailed jackrabbit denning sites as both are considered Category 2 habitat as defined in the ODFW Fish and Wildlife Mitigation Policy.
- Protect underground cabling and wiring systems from rodent chewing or consider above-ground cabling systems, especially if implementing dual-use pollinator/native seed understory programs as those seed-bearing or flowering plants may inadvertently attract rabbits, rodents, and ground squirrels.

BIG GAME

Considerations

- Is the site within essential and/or important big game habitats such as winter range or summer range?
- Is the site within potentially irreplaceable and essential habitats such as known movement corridors?
- Does the surrounding landscape and project design, including fencing, allow for big game movement, as determined by best available science?
- Could the project impact any aspect of big game ecology or life history (e.g., will the project sever a migration corridor or otherwise subject wildlife to increased risks, such as highway/vehicle collisions)?
- What effects will habitat removal and fragmentation, as well as indirect disturbance from vehicles, human presence, and noise have on big game?

Recommendations

- Avoid siting PV solar facilities within known, documented big game migration corridors which may be considered irreplaceable habitats.
- Avoid, minimize, and mitigate impacts to essential and important big game habitats such as big game winter range and address impacts to other important big game habitats throughout their range. See Eastern Oregon Big Game Winter Range, Western Oregon Deer and Elk Habitat, and Oregon Pronghorn Essential and Limited Habitat maps and rationale.

- Avoid construction or development activities within big game winter range generally between December 1 and April 30, consulting with local Wildlife District Biologists for site-specific timeframes.

HABITAT

Considerations

- Are there high-value fish and wildlife habitat features present such as rock outcroppings, cliffs, caves, riparian areas, springs, wetlands, water, native fish-bearing streams, or unique vegetation communities?
- What potential impacts to habitat connectivity would a proposed project have? Is the site located in a mapped Priority Wildlife Connectivity Area?
- Which species of fish and wildlife use the project area and how do their numbers vary throughout the year?
- Would the facility irreparably alter a fish or wildlife habitat not capable of being mitigated? For example, there is no current evidence demonstrating that migration corridors can be recreated or replicated.
- What potential impacts would the development have on the biological values and hydrology of the site?
- How will development alter the distribution of invasive species, including invasive annual grasses?
- Will temporary impacts to habitats realize enough temporal loss of function to necessitate additional mitigation?

Recommendations

- Develop and implement Revegetation Plans for the project to restore temporary disturbance areas to their pre-disturbance form and function, to minimize permanent impacts to wildlife habitat. Include monitoring and adaptive management in the plans.
- Develop and implement Noxious Weed Plans for the project to avoid, minimize, and mitigate introduction and spread of noxious weeds during construction and operation of the facility. Include monitoring and adaptive management and conduct for the life of the project.
- Develop and implement Habitat Mitigation Plans to avoid, minimize, and mitigate potential adverse effects of the PV solar project and associated infrastructure on fish, wildlife, and their habitats. ODFW recommends Habitat Mitigation Plans be consistent with the standards and goals of the ODFW Fish and Wildlife Habitat Mitigation Policy.
- The above plans should be approved by the appropriate regulatory agency with jurisdiction for the project consistent with their relevant statutes and rules, and ODFW welcomes agency and developer consultation early and often throughout the permitting and implementation process.
- See other sections of this table for addressing impacts to specific species' habitats on the site.

LAND USE

Considerations

- Will the proposed site require an exception to the statewide planning goals?
- Is the proposed site already impacted, or part of a larger intact landscape?
- Does existing law, regulation, or policy allow development at the site?
- Are there any culturally significant plants, cultural resources, and sacred or important spaces for Oregon's tribes within the project area?

Recommendations

- ODFW welcomes and encourages consultation with ODFW Regional Habitat Biologists, District Wildlife Biologists, and/or the Statewide Energy Coordinator in the pre-application

phase of PV solar project scoping so that potential issues can be addressed early and avoid delays in project permitting. • ODFW recommends consultation with Oregon's tribes and SHPO on potential impacts of PV solar projects and associated infrastructure on areas of cultural significance.
PUBLIC ACCESS
Considerations • What are the tribal traditional values of the site, such as culturally significant plant gathering sites? • Will construction of the project at this site impede or restrict fish and wildlife-related recreation access to public lands? What are the potential fish, wildlife, and habitat consequences if alternative travel routes are constructed to facilitate access? • Will any increase in public access (e.g., through road construction) negatively affect fish, wildlife, or habitat?
Recommendations • Minimize public travel on new access and maintenance roads within the project area, as applicable for management purposes • Access for hunting or tribal traditional use should be allowed to continue within project lease areas on public lands and on private land with landowner permission. ODFW encourages project developers to work with landowners who are willing to provide public access.
CUMULATIVE IMPACTS
Considerations • Are there development thresholds or caps in the proposed project area? • Will this project contribute to population decline or habitat loss for wildlife species of concern?
Recommendations • In greater sage-grouse habitat, consult with county governments to ensure large-scale projects achieve the goal of protecting significant sage-grouse habitat in a core area (see OAR 660-023-0115(9)). • Consult with ODFW and USFWS early in project siting and design to consider the proposed project in the context of local and regional wildlife population trends

TABLE A.2. DISTURBANCE-FREE DATES AND BUFFERS FOR RAPTOR NESTS IN OREGON.

Dates cover territory establishment through fledging. Release dates can be used for unoccupied or failed nests.* Some geographic variation in seasonal restriction dates, please consult with local ODFW Regional Habitat or District Wildlife Biologists. ** Indicates Oregon Conservation Strategy Species.

Species	Spatial Buffer	Seasonal Restriction	Release Date if Unoccupied
Golden eagle	0.5 – 1 mile	Feb 1 – Aug 15	May 15
Bald eagle	0.5 mile	Jan 1 – Aug 15	May 31
Ferruginous hawk**	0.5 mile	Mar 15 – Aug 15	May 31
Northern goshawk**	0.5 mile	May 1 – Aug 15	June 30
Peregrine falcon**	0.25 mile	Jan 1 – Jul 1	May 15
Swainson's hawk**	0.25 mile	Apr 1 – Aug 15	May 31
White-tailed kite	0.25 mile	Jan 1 – Aug 15	
Osprey	0.25 mile	Mar 1 – Sep 15	
Burrowing owl**	0.25 mile	Apr 1 – Aug 15	May 31
Flammulated owl**	0.25 mile	May 1 – Jul 31	June 15
Great gray owl**	0.25 mile	Apr 1 – Jul 31	May 31
Red-tailed hawk	0.10 mile	Mar 1 – Aug 15	May 31
Other hawks and owls	0.25 mile	Mar 1 – Aug 15	May 31

APPENDIX B. BEST PRACTICES FOR DESIGN, CONSTRUCTION, AND OPERATIONS

This appendix provides recommendations and best practices for siting, design, construction, operations, and reclamation. These are recommendations and may be modified or added as new practices and technologies emerge. These recommendations do not supersede regulatory agency requirements and/or landowner agreements or preferences. Projects that are placed in areas with fewer fish and wildlife concerns and that adopt recommendations and best practices in layout, design, construction, and operations will result in reduced conflict with fish and wildlife values, and consequently will have reduced need for monitoring or further mitigation.

SOLAR ENERGY GENERATION COMPONENTS AND FACILITIES

LIGHTING

Artificial lighting can have negative impacts to wildlife, including changing behavior and land use, disorienting wildlife, and potential increases in risk of mortality. The best approach to mitigate impacts from artificial lighting is to avoid its use whenever possible. Facilities should minimize light pollution whenever feasible and use the best available technologies.

Specific recommendations:
- Use only fully shielded, dark-sky friendly fixtures, so lights shine down towards the ground.
- Use only the amount of light needed.
- Install timers, motion sensors, or dimmer switches. Turn off lights when not in use.
- Limit the use of artificial lighting during peak migration periods.
- For facility lighting, use warmer-colored lights (<2200 Kelvin) versus cooler-colored light on the white-blue end of the spectrum (≥2200 Kelvin; Longcore et al. 2018).

FENCING

Fencing the Panel Array

The National Electric Code (2017; Section 110.31) requires utility-scale PV solar facilities to maintain a wall, fence, or screen to deter access by unauthorized people to certain portions of a project. The code further specifies that fences should be at least 7 feet tall, however big game species such as elk and deer can jump over fences less than 8 feet tall. To avoid entrapment of big game and potential damage to facility panels and wiring systems, ODFW recommends panel array fencing be at least 8 feet tall.

Where feasible, ODFW recommends fences be designed to allow permeability for smaller wildlife such as rabbits, meso-carnivores (coyote, badger, bobcat), and reptiles. Allowing for small gaps between the fence and the ground, at regular intervals around the perimeter fencing, reduces the habitat loss and fragmentation impacts for those smaller species. For large scale projects, ODFW may advocate for modifications in final fence design to facilitate landscape movements of larger mammals.

Gates for Egress

Big game can become entrapped inside exclusionary fencing that may be required at some renewable energy facilities. In such cases, having gates on multiple sides of the fenced perimeter can allow for easier egress. Include an adequate number of gates along the perimeter to facilitate big game egress (e.g., consider gates on opposite sides of facilities).

Wildlife-Friendly Fence Design

The construction of new fences should be avoided, if possible, to reduce collision risk and facilitate wildlife movement on the landscape. New fences, other than those intended to exclude wildlife, should be built to wildlife-friendly specifications. Fence design should include movement options around and through projects that maintain sufficient corridors and prevent loss of winter range habitat for big game. Consultation with local ODFW biologists is critical to ensure fences are appropriately sited.

Design specifications are available at:
https://efotg.sc.egov.usda.gov/references/Public/OR/382AAjs_OR_WildlifeFriendlyFence_4-15-10.pdf.

Fence Markers

Many species of birds are at risk of death by collision with fences. Bird diverter fence markers have proven to be a low-cost but effective approach to make fences more visible to birds and thereby reduce deaths to greater sage grouse, but little research has been conducted on benefits to other species. In areas of high bird use and potential low flight paths (adjacent to wetlands, grassland habitats) these markers may have benefit for other bird species as well as reducing ungulate pressure to cross fence.

- ODFW recommends:
  • Three-inch vinyl markers should be placed along the top wire at 3-foot intervals, with fence posts serving as markers.
  • Additional information is available through the Sage Grouse Initiative at:
  http://www.sagegrouseinitiative.com/wp-content/uploads/2014/08/FENCEMARKER-FAQ.pdf.
  • See information on stranded or injured wildlife provided below.

POWER LINES

Many species of birds are at risk of death by collision with or electrocution by power lines.

ODFW offers the following recommendations for any new power lines constructed in association with PV solar facilities:

- Site projects near substations or other points of tie-in to the energy grid to reduce the construction of new power lines.
- Burying transmission lines between facilities and substations will further reduce these risks.
- If burying is not feasible, proponents should follow the Avian Power Line Interaction Committee's (APLIC) guidelines for mitigating electrocution and collision risk for birds, which simultaneously minimizes power outages and fire risk associated with bird use (aplic.org; APLIC 2006, APLIC 2012).
- Avoid crossing naturally occurring perennial streams, lakes, reservoirs, riparian corridors, and large (>5 acres) wetlands with overhead power lines to the maximum extent possible.
- Mark overhead lines using bird flight diverters per APLIC guidelines to mitigate collision risk (APLIC 2006, APLIC 2012).

REVEGETATION AND RECLAMATION

Construction of PV solar facilities will create soil disturbance and may lead to soil erosion and growth of non-native, invasive plants. ODFW recommends revegetation of temporary disturbance areas and

underneath PV panels as quickly as possible after construction. The following recommendations apply to revegetation as well as final reclamation of the site once the facility is decommissioned.

Restoration following construction should contour soils to match the original topography as much as possible. Revegetation should re-establish native grasses, forbs, and shrubs to achieve cover, species composition, and life form diversity commensurate with the ecological site potential or pre-disturbance conditions. Where possible, use seed from local sources. ODFW can provide consultation on desirable plant seed mixes. In some instances, use of non-native but desirable vegetation may be recommended. Landowners should be consulted on a desired plant mix on private lands. Proponents should control noxious and invasive plant species and adopt the best management practices for topsoil handling.

Soils
Understanding the soils on the site can make the difference in successful revegetation and reclamation. ODFW recommends project proponents identify the soils on the project site.
Basic information can be obtained from the Natural Resource Conservation Service (NRCS) Soil Survey. Soil pits and testing properties on the site may be necessary to determine stability, pH, electrical conductivity, texture, calcium, carbonate, and gravel content. Properly preserved topsoil is critical for reclamation.

- ODFW recommends:
  - Maintaining existing vegetation or trampling vegetation is preferable to blading/removal of vegetation and grading of soils
  - If topsoil must be removed, remove topsoil from the site before facility construction activities, and salvage while at a low moisture content
  - Store topsoil stockpiles where:
    - Not disturbed by facility construction activities.
    - Not contaminated by foreign or spilled materials.
    - Movement of stockpiles would be minimal.
    - Exposure to erosional forces is minimal.
    - Pristine soils are not present.
  - Avoid mixing A horizon and B horizon soil layers.
  - Minimize soil compaction.
  - As an alternative to large-scale topsoil removal, skim surface vegetation with heavy equipment.
    - Best implemented generally between July 1 and March 14, outside of ground bird nesting season.

Vegetation

Identify native plant communities prior to disturbance and design revegetation plans to approximate pre-disturbance functions and values. It can be helpful to refer to Ecological Site Descriptions where available, to determine site potential post-disturbance.

ODFW recommends:
- Leave vegetative biomass in windrows to reduce wind and water erosion.
- Soil testing should be completed prior to re-establishment of desired vegetation.
- Appropriate soil amendments should be added prior to planting if necessary to establish native plant community.
- Reestablish on the replaced topsoil as quickly as possible to stabilize the site and prevent erosion.

- Commercial fertilizer is not recommended for native rangeland reestablishment due to the possibility of increased annual weeds.
- Regular monitoring should be conducted, and adaptive management implemented as needed to ensure no site degradation.

Invasive Weed Management Plan

The proponent should develop and implement a plan to control invasive species (including invasive annual grasses and noxious weeds), with an expectation that invasive plants will be controlled for the life of the renewable energy facility and until final reclamation is complete.

Thoroughly wash all surfaces and undercarriages of vehicles and equipment before moving to the project site and after leaving the site to remove any undesirable plant seeds. This will reduce the possibility of transporting noxious or non-native plants from one site to another.

All disturbed soils that will not be landscaped or otherwise permanently stabilized by construction should be seeded using species appropriate to the project vicinity.

Proponents should coordinate with the County Weed Offices for guidance.

STRANDED, INJURED OR DEAD WILDLIFE

During construction and operation of facilities reports of interactions with wildlife have occurred. In most cases, ODFW does not have the capacity to respond to such calls. ODFW recommends that project proponents have an operations plan for onsite staff on how to deal with wildlife encounters. Proper fencing and protocols on gate operations can assist with reducing the amount of stranded wildlife within facility boundaries. For injured wildlife found by staff, operational plans should include contact information for local rehabilitators, where available, or local ODFW offices. Some species may not be handled without a permit, so coordination is key. ODFW also requests that any dead wildlife found within facility boundaries be reported as soon as possible, or within agreed upon reporting protocols with date of discovery, location and photographs if available.

SEASONAL TIMING LIMITATIONS

Recommendations from ODFW may include specific guidelines on survey timing or limitations on construction and activities based on species utilization and presence within the project vicinity. The table below summarizes timing windows generally referred to in project review. Local conditions may alter these timing windows, and the table generally refers to maximum known periods of concern.

APPENDIX C. ODFW AUTHORITIES

Comments offered by ODFW must be consistent with the authorities offered the agency through statute and rule. ODFW should consider the following authorities while reviewing applications:

Oregon Revised Statutes (ORS):

- ORS 496.012 State Wildlife Policy
- ORS 496.171-182 Threatened and Endangered Fish and Wildlife Species. A listing of State and Federal threatened, endangered and candidate species can be found on the Department's website at: http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp
- ORS 498.301-346 Screening and By-pass devices for Water Diversions or Obstructions
- ORS 498.500-504 Oregon Sage-Grouse Mitigation
- ORS 506.036 Protection and Propagation of Fish
- ORS 506.109 Food Fish Management Policy
- ORS 509.140 Placing Explosives in Water
- ORS 509.580-910 Fish Passage; Fishways; Screening Devices. A listing of requirements under the Department's Fish Passage Program can be found on the Department's website at http://www.dfw.state.or.us/fish/passage/

Oregon Administrative Rules (OAR):

- OAR Chapter 635, Division 100 provides authority for adoption of the State sensitive species list and the Wildlife Diversity Plan and contains the State list of threatened and endangered wildlife and fish species. A current list of State sensitive species can be found on the Department's website at: http://www.dfw.state.or.us/wildlife/diversity/species/docs/SSL_by_category.pdf
- OAR Chapter 635, Division 140 provides background and definitions for the " Greater Sage-Grouse Conservation Assessment and Strategy for Oregon" (2011) as well as requires compensatory mitigation for direct and indirect impacts from developments within sage-grouse core, low density and general habitats.
- OAR Chapter 635, Division 415 Fish and Wildlife Habitat Mitigation Policy can be found on the Department's website at: https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=2989 describes six habitat categories and establishes mitigation goals and standards for each wildlife habitat ranging from Habitat Category 1 (irreplaceable, essential, limited) to Habitat Category 6 (non-habitat)
- OAR 635, Division 900 is the ODFW Climate and Ocean Change Policy, which directs ODFW to be a leader in response to changing climate and ocean conditions in the state.
- Native Fish Conservation Policy (OAR 635-007-0502-0535)
- Trout Management (OAR 635-500-0100-0120)
- Elk Management Plan (OAR 635-160-0000)
- Mule Deer Management Plan (OAR 635-190-0000)
- Black-tailed Deer Management Plan (OAR 635-195-0000)

Exhibit 3

UMATILLA COUNTY

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Fourmile Solar: CUP and G3E (#T-101-25, #C-1402-25)

2 messages

Tanner Gillespie <tanner@oneenergyrenewables.com> Wed, Jan 21, 2026 at 3:11 PM
To: Megan Davchevski <megan.davchevski@umatillacounty.gov>
Cc: Shawnna Van Sickle <shawnna.vansickle@umatillacounty.gov>, Planning Department <planning@umatillacounty.gov>, "Albrich, Elaine" <elainealbrich@dwt.com>, Tanner Gillespie <tanner@oneenergyrenewables.com>

Hello Megan, as mentioned on the phone a few weeks back, our team has identified new information we wish to update the County on. We kindly request that this new information be incorporated into our application package prior to the hearing.

Attached is the Supplemental Filing and an updated Transportation Plan, including the new information described in the Supplemental Filing.

If you have any questions, please reach out.

Thank you,

TANNER GILLESPIE

Associate Director, Development

971-351-5951

tanner@oneenergyrenewables.com

OneEnergy

2 attachments

Fourmile Solar Supplemental Filing_01.21.26.pdf
981K

D. Fourmile_Transportation Plan_1.21.26_Update.pdf
3633K

Megan Davchevski <megan.davchevski@umatillacounty.gov> Wed, Jan 21, 2026 at 3:29 PM
To: Tanner Gillespie <tanner@oneenergyrenewables.com>
Cc: Shawnna Van Sickle <shawnna.vansickle@umatillacounty.gov>, Planning Department <planning@umatillacounty.gov>, "Albrich, Elaine" <elainealbrich@dwt.com>, Tanner Gillespie <tanner@oneenergyrenewables.com>

Received. Thank you.

It will be added to the record and shared with the decision makers.

Supplemental Filing

Access Road Supplemental Information

Fourmile Solar

January 2026

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

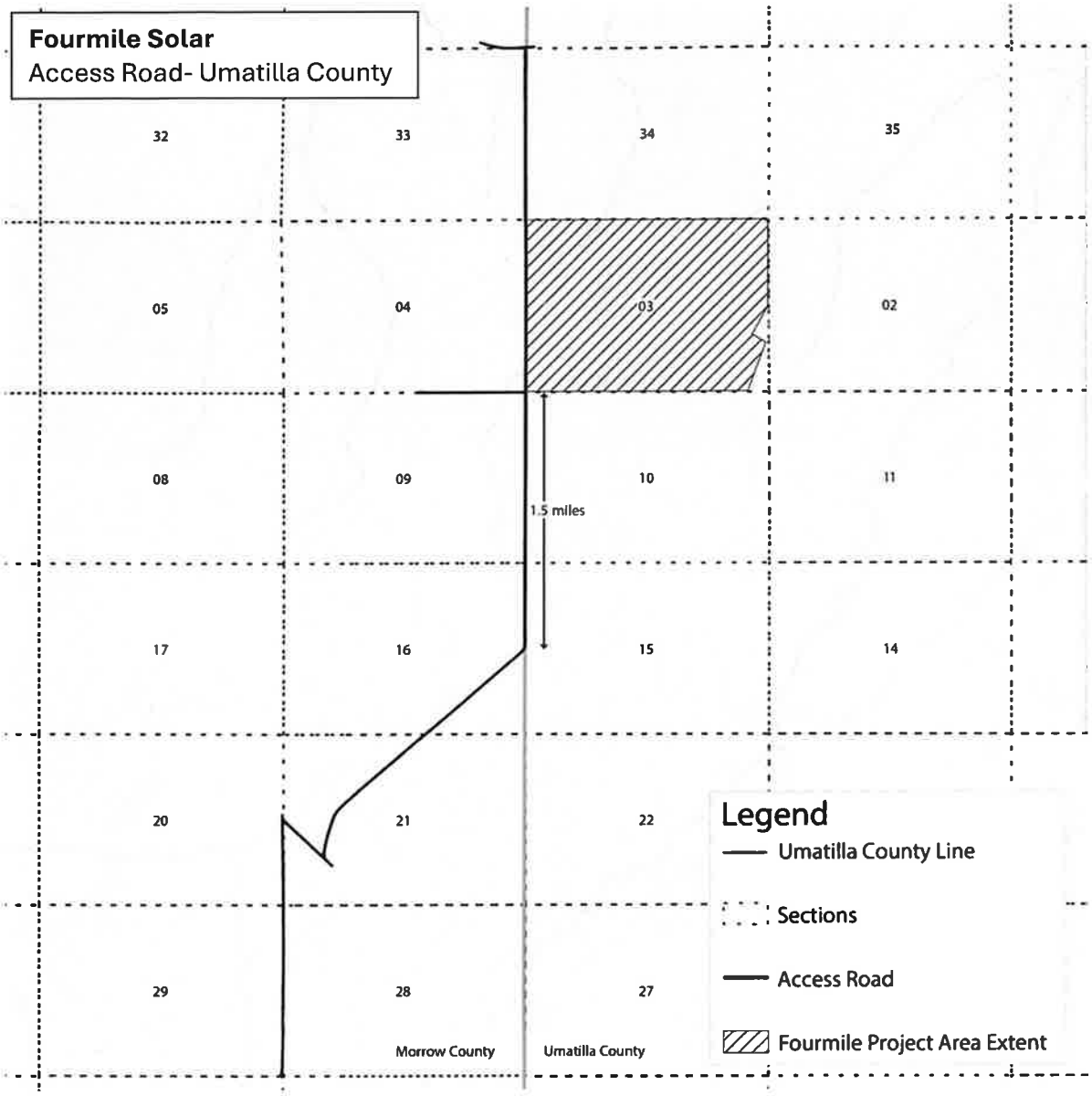
Fourmile Solar- Supplemental Information, Access Road Details

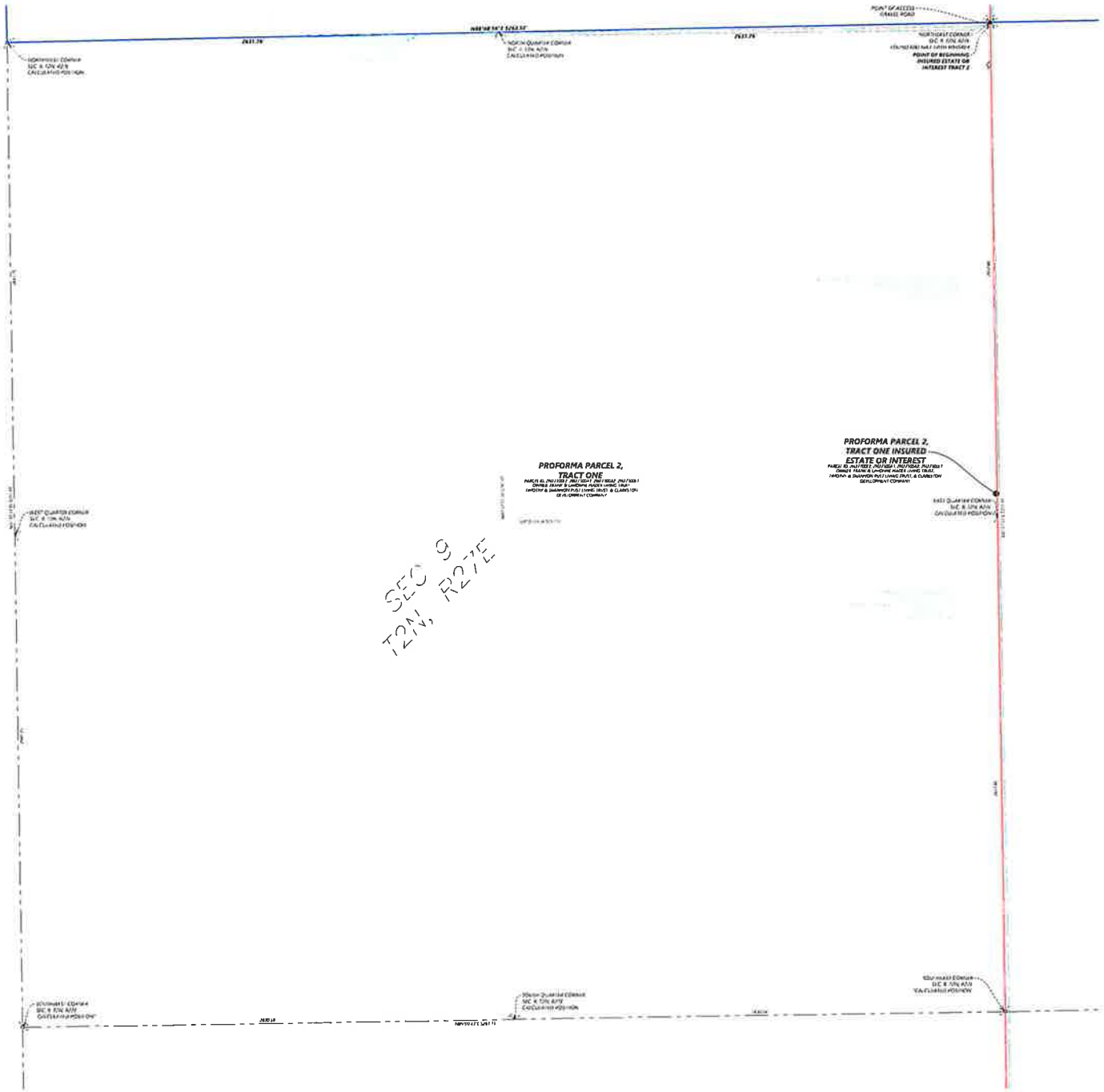
Fourmile Solar OR, LLC (Applicant) received an updated ALTA/NSPS Land Title Survey on December 29, 2025, following submittal of the Conditional Use Permit application on October 21, 2025. The updated survey identifies portions of the existing, private farm access road as being located within Umatilla County. Approximately 1.5 miles of the 4.75-mile private farm access road is aligned with the Umatilla–Morrow County boundary, with portions of the roadway located in each county.

A map depicting the segments of the private farm access road within Umatilla County is provided below. Additionally, the Applicant has included the ALTA Survey Report including Section 9 and 16 of Township 2 North, Range 27 East, identifying the portions of Access Road located within Umatilla County.

The Transportation Plan included in the Conditional Use Permit application (Attachment D) has been updated to reflect this minor modification on the record. The Applicant maintains that this updated information does not affect the project's ability to comply with the applicable local code provisions given that access will remain via an existing, private access road, located on private land and fully covered by the Applicant's existing access rights and agreements with the affected private landowners.

Figure 1: Access Road Impacting Umatilla County





Westwood

OneEnergy

2003 Western Ave #225
Seattle, WA 98121

LEGEND:

Fourmile Solar

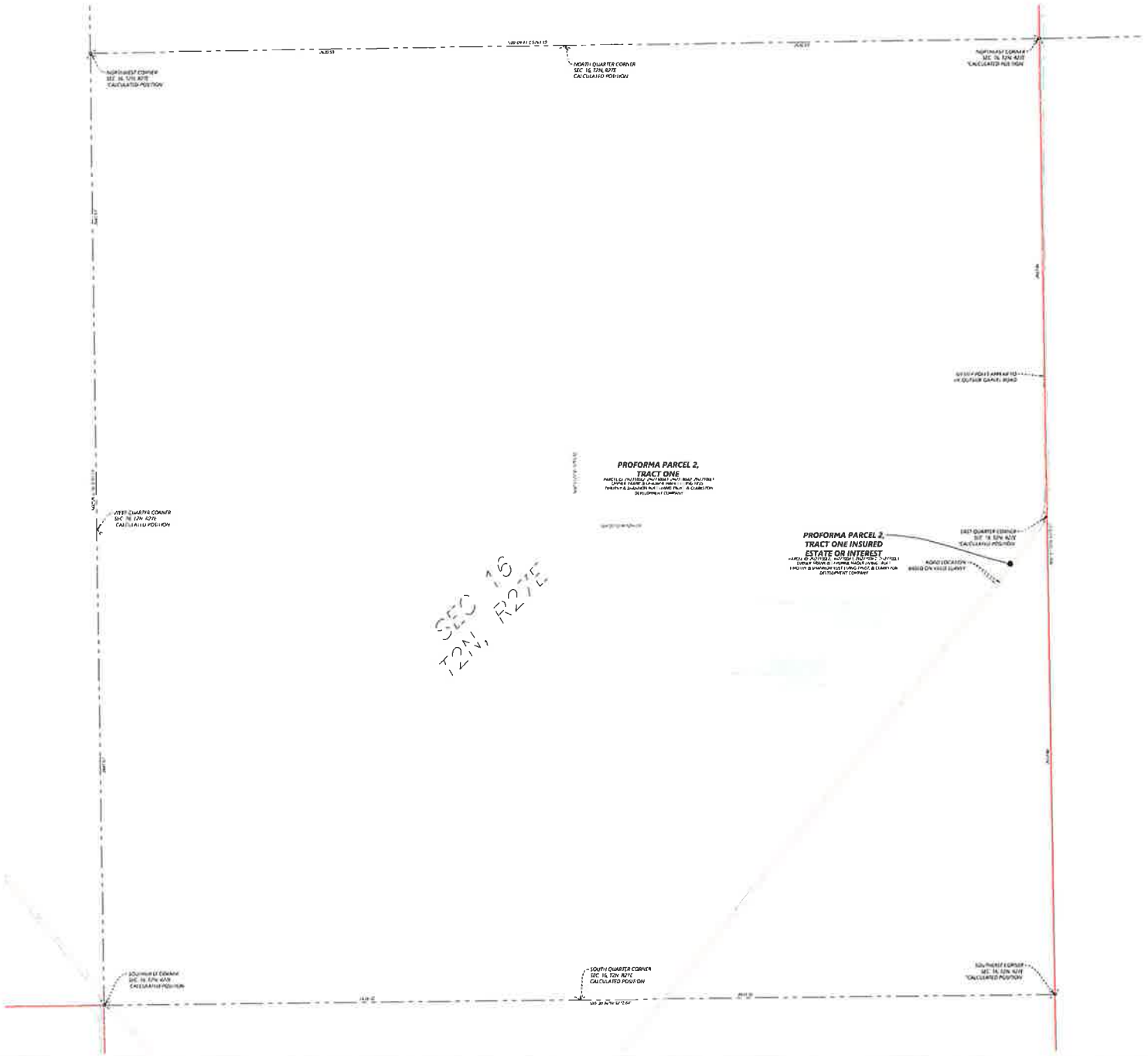
Morrow County, Oregon
Umatilla County, Oregon

SECTION 9
TOWNSHIP 2 NORTH
RANGE 27 EAST
ALTA/NSPS
LAND TITLE SURVEY

PROJECT NUMBER: 0044706.00

DATE: 01/12/2026

SHEET: 1 of 2



Westwood

PROJECT FOR

OneEnergy

2003 Western Ave #225
Seattle, WA 98121

REVISIONS

LEGEND:

Fourmile Solar
Morrow County, Oregon
Umatilla County, Oregon

SECTION 16
TOWNSHIP 2 NORTH
RANGE 27 EAST
ALTA/NSPS
LAND TITLE SURVEY

PROJECT NUMBER 0044706.00

DATE 01/12/2026

SHEET 2 of 2

Attachment D

TRANSPORTATION PLAN

Fourmile Solar

January 2026

OneEnergy Renewables
2003 Western Ave, Suite 225
Seattle, Washington 98121

oneenergy
renewables
.com

GENERAL TRANSPORTATION INFORMATION

No Umatilla County public roads will be utilized for the construction or operations of this Project.

The main access point for the Project utilizes an existing private access approach located in Morrow County, OR. The existing private access approach intersects the Lexington-Echo Highway OR-207 and is managed by the Oregon Department of Transportation (ODOT). The Applicant has consulted with ODOT and has obtained the required easement with the private landowner to allow for ingress and egress to the Project (see Exhibit A). Please see ODOT emails attached as Exhibit B.

Transportation routes will be used to bring in equipment, materials and the labor force to the Project. The route will enter Umatilla County on Interstate 84, then exit onto OR-207. It will follow OR-207 south and cross into Morrow County before turning onto the private access approach. From the intersection of OR-207 and the private access road, vehicles will continue north along the private road for approximately 4.75 miles until reaching the Project. Approximately 1.5 miles of the 4.75-mile private farm access road is aligned with the Umatilla–Morrow County boundary, with portions of the roadway located in each county. This approximately 1.5-mile section of existing private access road is located on an isolated section of private farmland with no public access.

Figure 1: Map of Transportation Route

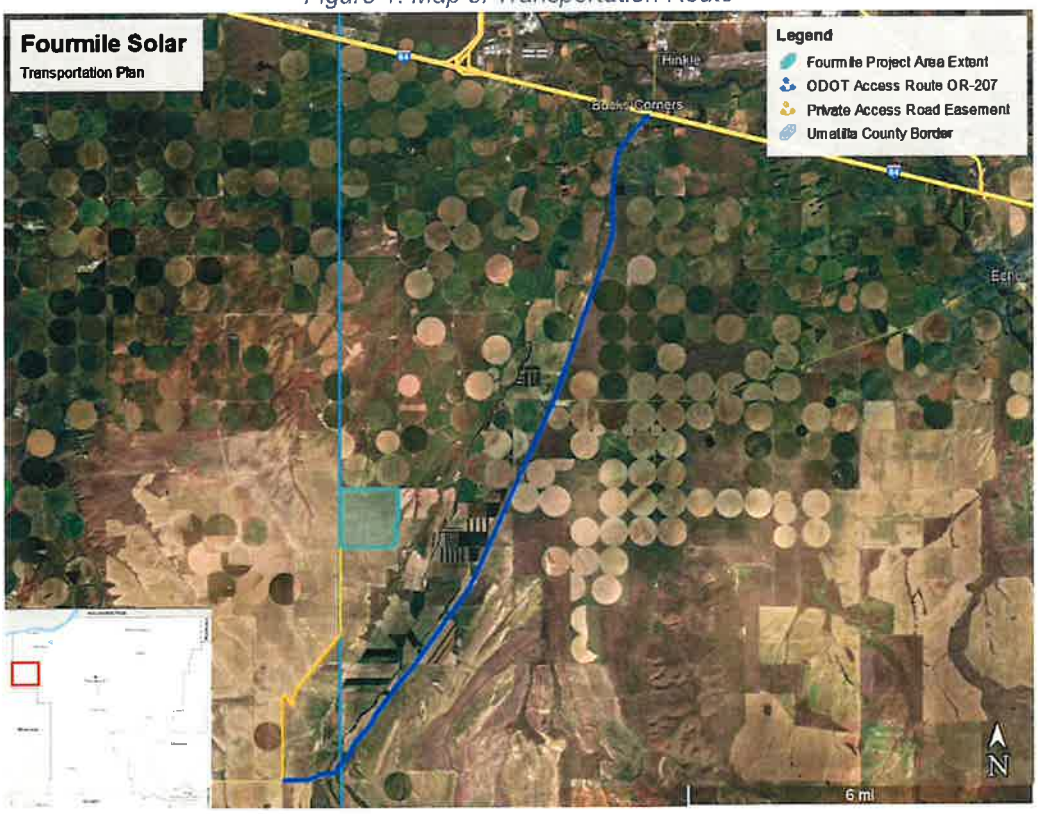


Figure 2: Access Road Impacting Umatilla County

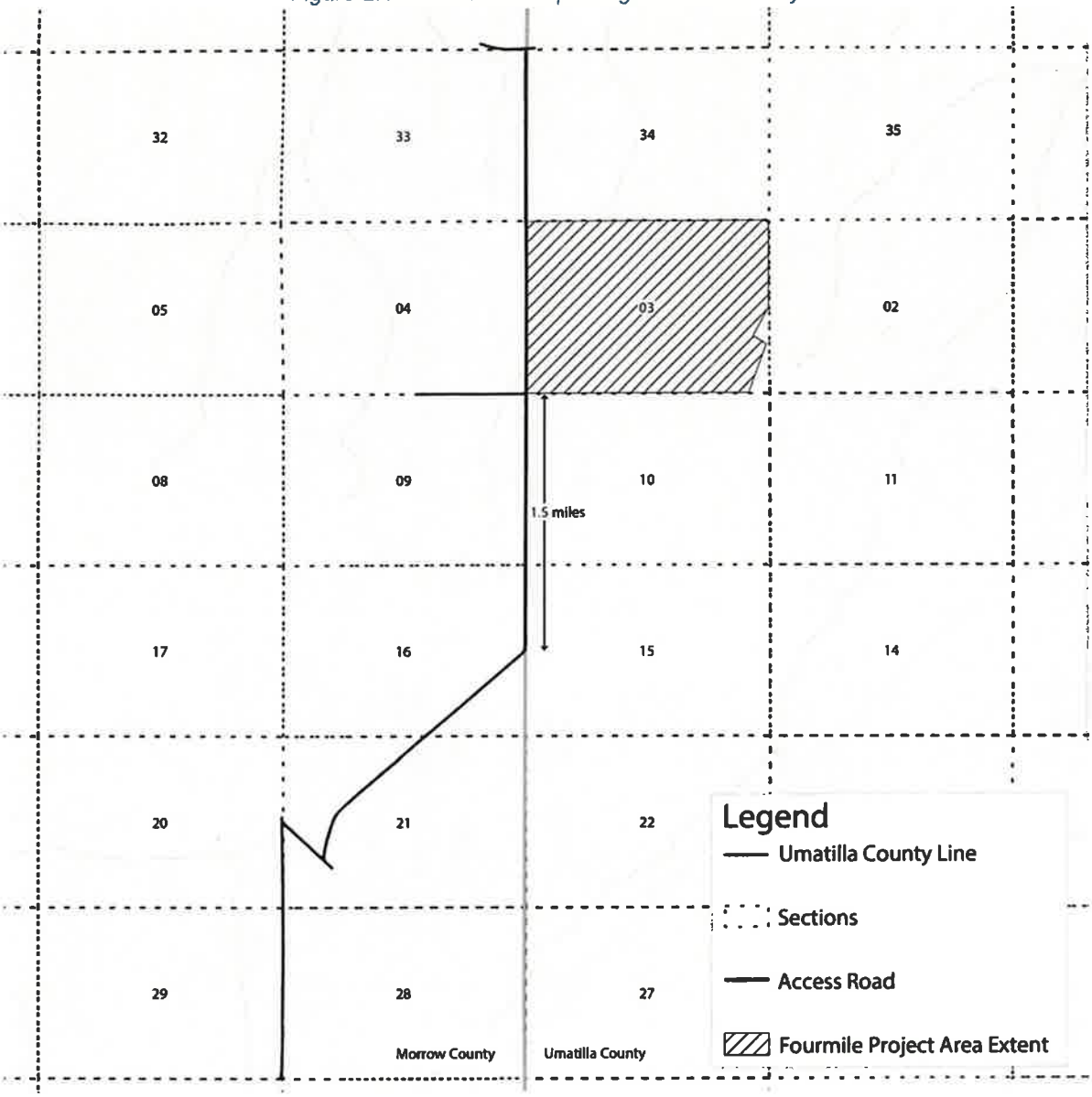


EXHIBIT A: MEMORANDUM OF EASEMENT

State of Oregon
County of Umatilla
REC-DE-EAS

2025-05334
07/15/2025 01:30:01 PM

Pgs=12 $60.00 $11.00 $10.00 $60.00 **$151.00**

Office of County Records

Steve Churchill

UMATILLA COUNTY

Prepared by and after recording return to:

OneEnergy Development, LLC
Attn: Tanner Gillespie
2003 Western Avenue, Suite 225
Seattle, WA 98121

ACCESS EASEMENT

THIS ACCESS EASEMENT (the "Easement Agreement"), is effective as of the 29th day of March, 2024 (the "Effective Date") by and among N & C Land, LLC, an Oregon Limited Liability Company, formerly known as N & C Farms, LLC ("Grantor"), whose address is 71062 Perkins Rd., Echo, OR 97826, Passage Solar OR, LLC, a Delaware Limited Liability Company ("Passage"), whose address is 2003 Western Ave., Suite 225, Seattle, WA 98121, and Fourmile Solar OR, LLC, a Delaware Limited Liability Company, whose address is 2003 Western Ave., Suite 225, Seattle, WA 98121 ("Fourmile," and together with Passage, the "Grantees" and each a "Grantee"). Grantor and Grantees may hereafter be referred to together as the "Parties" and each, a "Party."

RECITALS

A. Grantor is the owner of that certain real property situated in the County of Morrow, State of Oregon, as more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Grantor Property").

B. Passage (as assignee of OneEnergy Development, LLC) is party to that certain Trail 1 Lease Option and Solar Easement Agreement dated April 28, 2023 (the "Trail 1 Lease Option") with the Timothy and Shannon Rust Living Trust, the Shannon Rust Share of the Frank & LaVonne Mader Living Trust, and the Clarkston Development Company (collectively herein, "Lessor"), a memorandum of which is recorded in the Umatilla County Deed Records as Instrument No. 2023-03197 and in the Morrow County Deed Records as Instrument No. 2023-53004, and Fourmile (as assignee of OneEnergy Development) is party to that certain Trail 2 Lease Option and Solar Easement Agreement dated April 28, 2023 with the Lessor (the "Trail 2 Lease Option," and together with the Trail 1 Lease Option, the "Options"), whereby Lessor granted options to Grantees to lease portions of certain real property owned by Lessor and described on Exhibit B attached hereto and incorporated herein by this reference (the "Benefitted Property"), for the purpose of developing, planning, constructing, operating and maintaining solar energy generating systems and related electrical or other energy distribution and collection infrastructure (the "Projects").

C. Grantor agrees to grant and convey to Grantees a non-exclusive easement over and across a portion of the Grantor Property for pedestrian and vehicular ingress to and egress from certain facilities to be constructed on portions of the Benefitted Property in connection with the Projects.

AGREEMENT

IN CONSIDERATION of the foregoing and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties hereto agree as follows:

1. **Definitions**. The following terms have the definitions ascribed to such terms in the table below:

Term	Definition
"Easement Area"	A strip of land on the Grantor Property being approximately two (2) miles in length and approximately twenty feet (20') wide, running approximately ten feet (10') on either side of a center line of the existing driveway, generally overlapping the existing driveway, provided that the Easement Area increases to eighty feet (80') wide at the point where the existing driveway meets with the entrance to Lexington Echo Hwy 207, generally overlapping the existing gravel driveway entrance, a sketch of said Easement Area being attached hereto as Exhibit C. Grantor agrees to execute an amendment to this Easement Agreement setting forth the exact legal description of the Easement Area, which shall be recorded in the real property records of Morrow County, Oregon and Umatilla County, Oregon at Grantees' sole discretion and expense.

2. **Grant of Easement**. Grantor does hereby grant and convey unto both Grantees, and each of their respective successors, assigns, lessees, licensees, employees, contractors, visitors, lenders, investors, representatives, officers, managers, directors and consultants (collectively, the "Grantee Parties"), as a perpetual, non-exclusive easement appurtenant to the Benefitted Property and the Projects, the right to vehicular and pedestrian ingress to and egress from the Benefitted Property and the Projects on, over and along the Easement Area (the "Easement"). The Easement includes all of the rights and privileges necessary and incidental to the full use and enjoyment of the Easement for the purposes permitted in this Easement Agreement.

3. **Survey**. In connection with the Easement, Grantor does hereby grant and convey unto both Grantees, and each of their respective Grantee Parties, the right to conduct, at Grantees' sole cost and expense, a survey of the Easement Area.

4. **Consideration**. As consideration for this Easement Agreement and the Easement rights granted to Grantees herein, Grantees agree to pay to Grantor a mutually agreeable amount in immediately available funds, with such amount being paid to Grantor in one lump sum payment promptly upon the execution of this Easement Agreement by all Parties.

5. **No Interference**. Grantor shall not construct, install, or permit to be constructed or installed, any improvements, fences, structures, buildings, foliage or vegetation, utility lines or other improvements of any type whatsoever upon, in, on, under or near the Easement Area which would inhibit or impair any of Grantees' rights or benefits as set forth in this Easement Agreement. Grantor shall not grant to any person any right of way, encumbrance, easement or other right in or affecting the Easement Area that may interfere with Grantees' use and enjoyment of the Easement. In the event that there are one or more mortgages or deeds of trust encumbering the Grantor Property as of the date of this Easement Agreement, Grantor agrees to assist Grantees in obtaining a written subordination and non-disturbance agreement executed by each

mortgagee under the terms of which the mortgagee agrees, for itself and its successors and assigns, not to disturb the rights and other interests under this Easement Agreement of the Grantees or the Grantee Mortgagees in the event of foreclosure, judicial sale or other proceedings in connection with such mortgage or deeds of trust. Each such subordination and non-disturbance agreement must be in a form reasonably acceptable to Grantees and the Grantee Mortgagees, and may be recorded in the real property records of Morrow County, Oregon and Umatilla County, Oregon at Grantees' sole discretion and expense.

6. **Authority**. Grantor hereby represents and warrants to Grantees that it owns the Grantor Property in fee simple and is fully authorized and empowered, without any consent or approval of any third party, to grant the rights and benefits granted to Grantees in this Easement Agreement.

7. **Assignment**. Grantees shall each have the right, without Grantor's consent, to sell, convey, lease, transfer or assign all or any portion of their respective rights relating to the Easement or this Easement Agreement, and to apportion, grant sub-easements, co-easements, separate easements, leases, licenses or similar rights, however denominated, to one or more persons or entities. Grantor shall not have the right to transfer or assign the Easement or this Easement Agreement without the prior written consent of Grantees, which shall not be unreasonably withheld; notwithstanding the foregoing, however, Grantor may sell, transfer or assign the Grantor Property to any third party without the prior consent of Grantees provided that this Easement Agreement shall be concurrently assigned by Grantor to any such purchaser, transferee or assignee.

8. **Right to Mortgage**. Grantees may, without Grantor 's consent or approval, mortgage, collaterally assign, or otherwise encumber and grant security interests in all or any part of its interest respective interest in this Easement Agreement, the Easement, and the Easement Area (collectively, the "Assets"), which said security interest in all or a part of the Assets are collectively referred to herein as "Mortgages" and the holders of the Mortgages, their designees and assigns are referred to herein as "Grantee Mortgagees."

9. **Default**. If either Grantee fails to perform their respective obligations hereunder (an "Event of Default"), then neither Grantee shall be in default hereunder unless either fails to cure such Event of Default within sixty (60) days after receiving written notice from Grantor stating with particularity the nature and extent of such Event of Default and specifying the method of cure (a "Notice of Default"); provided, however, that if the nature or extent of the obligation or obligations is such that more than sixty (60) days are required, in the exercise of commercially reasonable diligence, for performance of such obligations(s), then neither Grantee shall be in default if either commences such performance within such sixty (60) day period and thereafter pursues the same to completion with commercially reasonable diligence. Grantor acknowledges and agrees that should Grantor breach any of its obligations hereunder or otherwise fail to permit Grantees to exercise any of the rights and privileges granted herein, Grantees shall have the right, in addition to any of their other rights and remedies, to seek specific enforcement of this Easement Agreement. Grantor further agrees that each Grantee shall have the right, but not the obligation, to cure a default on behalf of the other Grantee and such cure tendered by the non-defaulting Grantee shall be accepted by Grantor as if tendered by the defaulting Grantee.

10. **Notices**. Any notice to be given hereunder or which any Party wishes to give to the others shall be in writing and may be delivered personally to the other or given by mailing by depositing the same in the U.S. Mail, with all postage and certification charges thereon prepaid, in a sealed envelope and sent by registered or certified mail with return receipt requested, addressed as set forth in the first paragraph of this Easement Agreement or to such other address as any Party shall hereafter specify by written notice to the other. Any notice shall be deemed delivered three days after deposit in the mail in accordance with the foregoing provision.

11. **Binding Nature**. The Parties hereby agree that all of the covenants and agreements contained in this Easement Agreement touch and concern the real estate described in this Easement Agreement and are expressly intended to, and shall, be covenants running with the land and shall be binding and a burden upon the Easement Area, the Grantor Property and each Parties' present or future estate or interest therein and upon each of the Parties, their respective heirs, administrators, executors, legal representatives, successors and assigns as holders of an estate or interest in the Easement Area and/or the Grantor Property (including without limitation, any mortgagee, lender or other person acquiring title from any such person upon foreclosure or by deed in lieu of foreclosure), and shall benefit the Benefitted Property, the Projects, Grantees, and their respective heirs, administrators, executors, legal representatives, successors and assigns. Further, Grantor agrees that this Easement Agreement and the Easement rights granted herein will continue in full force and effect in the event that a Grantee exercises its respective option and enters into a Solar Lease Agreement with the Lessor. In the event that a Grantee does not exercise its option and does not enter into a Solar Lease Agreement with the Lessor, such Grantee agrees to notify Grantor and this Easement Agreement will terminate with respect to that Grantee (but will continue in full force and effect with respect to the other Grantee who has entered into a Solar Lease Agreement with the Lessor). If neither Grantee exercises their respective option and neither Grantee enters into a Solar Lease Agreement with the Lessor, the Grantees shall notify Grantor and this Easement Agreement shall terminate, and the Grantees shall remove this Easement Agreement of record in the county land records, at Grantees' sole cost and expense. To the extent any of the provisions of this Easement Agreement are not enforceable as covenants running with the land or the status of such as appurtenant is extinguished, the Parties agree that they shall be as assignable and alienable easements in gross.

12. **Miscellaneous**. This Easement Agreement may be executed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document. This Easement Agreement constitutes the entire agreement between the Parties and no promises or representations, express or implied, either written or oral, not herein set forth shall be binding upon or inure to the benefit of the Parties and all prior or contemporaneous proposals, agreements, understandings and representations, whether oral or written, shall be deemed to have been merged herein and superseded hereby. This Easement Agreement shall not be modified by any oral agreement, either express or implied, and all modifications hereof shall be in writing and signed by all Parties. Grantees shall each have the right to amend this Easement Agreement into separate easement agreements benefitting each respective Grantee, or to request that Grantor enter into two new Easement Agreements that are materially the same as this Easement Agreement, but separately benefitting each respective Grantee, if deemed necessary by a Grantee or the Grantees in connection with financing the Projects. Grantor shall also provide Grantees with such further assurances and shall execute any estoppel certificates, consents to assignments or additional documents that may be reasonably necessary for recording purposes or requested by Grantees or any of their lenders or financiers. The provisions hereof shall be governed by and construed in accordance with the laws of the State of Oregon.

SIGNATURES TO FOLLOW ON NEXT PAGES

IN WITNESS WHEREOF, the Parties have executed this Easement Agreement as the Effective Date.

Grantor:

N & C Land, LLC,
an Oregon limited liability company

By: Curtis N. Perkins
Name: Curtis N. Perkins
Its: Manager
Date: October 16, 2024

STATE of Oregon)
) ss.
County of Umatilla)

The foregoing instrument was acknowledged before me this 16th day of October, 2024, by Curtis Perkins, as Manager of N & C Land, LLC, an Oregon limited liability company.

OFFICIAL STAMP
KOLBY JAMES CURRIN
NOTARY PUBLIC - OREGON
COMMISSION NO. 1027736
MY COMMISSION EXPIRES SEPTEMBER 07, 2026

Kolby Currin
NOTARY PUBLIC

My Commission Expires: 9/7/2026

Signatures continued on following page.

Grantees:

Fourmile Solar OR, LLC
By: OneEnergy Development, LLC, its sole member

By: _____
Name: Travis Bryan
Its: Authorized Signatory
Date: 10/17/24

STATE of Washington)
) ss.
County of King)

The foregoing instrument was acknowledged before me this 17 day of October, 2024, by Travis Bryan, as Authorized Signatory of OneEnergy Development, LLC, the sole member of Fourmile Solar OR, LLC.

RAYME QUIBAN
COMMISSION EXPIRES
02/10/2027
NOTARY
PUBLIC
Commission Number 23005373
STATE OF WASHINGTON

_____
NOTARY PUBLIC

My Commission Expires: 2/10/2027

Signatures continued on following page.

Passage Solar OR, LLC
By: OneEnergy Development, LLC, its sole member

By: _____
Name: Travis Bryan
Its: Authorized Signatory
Date: 10/17/2024

STATE of Washington)
) ss.
County of King)

The foregoing instrument was acknowledged before me this 17 day of October, 2024, by Travis Bryan, as Authorized Signatory of OneEnergy Development, LLC, the sole member of Passage Solar OR, LLC.

RAYME QUIBAN
COMMISSION EXPIRES
02/10/2027
NOTARY
PUBLIC
Commission Number 23005373
STATE OF WASHINGTON

_____
NOTARY PUBLIC

My Commission Expires: 2/10/2027

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EXHIBIT A
Legal Description of Grantor Property

Map and Taxlot: 2N2700-00-00301

A parcel of land in Section 20, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon, more particularly described as follows:

COMMENCING at the center quarter corner of Section 20, said township and range; thence South 00°14' West 436 feet along the North-South center line of said Section 20 to the TRUE POINT OF BEGINNING; thence continuing South 00°14' West 80.0 feet along the North-South center line of said Section 20; thence North 89°46' West 40 feet; thence North 00°14' East 80.0 feet; thence South 89°46' East 40 feet to the TRUE POINT OF BEGINNING.

ALSO a parcel of land in Sections 19, 20, 29 and 30, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon, more particularly described as follows:

COMMENCING at the center quarter corner of Section 20, said township and range; thence South 00°14' West 2673 feet along the North-South center line of said Section 20 to the TRUE POINT OF BEGINNING; thence North 89°46' West 90 feet; thence 6265.61 feet along the arc of a 1320-foot radius circle whose center is located South 2673 feet and West 1410 feet from the center quarter corner of said Section 20 and whose arc angle is 271°57'52"; thence South 02°10' East 2.7 feet; thence 6175.09 feet along the arc of a 1320-foot radius circle whose center is located South 5315 feet and West 1320 feet from the center quarter corner of said Section 20 and whose arc angle is 268°02'08" to the intersection with the North-South center line of Section 29, said township and range; thence North 00°14' East 2642 feet, more or less, along the North-South center line of said Sections 29 and 20 to the TRUE POINT OF BEGINNING.

ALSO the East half of Section 20, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

ALSO the East half of Section 29, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

EXHIBIT B
Legal Description of Benefitted Property

That certain property located in Morrow and Umatilla Counties, Oregon, as shown in the hatched area on the map below and described as:

TRACT ONE: (2N27 - 100)
All of Section 4, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

ALSO all of Section 9, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

ALSO all of Section 16, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

ALSO all of Section 21, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

ALSO the North half of Section 28, Township 2 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

TRACT TWO: (3N27 - 1200)
ALSO all of Section 32, Township 3 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

ALSO all of Section 33, Township 3 North, Range 27 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

TRACT THREE: (2N27 - 800)
The Northeast Quarter of Section 3, Township 2 North, Range 27, East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

TRACT FOUR: (2N27 - 900)
The Northwest Quarter, and the South Half of Section 3, Township 2 North, Range 27, East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

EXHIBIT C
Easement Area

A strip of land on the Grantor Property being approximately two (2) miles in length and approximately twenty feet (20') wide, running approximately ten feet (10') on either side of a center line of the existing driveway, generally overlapping the existing driveway, provided that the Easement Area shall be expanded up to eighty feet (80') wide at the point where the existing driveway meets with the entrance to Lexington Echo Hwy 207, generally overlapping the existing driveway entrance. Said Easement Area is generally depicted as shown in the maps below.

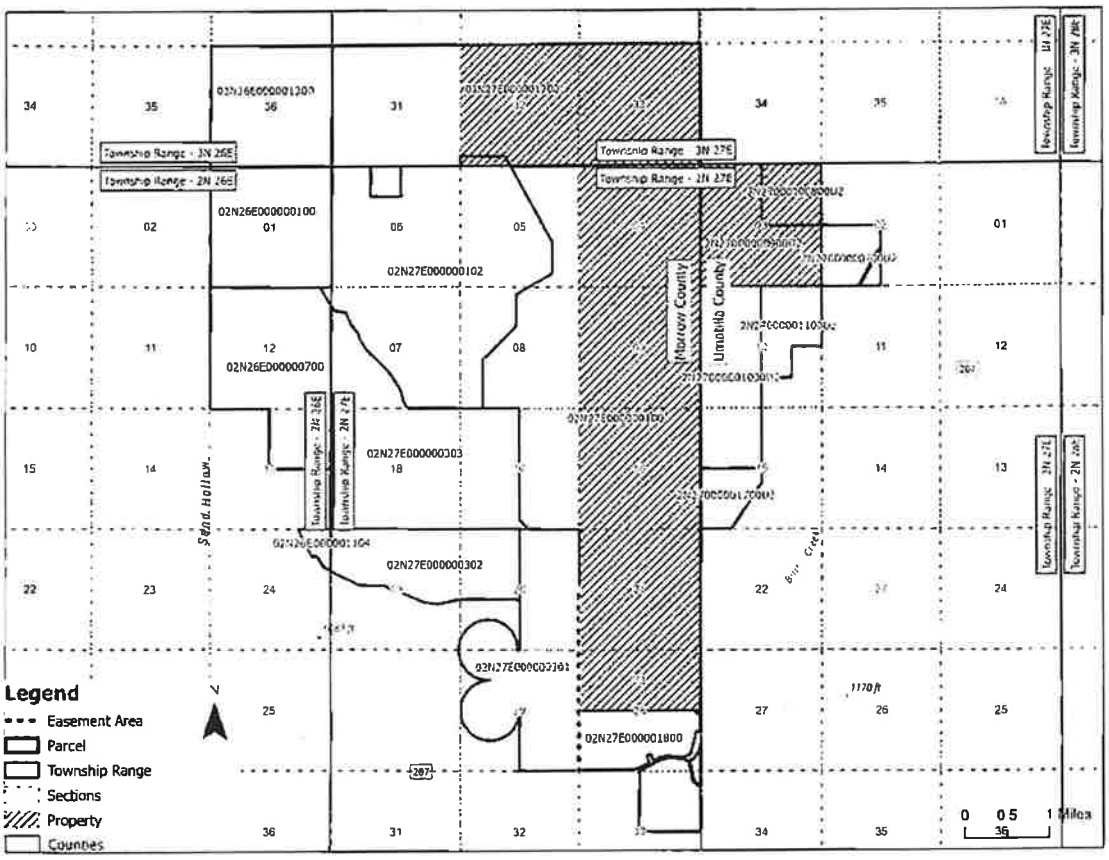


Exhibit C continued on following page.

EXHIBIT C
Easement Area

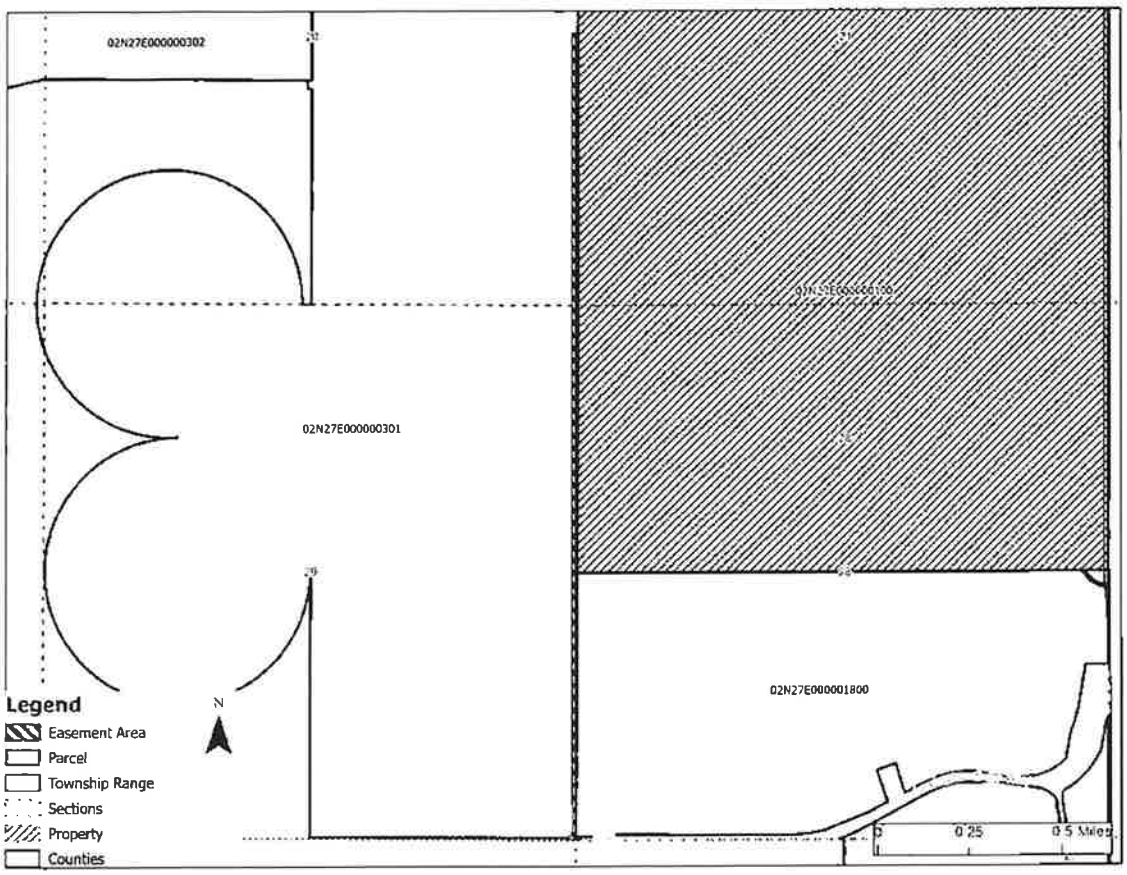


Exhibit C continued on following page.

EXHIBIT C
Easement Area

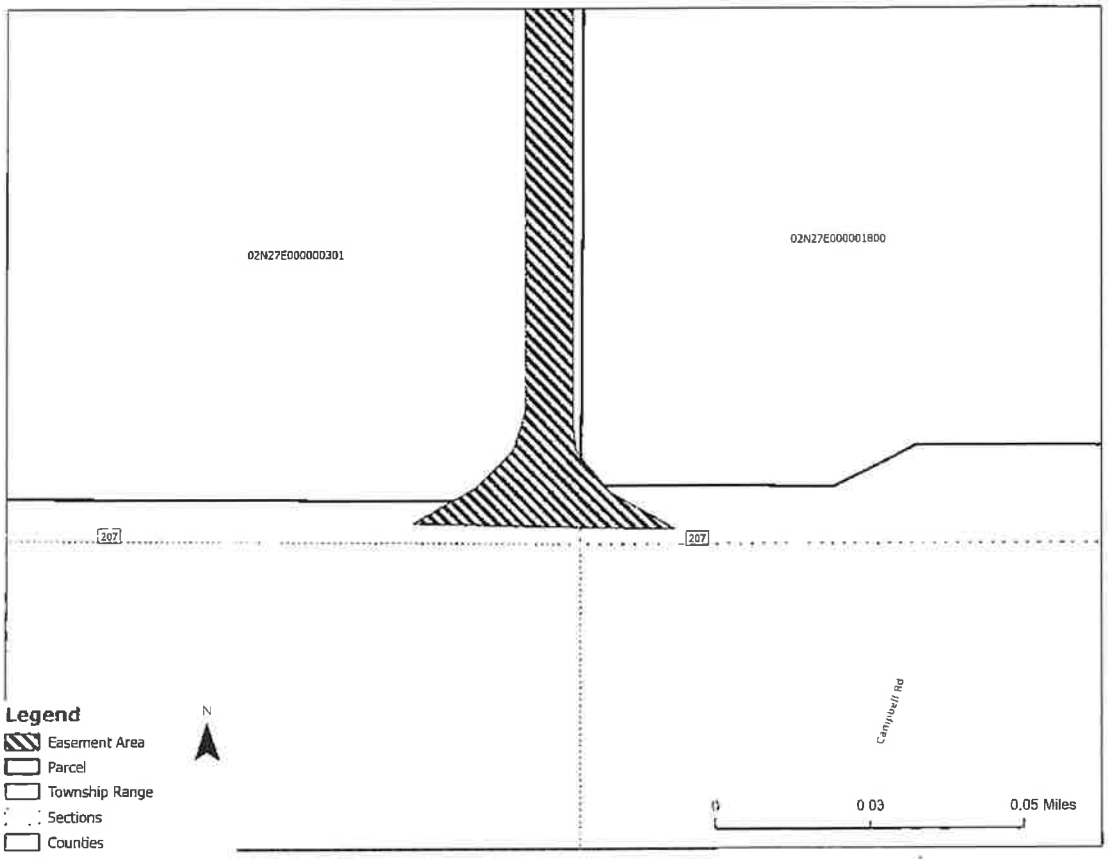


EXHIBIT B: OREGON DEPARTMENT OF TRANSPORTATION CORRESPONDENCE

Bobby Wenger

From: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Sent: Monday, October 13, 2025 8:10 AM
To: Bobby Wenger
Cc: Tanner Gillespie; OTTOSEN Jordan; HAGUEWOOD Tony W; MARTIN Kelli N; HOWLAND Paul L; LANI Richard
Subject: RE: Proof of permitted approach for Umatilla County development AMES 8308.

Follow Up Flag: Flag for follow up
Flag Status: Completed

Caution! This message was sent from outside your organization. Allow sender | Block sender

Bobby,

You can print my email and save it to verify what I told you Bobby. I confirmed this permit is valid for the connection so until I get clear of several other previous permit obligations I won't get back to this one very soon. If you aren't being stopped from using the connection then use it knowing you have easements in place.
Staff in this office (permits) is being cut on Nov. 1st so you may want to contact the current owner of tax lot 301 and get confirmation that the owner has no objection to using the approach until this can be straightened out.

Thomas Lapp
District 12 Permit Specialist
1327 SE 3rd Street
Pendleton, OR 97801
Ph (541)278-3450
Fax (541)276-5767

From: Bobby Wenger <bobby@oneenergyrenewables.com>
Sent: Friday, October 10, 2025 8:45 AM
To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>; OTTOSEN Jordan <Jordan.OTTOSEN@odot.oregon.gov>; HAGUEWOOD Tony W <Tony.W.HAGUEWOOD@odot.oregon.gov>; MARTIN Kelli N <Kelli.N.MARTIN@odot.oregon.gov>
Subject: RE: Proof of permitted approach for Umatilla County development AMES 8308.

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hey Thomas,

Is it possible to get an updated permit, or more clarification on the tax lot history? We are worried that this will create too much confusion as is.

Thank you,

BOBBY WENGER
He/Him
Associate, Development
303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

From: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Sent: Tuesday, October 7, 2025 3:09 PM
To: Bobby Wenger <bobby@oneenergyrenewables.com>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>; OTTOSEN Jordan <Jordan.OTTOSEN@odot.oregon.gov>; HAGUEWOOD Tony W <Tony.W.HAGUEWOOD@odot.oregon.gov>; MARTIN Kelli N <Kelli.N.MARTIN@odot.oregon.gov>
Subject: RE: Proof of permitted approach for Umatilla County development AMES 8308.

Bobby

The permit copy you received is correct for the road connection. I didn't do the original permitting work so my thought is 301 was misinterpreted as tax lot 300 when the permit was processed, and in fact the application shows it as tax lot 300. It looks like the applicant, the permit specialist and the Morrow County Planner all missed the fact it was actually tax lot 301.
Are we in agreement it's correct for the mile point and highway engineer's station? The current owner of tax lot 301 appears to be N & C Farms, LLC, and the permit stays with and serves the property it abuts.
If you want me to trace the origin of the tax lot issue further, and get into that in more depth and correct it, I will do that, but not for a couple of weeks or so due to our current work load.

Let me know if this is an issue for your projects.

Thomas Lapp
District 12 Permit Specialist
1327 SE 3rd Street
Pendleton, OR 97801
Ph (541)278-3450
Fax (541)276-5767

From: Bobby Wenger <bobby@oneenergyrenewables.com>
Sent: Tuesday, October 7, 2025 11:08 AM
To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>; OTTOSEN Jordan <Jordan.OTTOSEN@odot.oregon.gov>; HAGUEWOOD Tony W <Tony.W.HAGUEWOOD@odot.oregon.gov>
Subject: RE: Proof of permitted approach for Umatilla County development

You don't often get email from bobby@oneenergyrenewables.com. Learn why this is important

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hey Thomas,

I was confirming the details of this permit and found some confusing information. I measured 18.71 miles to the correct intersection, but the private road is on tax lot 301. Tax lot 300, which is on the permit, is one lot west of our access route. Can you please confirm that this permit is for the intersection shown below:

Thank you,

BOBBY WENGER
He/Him
Associate, Development
303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

From: Bobby Wenger
Sent: Tuesday, October 7, 2025 8:29 AM
To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>; OTTOSEN Jordan <Jordan.OTTOSEN@odot.oregon.gov>; HAGUEWOOD Tony W <Tony.W.HAGUEWOOD@odot.oregon.gov>
Subject: RE: Proof of permitted approach for Umatilla County development

Thank you! Sorry for the double request.

BOBBY WENGER
He/Him
Associate, Development
303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

From: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Sent: Monday, October 6, 2025 12:37 PM
To: Bobby Wenger <bobby@oneenergyrenewables.com>

Cc: Tanner Gillespie <tanner@oneenergyrenewables.com>; OTTOSEN Jordan <Jordan.OTTOSEN@odot.oregon.gov>; HAGUEWOOD Tony W <Tony.W.HAGUEWOOD@odot.oregon.gov>
Subject: RE: Proof of permitted approach for Umatilla County development

Bobby,

This is the use permit you need. I will upload the easement you provided into the file for a record to back the right to use the road.
Tanner Gillespie asked for the same information so this permit will suffice unless you both need something else.

Thanks,

Thomas Lapp
District 12 Permit Specialist
1327 SE 3rd Street
Pendleton, OR 97801
Ph (541)278-3450
Fax (541)276-5767

From: Bobby Wenger <bobby@oneenergyrenewables.com>
Sent: Wednesday, October 1, 2025 3:40 PM
To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Subject: Proof of permitted approach for Umatilla County development

You don't often get email from bobby@oneenergyrenewables.com. Learn why this is important

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hello Thomas,

We reached out to you about a project named Passage Solar in Morrow County last year. I have attached the full email chain of that conversation as well as a kmz of the access route. Here is the statement from you that we are referencing now:

> The road approach the solar project intends to use for construction is a permitted approach that abuts current tax lot
> 301, on map 2N27E, at MP 18.69. This is a private approach road.

We are now preparing to apply for a permit for an adjacent project across the county line in Umatilla County named Fourmile Solar. Fourmile will use the same private road as Passage Solar, referenced above. While we have obtained the necessary access easements for the private road we are using to access the project site, Umatilla County's application requires a copy of the Access Permit onto OR-207. Is this something you can provide? Or can you direct me to where I can get a copy of the Access Permit?

Thank you!

BOBBY WENGER
He/Him
Associate, Development

303.565.2374
bobby@oneenergyrenewables.com
www.oneenergyrenewables.com

Oregon Department of Transportation
Application for State Highway Approach

FOR OFFICE USE ONLY
Permit Specialist _____
Permit Type: New Change of Use Temporary Restricted
Modification of Existing: ☐ Yes ☐ No Deviation: ☐ Yes ☐ No
NOTES: _____
Hwy #: _____ Milepoint: _____ Station: _____ CHAMPS ID #: 8308

Date Received Stamp

Required Information

The applicant must submit the following information with the Application for State Highway Approach. ODOT will notify the applicant if additional information is required.

- All attachments required by answers on the application form, including applicant signature.
- If the applicant is not the owner of the property to be served by the approach, then the property owner must authorize the applicant as a designated agent. The applicant must have the property owner complete the *Authorization of Designated Agent* block on this form OR submit a signed letter from the property owner authorizing the applicant as the designated agent .
- Site plan and vicinity map approved or currently being reviewed by the local government
- A *Land Use Compatibility Statement (LUCS) for a State Highway Approach* (page 4 of this application) **must be completed by the local government.**
- A copy of the current County tax lot map for the property served by the approach. Map must highlight *all* property that would be served by the approach and list *all* owner name(s) on adjacent properties. Make a note on map if ownership of adjacent property is same as subject property. Identify the location of the proposed approach on map.
- A copy of the recorded easement(s), if the subject property has an existing easement(s) for access to the property.
- A copy of any existing state or local government approach permits for the property.

In addition to the above submittals, the applicant may be required to place stakes or markings near the highway shoulder at the proposed approach location.

Definitions for commonly used terms are in the attached brochure. The brochure is also available on the ODOT website located at: http://www.oregon.gov/ODOT/HWY/ACCESSMGT/

Applicant Information

Last Name: Silvey Enterprises Inc	First Name: Aubrey		Company: Same
Street Address: 12901 SE 97th Ave Ste 450			
City: Clackamas	State: OR	Zip Code: 97015	County: Multnomah
Mailing Address: SAME			
City:	State:	Zip Code:	County:
Phone Number: 503-496-3450 / 3255		FAX Number: 503-496-3369	
Cell Phone Number: 503-550-3065			
E-mail Address: landerson@silvey.com			

Is applicant working as an Agent of the Owner? YES: ☒ NO: ☐

If YES, the owner must complete the Authorization of Designated Agent section below, OR ATTACH a letter from the owner authorizing applicant to act as his/her agent.

Approach Location

Highway Name – May be a statewide highway name such as Pacific Highway, or a local name like East Main Street.
Route Number - The posted highway number, e.g. I-5 or US-84

Highway Name: Echo-Lexington Hwy Route Number: 207 County: MORROW
Mile Point : ~~19.42~~ 18.27 Side of Highway: North ☒ South ☐ East ☐ West ☐
Is the highway in a national forest area?: Yes ☐ No ☒

MP 18.67

Authorization of Designated Agent

I Tim Hawkins / Hawkins Co. Inc (*printed name of property owner*) authorize Aubrey Silvey Enterprises Inc / Lee Anderson (*printed name of applicant*) to represent me as my agent in the matter of this highway approach permit application.

Owner Signature: [signature] Date: July 9, 08

Applicant Signature

NOTIFICATION TO APPLICANT: The ODOT District Office will contact you when your application has been reviewed. If additional documents are required to continue the application process you will be notified. When all of the necessary documents have been received, the application will be deemed complete. If your completed application is approved, preliminary construction specifications will be issued. A performance bond and liability insurance will be required before any construction work can begin on the highway right of way. For the complete rules regarding approach permitting, see OAR Chapter 734 Division 51.

The Applicant declares, certifies, and affirms under penalty of applicable state or federal laws that all information provided on this form and attachments are true and complete to the best of his/her knowledge.

Printed Name: Lee Anderson (Silvey) Signature: Lee Anderson Date: 7/10/08

Additional Approach Information

Application is a request for (check all that apply)

- ☐ New Approach - There is no existing permitted or grandfathered approach road at the location requested in this application
- ☒ Temporary Approach – The approach requested will be removed after a specified period of time
- ☒ Existing Approach - This application affects, or may affect, an existing approach
- ☐ Restricted Use Approach - The approach requested is for emergency services, government, utility access or similar specific uses with limited traffic

Vehicle Turning Movements

Turn movements requested (check all that apply)

All movements: ☒ OR Right In: ☐ Right Out: ☐ Left In: ☐ Left Out: ☐

Property Owner Information (If different than applicant)

Last Name: Hawkins Co. Inc.		First Name:	
Street Address: ~~Hwy 207~~ 70930 Hwy 207			
City: Echo	State: OR	Zip Code: 97826	County: Umatilla
Mailing Address: 78771 Eggers Rd			
City: Pendleton	State: OR	Zip Code: 97801	County: Umatilla
Phone Number: 541-276-6332		FAX Number: 541-278-6092	
Cell Phone Number: 541-969-8214			
E-mail Address:			

Are there additional owners of the subject property? YES: ☐ NO: ☒

If YES, ***ATTACH*** the same contact information as above for each of the co-owners on a separate sheet of paper.

Property Information (attach additional page(s) if space is insufficient)

Subject property address(es): 70930 Hwy 207			
City: Echo		Zip Code: 97826	County: Morrow
Township(s) 2N	Range(s) 27E	Section(s) 29	Tax lot(s) 300
Current zoning:		Proposed zoning:	

In the boxes below, describe the existing and proposed land use(s) on the property, including square footage or acreage.

Existing:	Proposed:

DATE RECEIVED BY ODOT

CHAMPS ID #

Oregon Department of Transportation

Land Use Compatibility Statement (LUCS)

What is a LUCS? A Land Use Compatibility Statement (LUCS) is the form ODOT uses to ensure that Highway Approach Permits are consistent with local land use requirements.

Why is a LUCS Required? ODOT Coordination Rules, OAR 731-015, identify Highway Approach Permits as permits that affect land use. State law requires ODOT activities that affect land use to be consistent with acknowledged local comprehensive plans...

When is a LUCS Required? An ODOT LUCS must be submitted with every ODOT Highway Approach Permit Application.

How to Complete the LUCS: The applicant completes Section 1. Section 2 must be completed by the local jurisdiction. The applicant then submits the completed LUCS to ODOT as part of the Highway Approach Permit Application.

SECTION 1: Applicant & Site Information

Print applicant name: Aubrey Silvey Ent. Inc	Applicant signature: Lee Anderson (Silvey)
Property owner name: Hawkin's Co. Inc	
Subject property address: 70930 Hwy 207 Echo, OR 97826	
Site description: Farm Field Access/Approach	
Describe the proposed activity, use, or development, including type and volume of traffic it will generate. Trucks + Pick-ups Transportation of WTG Componets/ 20 Vehicles Per day.	

Township(s)	Range(s)	Section(s)	Tax lot(s)
T2N	R.27E.	29	300

SECTION 2 must be filled out by a Local Planning Official

SECTION 2: Determination of Compliance with Local Land Use Requirements

The subject property is: ☐ Inside ☒ Outside City Limits ☐ Inside ☒ Outside UGB

Current Comprehensive Plan designation: _____ Current zoning: ✓

Is a Comprehensive Plan or zoning amendment proposed? YES ☐ NO ☒

If YES, list the proposed plan designation: _____ proposed zoning: _____

Does the activity, use, or development require land use review to determine compliance with land use regulations? **YES** ☐ **NO** ☒

If NO, it means that no local land use review is needed. **Skip to Local Planning Official Information below.**

If **YES,** what is the status of the land use application: ☐ **Approved** ☐ **Denied** ☐ **Under review** ☐ **Not yet received**

List file number(s): _____ Is the decision final: YES ☐ NO ☐

Comments: _____

Local Planning Official Information (Required):

Jurisdiction: Morrow County Planning Dept.	
Print planning official's name and title: Carla McLane, Planning Director	
Mailing Address: P.O. Box 40	
City: Irrigon OR	Zip Code: 97844
Phone: 541-922-4624	Fax: 541-922-3472
Email: Cmclane@co.morrow.or.us	
Planning Official's Signature: Carla McLane	Date: 7/17/2008

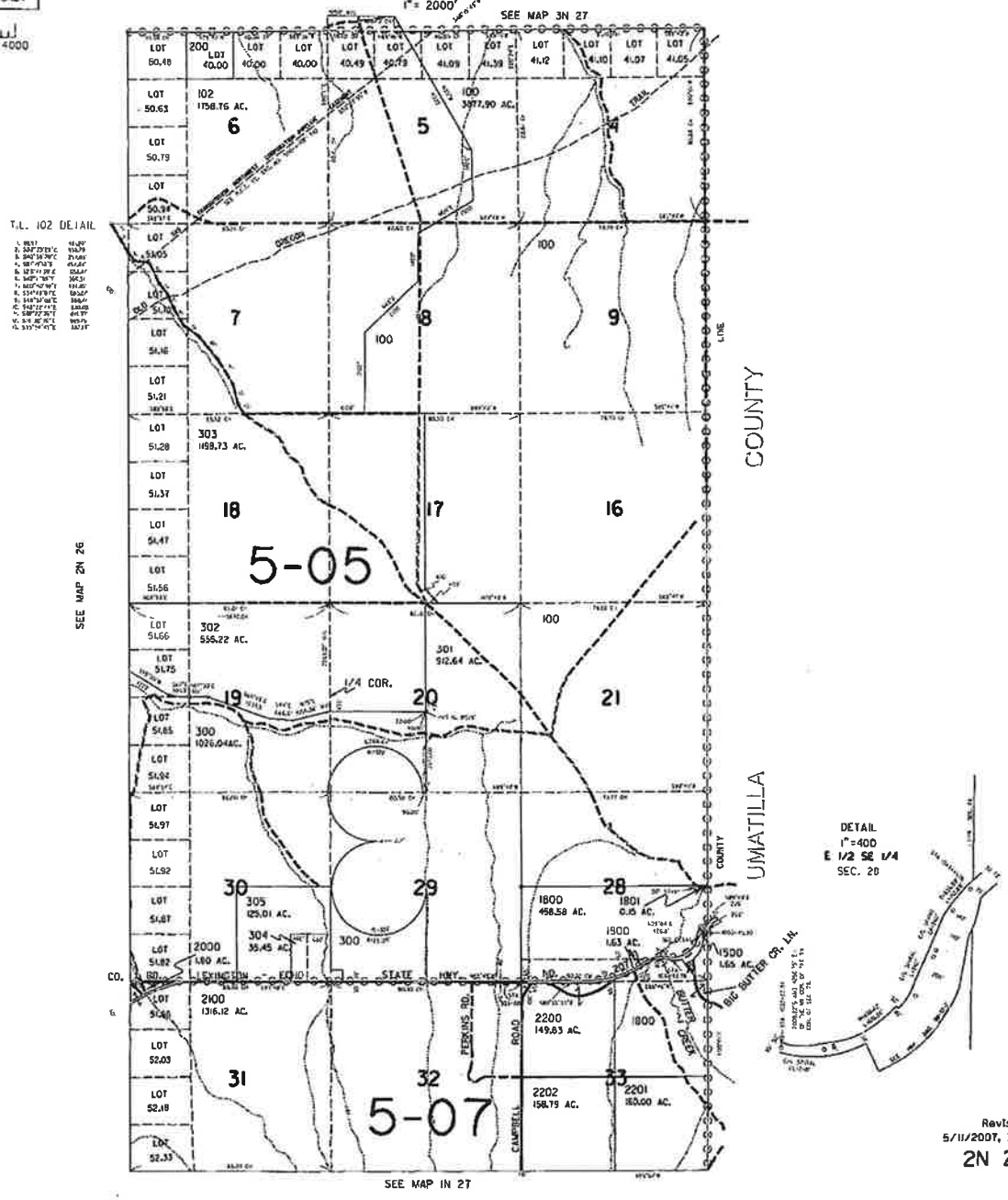
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

0 2000 4000
SCALE IN FEET

T.2N. R.27E. W.M.
MORROW COUNTY

1" = 2000'

2N 27



Revised
5/11/2007, DBJ

2N 27

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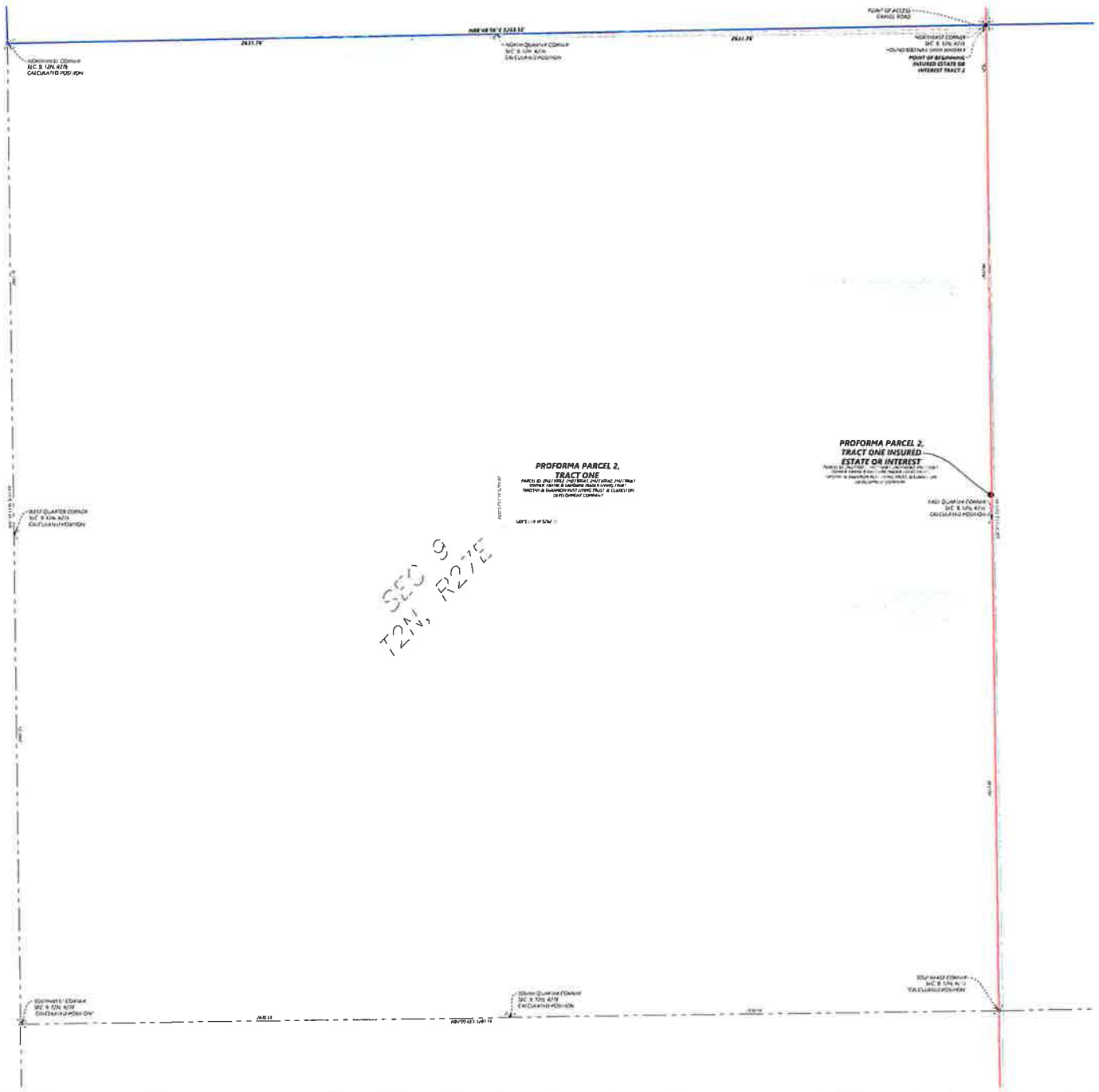
EXHIBIT C: ALTA/NSPS Land Title Survey, Section 9 and 16 of Township 2 North, Range 27 East



Westwood

OneEnergy

2003 Western Ave #225
Seattle, WA 98121

REVISIONS

#	DATE	COMMENT

LEGEND:

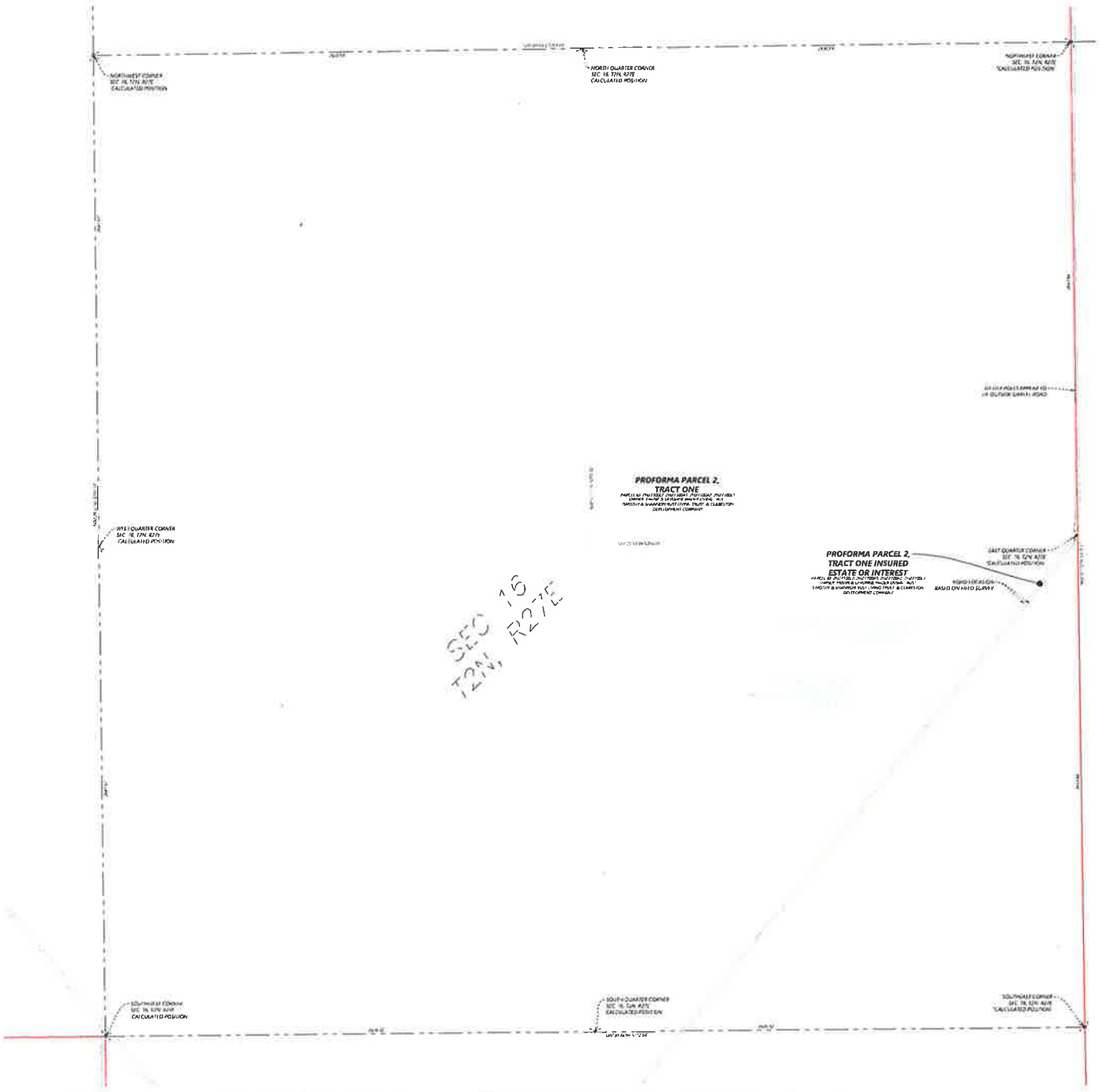
Fourmile Solar
Morrow County, Oregon
Umatilla County, Oregon

SECTION 9
TOWNSHIP 2 NORTH
RANGE 27 EAST
ALTA/NSPS
LAND TITLE SURVEY

PROJECT NUMBER: 0044706.00

DATE: 01/12/2026

SHEET: 1 of 2



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Westwood

PREPARED FOR

OneEnergy

2003 Western Ave #225
Seattle, WA 98121

REVISIONS

LEGEND:

Fourmile Solar
Morrow County, Oregon
Umatilla County, Oregon

SECTION 16
TOWNSHIP 2 NORTH
RANGE 27 EAST
ALTA/NSPS
LAND TITLE SURVEY

PROJECT NUMBER 0044706.00

DATE 01/12/2026

SHEET 2 of 2

Exhibit 4

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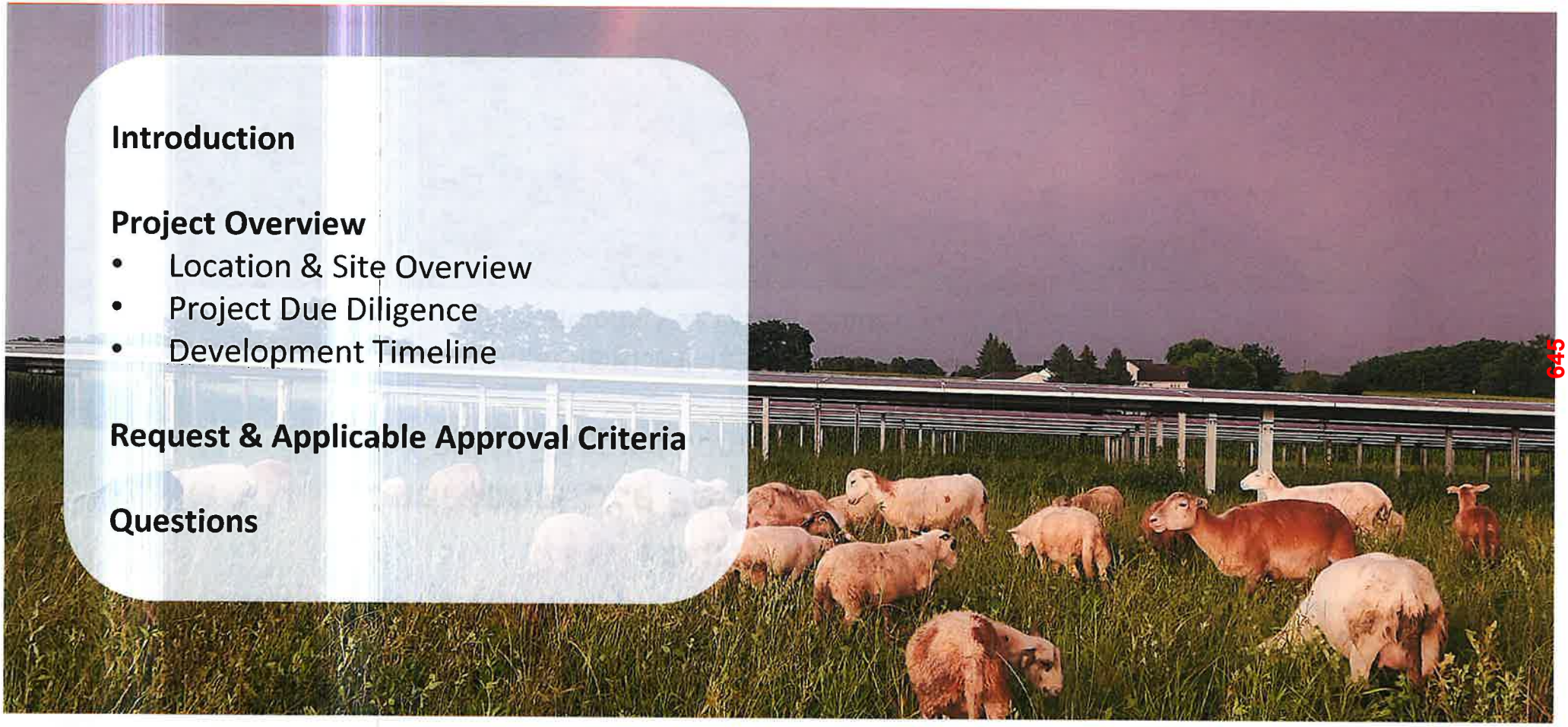
AGENDA



Introduction

Project Overview

- Location & Site Overview
- Project Due Diligence
- Development Timeline

Request & Applicable Approval Criteria

Questions

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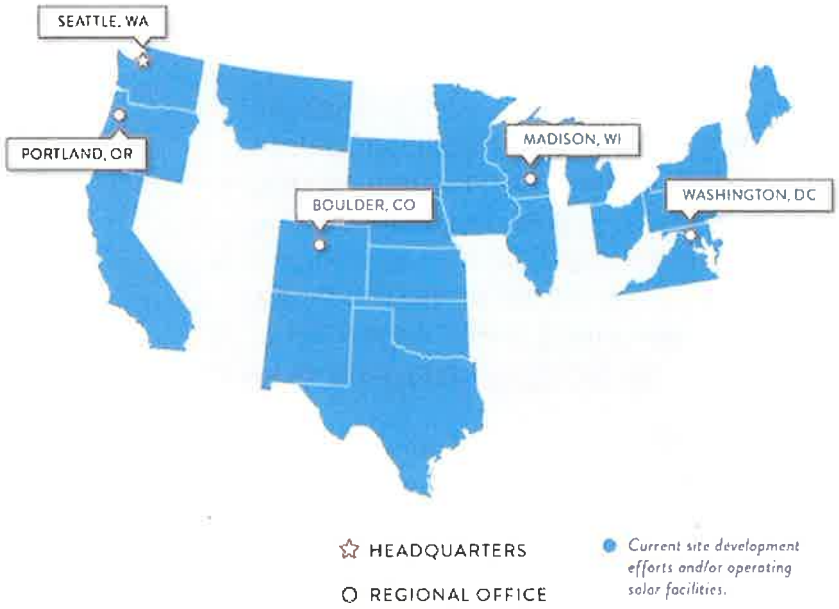
OneEnergy RENEWABLES

ABOUT US

- **COMPANY**
  - Washington-based independent developer of energy projects with offices in Seattle, Portland, Boulder, Madison, and Virginia.
  - Established in 2009, Public Benefit Corporation
  - 130 Employees

- **PROJECTS**
  - Our projects include community solar, distributed generation, and utility scale projects
  - 1GW of Operational Projects

- **TEAM**
  - **Tanner Gillespie** – Associate Director, Development
  - **Bobby Wenger** – Associate, Development



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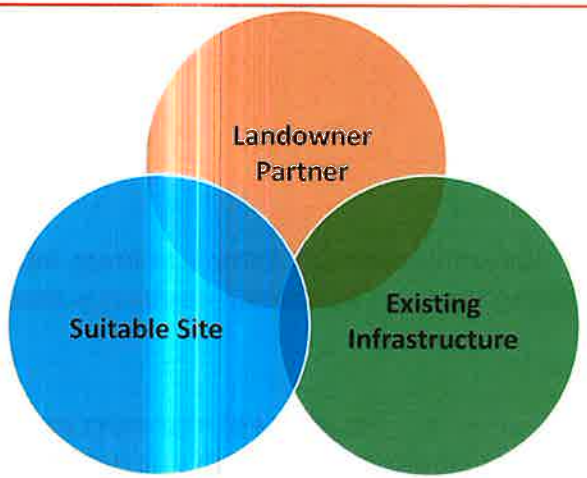
SOLAR SITING



- **SITING STRATEGY**
  - OneEnergy prides itself on selecting carefully-targeted project sites that are low-impact and high-benefit for the land, the landowner, and the community
- **SOLAR IS A GREAT OREGON PRODUCT**
  - Oregon is a national leader with Clean Energy Target legislation (HB2021)
  - Compatible with agriculture and supplemental income for landowners
  - Non-permanent use – land restored at end of project life and landowners can return to agricultural use
  - Quiet, emissions-free, and low-maintenance

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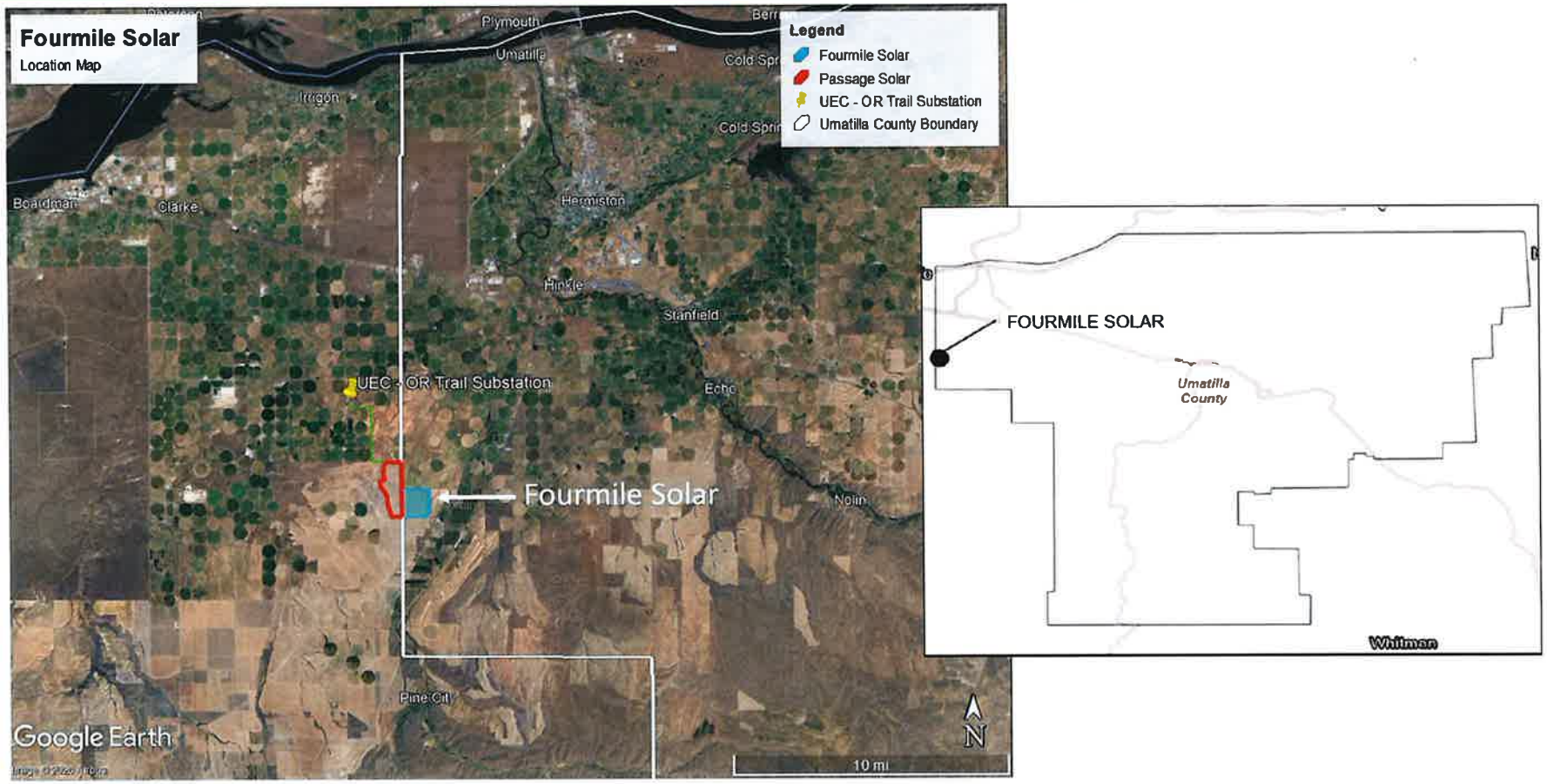
PROJECT OVERVIEW – Project Location



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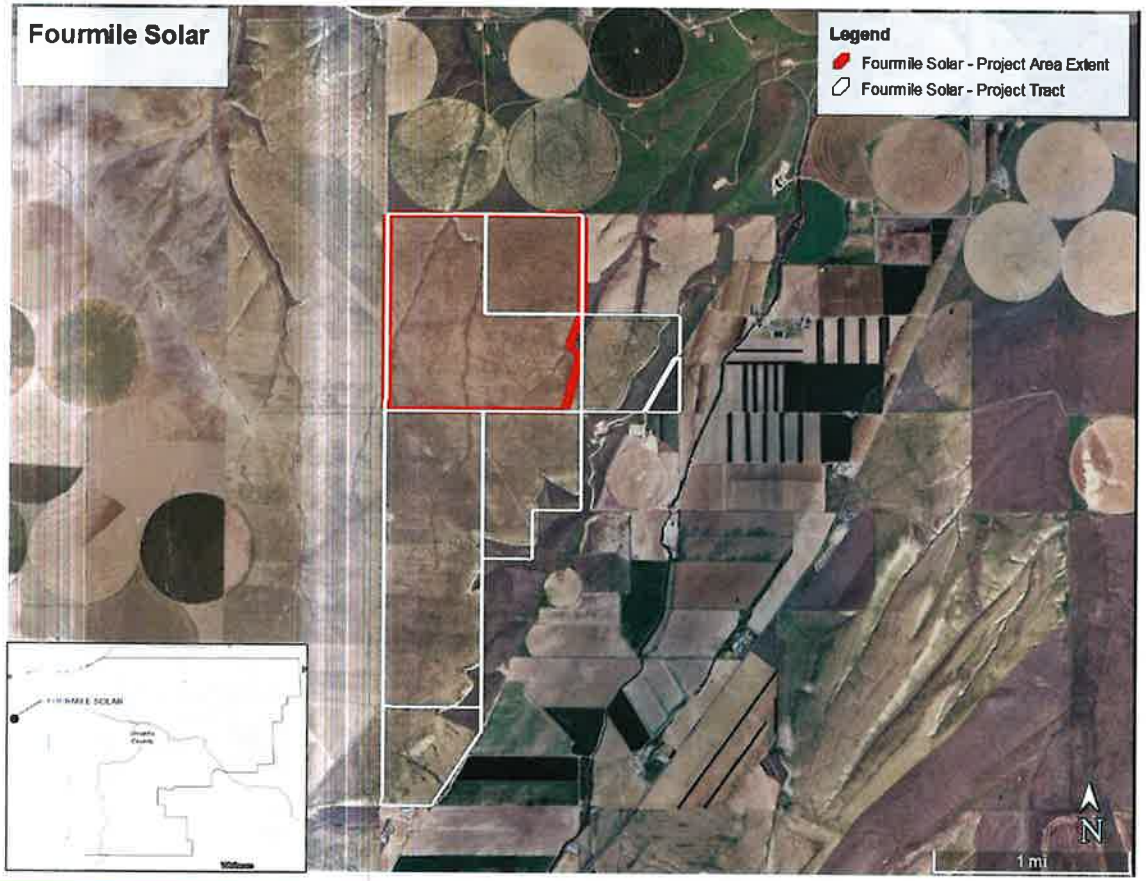
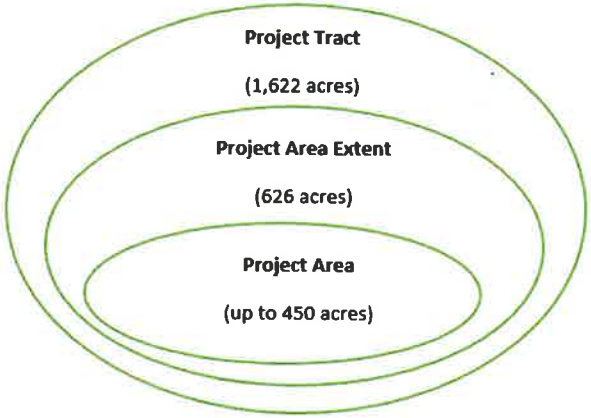
PROJECT OVERVIEW – Micrositing





Project Area Extent: Micrositing boundary within which the **Project Area** will be wholly encompassed.

Project Area: Permanent footprint of the project.

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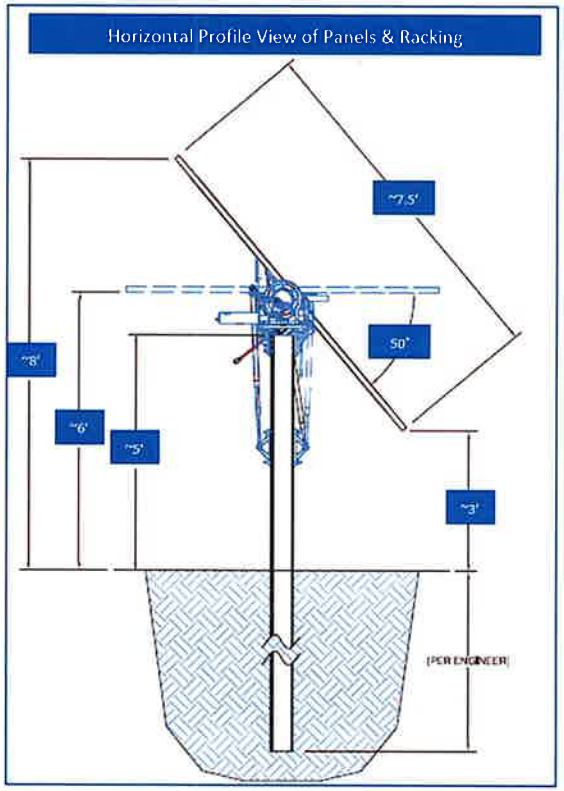
OneEnergy RENEWABLES

PROJECT OVERVIEW – Details

Location	Umatilla County, approx. 11 miles southwest of Echo, OR
Landowners	Timothy and Shannon Rust Living Trust The Shannon Rust Share of the Frank and LaVonne Mader Living Trust Clarkston Development Company
Site Control	Long-term land lease agreement Signed site control: April 28, 2023
Zoning	Exclusive Farm Use
Land Use	Cultivated for dryland crops and agricultural operations
Utility Interconnection	Umatilla Electric Cooperative and Bonneville Power Administration
System Size	90 MW AC Solar + optional Battery Storage - Up to 450 acres
System Type	Single-axis tracking ground-mounted solar PV
Projected Annual Output	~140,000 megawatt hours (MWh) per year Enough to power approximately 12,000 average homes
Estimated Online Date	Q3 2028

650

PROJECT OVERVIEW – Project Components (1/4)



Panels

- Photovoltaic cells made of crystalline silicon convert sunlight to electricity.
- Anti-reflective coating on the glass exterior reduces energy lost to reflection.

Racking

- Steel racking system supported by steel posts
- Tracking technology maximizes energy production by following the sun throughout the day

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PROJECT OVERVIEW – Project Components (2/4)

Inverters

- Inverters convert solar energy into a form the electrical grid can use.
- Each inverter is coupled with a medium voltage step-up transformer to increase the voltage of the power

Interconnection Infrastructure

- Main step-up transformer to utility voltage.
- Control house with protective equipment
- Placed a safe distance from any public access on a secure cement pad.

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PROJECT OVERVIEW – Project Components (3/4)

Battery Energy Storage System

- Optional equipment with the potential to store and smooth the variable renewable generation with array of benefits.
- Built in accordance with National Fire Protection Association (NFPA) Standards and Oregon fire codes.

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PROJECT OVERVIEW – Project Components (4/4)

Fencing

- A security fence will be installed around the perimeter.
- Fence height and gates in accordance with County and emergency services access needs.

Not chain link

Roads

- Low impact maintenance roads
- Fire vehicle turnarounds
- Access roads 20' wide per International Fire Code.

654

PROJECT OVERVIEW – Due Diligence

Phase I ESA	Complete
Land Surveys	Complete - ALTA Survey, LiDAR Survey , Geotechnical Survey
Wetland Delineation	Complete - no wetlands on-site
Wildlife and Habitat Survey	Complete - no critical habitat on-site, category 6 habitat
Cultural Survey	Complete – Surveys conducted with support from tribes
Soils Analysis	Complete - No Class I or II Soils and limited HVF impacts
Glare Analysis	Complete - No glare impacts identified
FAA Analysis	Complete
DoD Consultation	Complete
ODOT Consultation	Complete (Access Easement secured via private landowner)
Interconnection	Complete – Interconnection Agreement Executed

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PROJECT OVERVIEW – Development Timeline

1

2023-2027
Development and Permitting

Conduct environmental studies, interconnection studies, soliciting public feedback, obtain local land use approval

2

2027 – 2028
Construction

9 to 18-month construction period, Establish vegetation, hit mechanical completion, Commence Operations

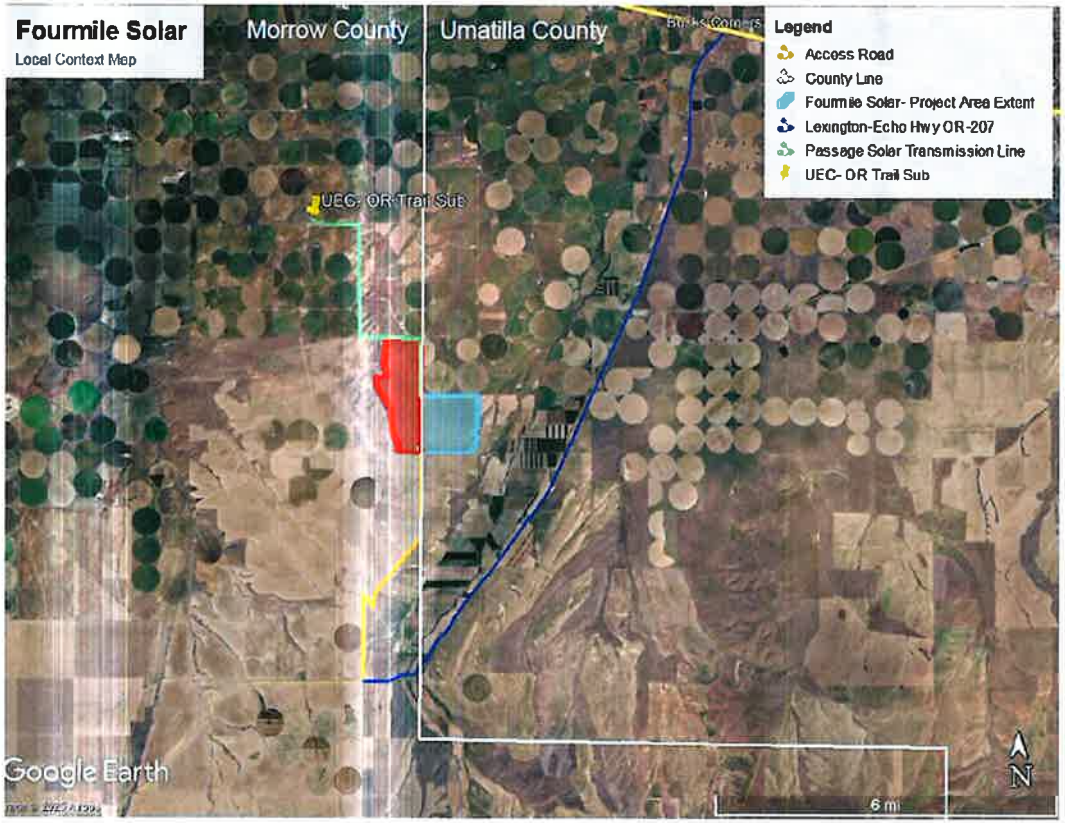
3

2028+
Mechanical Completion and Begin Operation

As part of its site management plan, OneEnergy is in discussion with a local grazer to maintain the project area and agricultural use of the land

656

REQUEST – Siting Considerations (1/2)



Micrositing Considerations:

- Preferred site following robust Alternatives Analysis
- High solar energy resource
- Proximity to transmission infrastructure
- Flat topography
- Unirrigated land

Minimal Environmental Impact

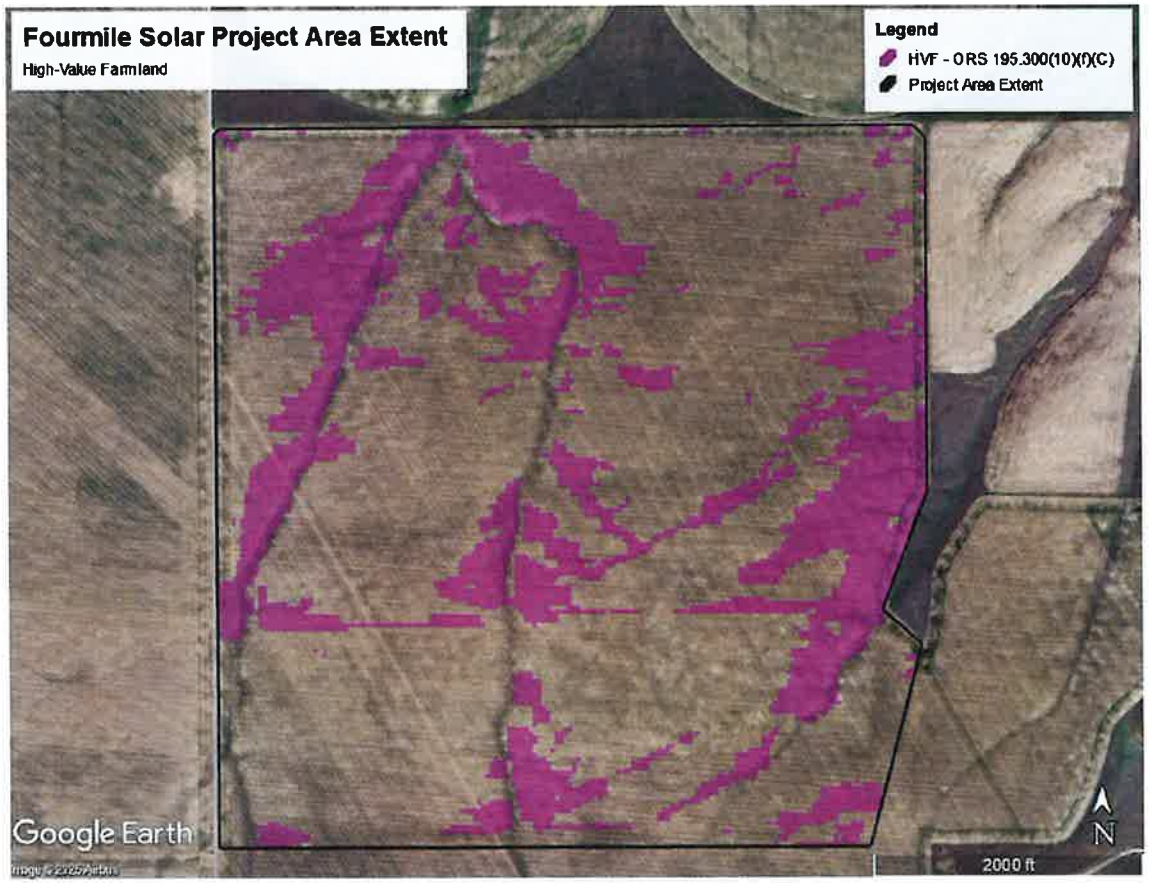
- No impacts to high value habitat
- No impacts to irrigated soils
- No impacts to wetlands or floodplains
- Minimal impacts to High Value Farmland – no Class I or II soils
- Farming will continue on remainder of project parcel and tract
- Passive technology with no offsite impacts

657

REQUEST – Siting Considerations (2/2)

Soil Characteristics:

- No prime, unique, Class I or II soils in Project Area Extent
- No soils within area of water use permit or irrigation or improvement district in Project Area Extent
- Limited American Viticulture Area (AVA) high-value farmland (HVF) soils (shown in purple)
- Majority of soils are comprised of Class 3 & 4



658

REQUEST – Goal 3 Exception + Conditional Use Permit

Applicant requests a **Goal 3 Exception** and **Conditional Use Permit** to allow the construction, operation, and retirement of a solar photovoltaic power generation facility, including accessory components, on up to 450 acres of arable land. The facility requires a Goal 3 exception because it will exceed 12 acres of HVF and 20 acres of arable land.

659

REQUEST – Goal 3 Exception Approval Criteria

ORS 197.732 and OAR 660-004

1. Reasons supporting temporary removal of up to 450 acres from agricultural production [*p 17-29*]:
   - Rural Industrial Use Reason (solar resource, locational dependency)
   - Requirements of Other Goals Justify the Exception (Umatilla County Goal 5, Goal 9, Goal 13)

1. Alternatives Analysis [*p 29-32*]
   - Defined siting criteria
   - Areas not requiring a goal exception cannot accommodate the project
   - There are no sites within Umatilla County that meet the Project's defined siting criteria and would not require a new goal exception.

2. Long-term Environmental, Economic, Social and Energy (ESEE) Consequences [*p 32-36*]
   - Adverse impacts are not expected, and any impact will not rise to the level of significant

3. Proposed use is compatible with adjacent uses [p 36-37]

Vegetation and Weed Management Plan – Proposed Mitigation

- Project is planning to utilize sheep grazing for vegetation management across the facility

660

REQUEST – Conditional Use Approval Criteria

UCDC 152.060(BB) and OAR 660-033-0130(38), Solar Siting Standards [*p 44-58*]

- Project satisfies the HVF and arable land solar siting review criteria and development standards
  - soil erosion (including dust control)
  - soil compaction
  - noxious weed control
  - revegetation of temporary disturbance
  - minimal impacts to ongoing farming operations

UCDC 152.061 and OAR 660-033-0130(5), Farm Impacts Test [*p 58-60; 71-74*]

- Applies robust inventory of accepted farming practices to impacts analysis

UCDC 152.617(I)(C), Conditional Use Criteria for Commercial Utility Facilities [p 64-71]

- Addresses fencing, roads, minimization measures for noise and other detrimental effects

661

REQUEST - ORS 215.446

ORS 215.446, Renewable Energy Facility Standards [p 74-79]

- Wildlife
  - Consultations with ODFW began in spring 2023.
  - Habitat assessment/report based on ODFW recommendations
  - Impacts focused on Category 6 (lowest value) land; therefore, no mitigation is required

- Historic, Cultural and Archaeological Resources
  - Consultations with Oregon SHPO and engagement with CTUIR in 2023
  - Cultural resource surveys were conducted with CTUIR Staff
  - Confidential mitigation agreement has been executed with CTUIR

- Decommissioning
  - Applicant to provide financial assurance for 100% of costs prior to construction, and will be reviewed at 5-year intervals thereafter

662

PRELIMINARY SITE LAYOUT

- Project Area
- 20 ft Gravel Road
- MV Electrical cabling (From Power Station to Substation)
- MV Electrical cabling trenches
- Project Area Extent
- 10 ft Perimeter Fire Break
- 25 ft. Minimum Parcel Boundary
- Temporary Laydown Area
- Inverter
- Parcel Boundaries
- PLSS Township
- PLSS Section

SITE DETAILS:

PARCEL ID	2N27000000800, 2N27000000900
OWNER:	TIMOTHY & SHANNON RUST
ACREAGE:	649.00
EXISTING ZONE:	EXCLUSIVE FARM USE

LAND USE SUMMARY:

TOTAL PARCEL AREA (ACRES):	649.00
HVF / AVA FARMLAND IMPACTED (ACRES):	62.60
TOTAL FENCED AREA (ACRES):	421.99
GRAVEL ACCESS ROAD (ACRES):	8.23
LAYDOWN AREA (ACRES):	2.53

DESIGN SUMMARY:

MODULE POWER:	535W
MODULE COUNT:	173,040
ARRAY DC VOLTAGE:	1,500 V
INVERTER SIZE:	4200kVA (840kVA*5)
INVERTER COUNT:	19
DC SIZE:	92.5764 MWDC
AC SIZE:	77.600 MWAC
DC/AC RATIO:	1.30
GROUND COVERAGE RATIO:	37.50%

663

PRELIMINARY SITE LAYOUT

Layout

- Exact location of facilities subject to change following technical studies and final engineering design.
- Maximum footprint not to exceed 450 acres.
- Final layout to be provided prior to construction.

Setbacks

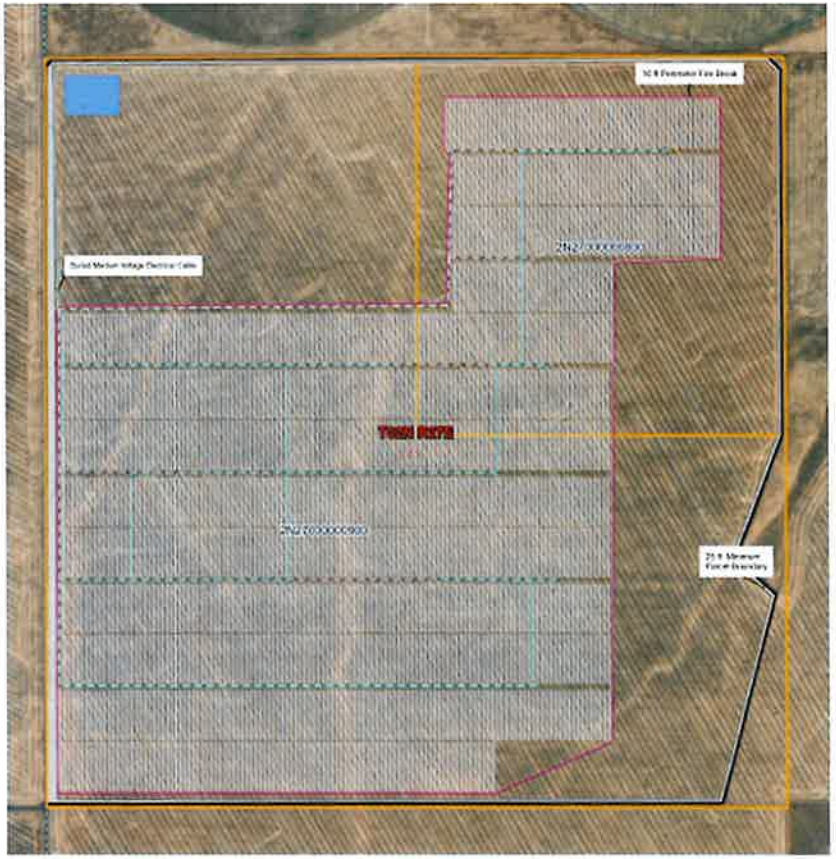
- Project complies with setbacks in UCDC

Access

- Access via private road to the south of Project Area that intersects Hwy 207.

Natural Resources

- No known inventoried significant natural resource areas within 100 feet of the site boundary.



664

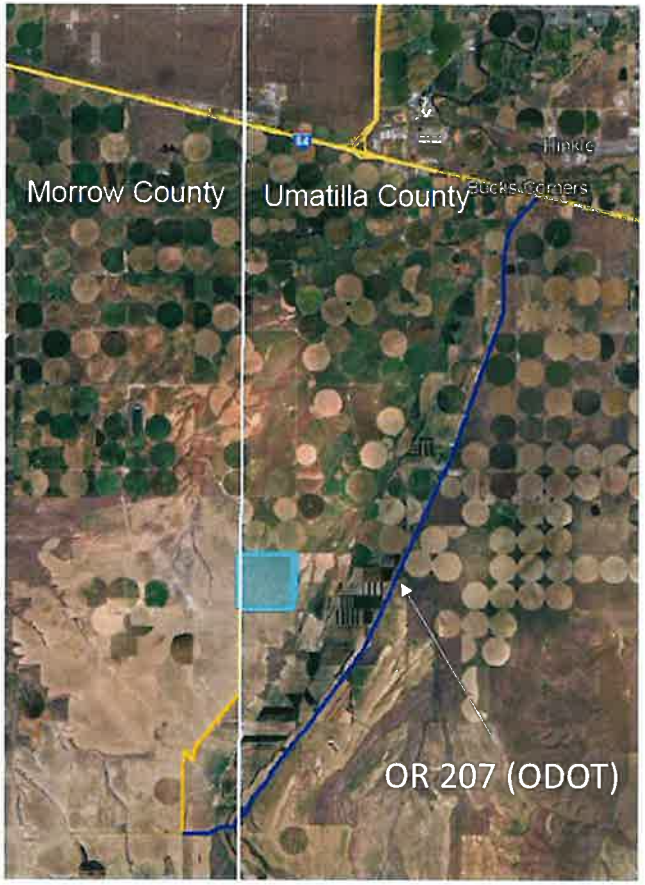
SITE ACCESS

Access

- Access via private farm road to the south of Project Area that intersects Hwy 207.
- Hwy 207 and private farm road intersection is located in Morrow County

Transportation Route

- The route will enter Umatilla County on Interstate 84, then exit onto OR-207.
- It will follow OR-207 south and cross into Morrow County before turning onto a private access road.



665

CONSTRUCTION

- **Schedule**
  - 9-18 months
  - Commencing early 2027
- **Jobs**
  - Estimated up to 70 construction personnel
  - Trades
    - Electricians
    - Equipment operators
    - General laborers

666

OPERATIONS AND MAINTENANCE

- **Project Life**
  - Expected 35 years
  - Potential for updated equipment to extend life
- **Minimal on-site maintenance**
  - Remotely monitored
  - Routine and as-needed maintenance checks
  - Vegetation management
    - Project is planning to utilize sheep grazing for vegetation management across the facility
    - Project has signed a Letter of Intent with Kebs Solar Grazing, LLC for grazing

667

DECOMMISSIONING

- Objective: restore the site to pre-Facility condition or better
- Restoration of any disturbed soils, including removal of fences, and roads. Some may remain at the wishes of the landowner.
- Removal of equipment through recycling or salvage program
  - Decommissioning Plan to detail how all components will be removed from site
- Financial assurance for 100% of the estimated cost of decommissioning will be secured prior to construction and reviewed every 5 years thereafter.
- Steel racking, copper wire, transformers retain significant salvage value throughout life of system

668

QUESTIONS?

Rocky Ford Solar, Cortez, CO

699

MINUTES

COMPREHENSIVE PLAN TEXT AMENDMENT #T-101-25, and CONDITIONAL USE PERMIT REQUEST #C-1402-25:

FOURMILE SOLAR OR LLC, APPLICANT / TIMOTHY AND SHANNON RUST LIVING TRUST ET AL, OWNER.

The applicant requests approval to develop a photovoltaic solar generation facility and associated components. The proposed site is located approximately 11 miles south west of the City of Echo and east of Highway 207. The site is identified on Assessor's Map as Township 2 North, Range 27 East, Tax Lots 800 and 900. The applicant wishes to microsite the solar generation facility, battery storage and other ancillary components up to 450 acres within the Project Area Extent of 626 acres. The proposed site subject to the Goal 3 Exception is approximately 450 acres and is zoned Exclusive Farm Use (EFU).
The criteria of approval are found in Oregon Revised Statutes 197.732(2)(c), 215.446 Oregon Administrative Rule 660-004-0022, 660-033-0130(5) and 660-033-0180 (38) and Umatilla County Development Code (UCDC) Sections 152.060, 152.061 152.487, 152.488, 152.611 and 152.750 through 152.755.

UMATILLA COUNTY
PLANNING COMMISSION HEARING
January 22, 2026

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, January 22, 2026, 6:30pm

** ** **

Chair Tucker called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Chair Tucker stated he had represented Ms. McLane and Mr. Richard "Dick" Snow in the past, but this would not affect his decisions. No other reports were made.

Chair Tucker called for the Staff Report.

STAFF REPORT

Mrs. Megan Davchevski started by stating that the applicant has requested approval to construct and operate a 90-megawatt (MW) solar photovoltaic energy generation facility with battery energy storage systems (BESS) on lands zoned Exclusive Farm Use (EFU). The project would be confined to a 450-acre micro-sited Project Area within the identified 626-acre Project Area Extent. The applicant was requesting a post-acknowledgement plan amendment (PAPA) and an exception to Statewide Planning Goal 3, Agricultural Lands. The applicant also provided proposed Comprehensive Plan text amendment language in support of the request.

She explained that the applicant was requesting the Goal 3 Exception in order to site the project on more than 12-acres of high value farmland which is an existing limitation in Oregon Revised Statute (ORS) and Oregon Administrative Rules (OAR). The request also included a Conditional Use Permit (CUP) for the solar generation facility, battery storage and accessory components including an operations and maintenance building.

Mrs. Davchevski stated the packet included the Applicant's application attachments that were submitted with the text amendment and conditional use permit application. The Applicant's Attachment I in the Goal Exception Application and Attachment P in the CUP application are not included in the packet because both attachments are Confidential Cultural Resources Survey Report. This report was shared with County Staff and CTUIR.

Mrs. Davchevski shared that notice of the applicant's request were mailed on January 2, 2026 to nearby property owners and necessary agencies. Notice of the January 22, 2026 Planning Commission hearing was published in the East Oregonian on January 7, 2026.

Mrs. Davchevski stated the criteria of approval were found in ORS 197.732(2)(c) and ORS 215.446, OAR 660-004-0022, 660-033-0130(5) and 660-033-0180 (38) and Umatilla County Development Code (UCDC) Sections 152.060, 152.061, 152.487, 152.488, 152.611 and 152.750 through 152.755.

Mrs. Davchevski explained that because the Conditional Use Permit included a Goal 3 Exception, the approval process required a review by the County Planning Commission followed by a recommendation to the Board of County Commissioners. The Planning Commission was responsible for determining whether the application met the approval criteria based on the facts in the record. Additionally, staff provided Preliminary Findings of Fact and Conclusions of Law, which were based on information supplied by the applicant.

Mrs. Davchevski further explained that following the Planning Commission's recommendation, the Board of County Commissioners must also hold a public hearing(s) and decide whether or not to adopt the proposed amendments. A public hearing before the Board is scheduled for March 18, 2026 at 10AM in Room 130 of the Umatilla County Courthouse.

Proponent: Mr. Tanner Gillespie, Associate Director of Development for OneEnergy Renewables, 2003 Western Ave #225, Seattle, WA 98121; Mr. Tanner Gillespie, representing FourMile Solar OR LLC introduced the company and their project. Mr. Gillespie presented Exhibit 4, and went over the overview of their agenda based on the following points. He explained that One Energy Renewables is a Washington-based company primarily focused on solar and battery projects, and their solar siting process involves prioritizing existing infrastructure, suitable flat sites with limited sensitive resources, and landowner partnerships. Mr. Gillespie noted that solar was non-permanent, with a 30-to-40-year lifespan, and was compatible with agricultural uses, providing stable income for landowners.

Mr. Gillespie stated the FourMile Solar project was located in northwest Umatilla County, near the border with Morrow County. Just across the border is the Passage Solar Project which connects into the Oregon Trail substation with Umatilla Electric Cooperative, taking advantage of existing electrical infrastructure also used by Morrow County. He explained that the proposed project area extent (micro-sighting boundary) covers 626 acres, within which the permanent facility footprint would not exceed 450 acres. The site control was secured through a long-term land use lease with the landowners, Tim and Shannon Rust and Clarkson Development Company, and the land was currently used for dryland crops.

Mr. Gillespie explained that the facility will use single-axis tracking solar panels, which follow the sun from East to West for increased efficiency, and will have an estimated annual output of about 140,000 megawatt-hours. The project includes optional battery storage to spread out power availability, especially during non-peak sun hours. He also detailed the components, including inverters, step-up transformers, control houses, fencing for safety, and internal gravel access roads.

Mr. Gillespie shared that OneEnergy Renewables has conducted extensive due diligence, including environmental and geotechnical surveys, wetland delineations, habitat and wildlife surveys, cultural surveys with CTUIR support, and a soils analysis which indicated no Class I or II soils and limited high-value farmland impacts. He stated that the development and permitting phase was expected to last through 2027, with construction commencing in early 2027 and estimated completion around the third quarter of 2028.

Ms. Elaine Albrich, Attorney for Applicant, Davis Wright Tremaine LLP, 560 SW 10th Ave, Suite 700, Portland, OR 97207; Ms. Elaine Albridge stated the applicant was requesting a Goal 3 exception because the facility will exceed the maximum impact of 12 acres of high-value farmland and 20-acres of arable land. She outlined the Goal 3 exception criteria, which required justifying the exception based on reasons like rural industrial use and conducting an alternatives

analysis to demonstrate that no other area could accommodate the project without needing a Goal 3 exception. The analysis also included a consequences analysis of environmental, economic, social, and energy impacts, concluding they would not be significant.

Ms. Albrich expressed that the project was aiming to be compatible with adjacent uses and proposes mitigation in the form of a vegetation and weed management plan that will incorporate sheep grazing. She stated, the plan was intended to continue using the land in a way which supports the agricultural economy, though the grazing itself may not meet the full definition of an accepted farming practice.

Ms. Albrich reported that the project had met all applicable criteria, including solar sighting standards for soil erosion and weed control for the Conditional Use Permit. She expressed that the project also met the Department of Land Conversation and Development's (DLCD) new farm impacts test, demonstrating that construction and operation would not result in significant impacts to accepted farming practices. She confirmed that the project must provide financial assurance for decommissioning prior to construction, to ensure the site can be safely returned to a non-hazardous condition at the end of the project's estimated 35-year life.

Commissioner Gentry asked if the lease agreement dictates who is responsible to taking care of the weed mitigation and associated costs. Mr. Gillespie confirmed that the lease-holding company under contract would be responsible for all costs and maintenance, including vegetation and weed management within the fenced project area. Commissioner Gentry also asked, when a lease was up would the lease-holder have the opportunity to repower the site again and/or replace equipment should they choose and sign another lease? Mr. Gillespie stated that could be a possible avenue for renegotiating terms when the life of a project comes towards its end.

In response to a question about the confidential nature of the mitigation agreement from Chair Tucker, Ms. Albrich explained that it was at the request of the Confederated Tribes of the Umatilla Indian Reservations (CTUIR) and it related to sensitive cultural resources, which fell under an exception to public records requirements for remaining confidential in nature. Mr. Gillespie clarified that the 35-year life span is based on the industry standard, and while the initial lease is for that duration, there are options to extend it for new technology or to repower the facility. Ms. Albrich stated the preliminary site layout for the 450-acre maximum footprint is still being finalized to ensure access for farming on the remaining land and to comply with setbacks and drainage.

Mr. Gillespie provided details on construction timelines expecting to start in early 2027, lasting 9 to 18 months, with an estimated peak of 70 construction personnel. He stated the project access for construction and operations will be from Highway 207 via an existing private gravel road, which is about 4.75 miles long. Routine site maintenance and operations will be mostly remote, with the bulk of on-site staffing focused on vegetation management, which the company intends

to contract out, utilizing sheep grazing as the primary method for which they have a signed Letter of Intent with Krebs Solar Grazing.

Mr. Gillespie detailed the decommissioning objectives, which included restoring the site to facility conditions or better, removing disturbed soils, fences, roadways, and cement pads. Ms. Albrich emphasized that the decommissioning plan, presented with the financial assurance plan prior to construction, would outline the removal process for all components, including salvage or recycling programs, and mandates 100% financial assurance coverage prior to construction, which is updated every five years. They noted that the salvage value from steel racking and copper wire typically covers more than the actual cost of decommissioning.

Mr. Cameron Krebs, Owner, Krebs Solar Grazing, 68171 Kunze Lane, Boardman, OR 97818; Mr. Cameron Krebs spoke in favor of the Goal Three exception request, sharing their experience with Krebs Solar Grazing since it originated in 2003, treating six solar assets across the Columbia Basin. He stated that utility-scale vegetation management with sheep is completely possible, especially in the Columbia Basin, and believed OneEnergy's vegetation and weed management plan will set up a site welcome in their portfolio. Mr. Krebs highlighted that maintaining ground cover reduces erosion, improves water infiltration, and protects the soil from dust, capturing these benefits throughout the solar array's life cycle until it returns to arable farmland.

Commissioner Setzer inquired about the anticipated percentage of agricultural return from the grazing operation compared to wheat farming, noting that it was mentioned to be less. Mr. Krebs responded that they view it as a retooling of the land from rangeland back to prairie with grazing, and while it may not involve a combine, the revenue changes to products like shirts and lamb rather than loaves of bread. Mr. Krebs stated that the agricultural impact remains in the community through new business activities, such as neighbors getting sheep trailers and spending on goods like sheep medicine and dog food instead of combine parts, though he could not provide a specific calculation for the lesser return.

Mr. Tim Rust, 77252 Mader Rust Lane, Echo, OR 97826; Mr. Tim Rust, a majority owner of the property with their spouse Shannon, shared a history of their family farming the land since 1979 and discussed their initial concerns about the project. These concerns included weed problems, which they were excited to see addressed with the sheep grazing concept, and the decommissioning process, especially if the ownership changed before the end of the project. He confirmed that they have been assured the company has enough capital for the project and admitted that while they struggled with the decision as farmers, they view the project as a form of diversification and another source of income.

Neutral: None

Opponents: None

Public Agencies: Mrs. Davchevski noted that one written comment from the Oregon Department of Fish and Wildlife was received and shared, to be entered into the record as Exhibit 2.

Rebuttal Testimony: Ms. Elaine Albrich requested that the Planning Commission approve the conditional use permit as recommended by staff with the subject conditions and make a recommendation to the board to approve the Goal 3 exception.

Mrs. Davchevski proposed a quick modification to condition #13 (page 83 of the packet) regarding the perimeter fence, recommending that "chain link" be replaced with "wire fence" based on the applicant's stated intentions and also adding a signature line for Chair Tucker to sign the Conditional Use Permit Approval.

Chair Tucker called for any requests for the hearing to be continued, or for the record to remain open. There were none.

Chair Tucker closed the hearing for deliberation.

Chair Tucker adopted the following exhibits into the record:

Exhibit 2; January 8, 2026, Email from Lindsay Somers, Habitat Biologist-John Day Watershed, Oregon Department of Fish and Wildlife, Letter in response to application and recommendation for revegetation and weed management plan.

Exhibit 3; January 21, 2026, Supplemental Filing and Update Transportation Plan and attachments from Tanner Gillespie, Associate Direction, Development – OneEnergy Renewables

Exhibit 4; January 22, 2026, Microsoft PowerPoint Presentation and copy of slides from Tanner Gillespie, Associate Direction, Development – OneEnergy Renewables

DELIBERATION & DECISION

Chair Tucker asked for any discussion on the matters presented that evening.

Commissioner Gentry made a motion to recommend approval of the FourMile Solar PAPA request; Comprehensive Plan Text Amendment #T-101-25, based on the evidence and Findings of Fact and Conclusions of Law in the record.

Commissioner Setzer seconded the motion. Motion passed with a vote of 4:0 to recommend approval to the Board of County Commissioners.

Voting Record:

Yes - Commissioner Gentry, Commissioner Morris, Commissioner Setzer, Chair Tucker

No – none.

Absent - Commissioner Green, Commissioner Standley and Commissioner Millar

Commissioner Gentry made a motion to approve the FourMile Solar CUP request to site a 450-acre solar generation facility, battery storage, and ancillary components, based on the evidence and Finding of Fact and Conclusions of Law in the record and with the presented conditions of approval: including the modification to strike "chain link fencing" and replace it with "wire mesh fencing" in condition 13.

Commissioner Morris seconded the motion. Motion passed with a vote of 4:0 to approve the Conditional Use Request.

Voting Record:

Yes - Commissioner Gentry, Commissioner Morris, Commissioner Setzer, Chair Tucker

No – none.

Absent - Commissioner Green, Commissioner Standley and Commissioner Millar

MINUTES

Chair Tucker called for any corrections or additions to the October 23, 2025, meeting minutes. No other additions nor corrections were noted.

Commissioner Morris moved to approve the draft minutes from October 23, 2025, meeting minutes, as presented. Commissioner Setzer seconded the motion. Motion carried by consensus.

OTHER BUSINESS

No new business to present.

ADJOURNMENT

Chair Tucker adjourned the meeting at 7:50PM.

Respectfully submitted,

Shawnna Van Sickle,

Administrative Assistant

Minutes adopted by Planning Commission on February 26, 2026.